

## **Supporting Documents**

ICANN submission in response to the  
Midterm Review of the Joint Project  
Agreement (JPA) between ICANN and the  
United States Department of Commerce

1.1.1 Article I, Section 1 of ICANN's Bylaws  
<http://www.icann.org/general/bylaws.htm#I>

# BYLAWS FOR INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

A California Nonprofit Public-Benefit Corporation  
As amended effective 28 February 2006  
(\*updated on 17 May 2007 to correct section XI-2.4i)

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## ARTICLE I: MISSION AND CORE VALUES

### Section 1. MISSION

The mission of The Internet Corporation for Assigned Names and Numbers ("ICANN") is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems. In particular, ICANN:

1. Coordinates the allocation and assignment of the three sets of unique identifiers for the Internet, which are
  - a. Domain names (forming a system referred to as "DNS");
  - b. Internet protocol ("IP") addresses and autonomous system ("AS") numbers; and
  - c. Protocol port and parameter numbers.
2. Coordinates the operation and evolution of the DNS root name server system.
3. Coordinates policy development reasonably and appropriately related to these technical functions.

### Section 2. CORE VALUES

In performing its mission, the following core values should guide the decisions and actions of ICANN:

1. Preserving and enhancing the operational stability, reliability, security, and global

interoperability of the Internet.

2. Respecting the creativity, innovation, and flow of information made possible by the Internet by limiting ICANN's activities to those matters within ICANN's mission requiring or significantly benefiting from global coordination.
3. To the extent feasible and appropriate, delegating coordination functions to or recognizing the policy role of other responsible entities that reflect the interests of affected parties.
4. Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.
5. Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment.
6. Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest.
7. Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.
8. Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.
9. Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected.
10. Remaining accountable to the Internet community through mechanisms that enhance ICANN's effectiveness.
11. While remaining rooted in the private sector, recognizing that governments and public authorities are responsible for public policy and duly taking into account governments' or public authorities' recommendations.

These core values are deliberately expressed in very general terms, so that they may provide useful and relevant guidance in the broadest possible range of circumstances. Because they are not narrowly prescriptive, the specific way in which they apply, individually and collectively, to each new situation will necessarily depend on many factors that cannot be fully anticipated or enumerated; and because they are statements of principle rather than practice, situations will inevitably arise in which perfect fidelity to all eleven core values simultaneously is not possible. Any ICANN body making a recommendation or decision shall exercise its judgment to determine which core values are most relevant and how they apply to the specific circumstances of the case at hand, and to determine, if necessary, an appropriate and defensible balance among competing values.

## **ARTICLE II: POWERS**

### **Section 1. GENERAL POWERS**

Except as otherwise provided in the Articles of Incorporation or these Bylaws, the powers of ICANN shall be exercised by, and its property controlled and its business and affairs conducted by or under the direction of, the Board. With respect to any matters that would fall within the provisions of [Article III, Section 6](#), the Board may act only by a majority vote of all members of the Board. In all other matters, except as otherwise provided in these Bylaws or by law, the Board may act by majority vote of those present at any annual, regular, or special meeting of the Board. Any references in these Bylaws to a vote of the Board shall mean the vote of only those members present at the meeting where a quorum is present unless otherwise specifically provided in these Bylaws by reference to "all of the members of the Board."

### **Section 2. RESTRICTIONS**

ICANN shall not act as a Domain Name System Registry or Registrar or Internet Protocol Address Registry in competition with entities affected by the policies of ICANN. Nothing in this Section is intended to prevent ICANN from taking whatever steps are necessary to protect the operational stability of the Internet in the event of financial failure of a Registry or Registrar or other emergency.

1.2.1 Information about the L-Root Server:  
<http://l.root-servers.org/>



## **l.root-servers.net**

### **IMPORTANT: Change of IP address**

ICANN operates l.root-servers.net, one of the thirteen root DNS servers, as a service to the community. ICANN maintains high capacity installations in the Los Angeles, California area and in Miami, Florida.

The L-root system operates at 199.7.83.42 and the range 199.7.83.0/24 is announced from AS20144 . L.root-servers.net uses the Name Server Daemon (NSD) from [NLnetLabs](#).

Peering:

Peering is currently available at the following exchange points:

- Equinix Internet Exchange - Los Angeles
- Pacific Wave Internet Exchange - Los Angeles
- LAIIX -Los Angeles International Internet eXchange - Los Angeles
- Pacific Wave Internet Exchange - San Jose
- Pacific Wave Internet Exchange - Seattle
- NAP of Americas - Miami

If you are present at one of the mentioned Exchange points and wish to peer with the L-root system please contact [peering@lroot.icann.org](mailto:peering@lroot.icann.org).

Operational issues with L-root?

To report operational issues please contact [noc@lroot.icann.org](mailto:noc@lroot.icann.org).

1.3.1 October 2007 Announcement of Draft  
Registry Failover Plan and Best Practices  
<http://www.icann.org/announcements/announcement-20oct07.htm>

## ICANN's gTLD Registry Failover Plan

20 October 2007

ICANN is today posting its [gTLD Registry Failover Plan](#) for public comment. Comments on the plan may be submitted to [registry-failover-plan@icann.org](mailto:registry-failover-plan@icann.org) through 19 November 2007 23:59 UTC and may be viewed at <http://forum.icann.org/lists/registry-failover-plan/>.

### Executive Summary

The Registry Failover Project is one of ICANN's key projects in the 2007-2008 ICANN Operating Plan and aligns with ICANN's mission to preserve the operational stability of the Internet.

The introduction of new gTLDs through the anticipated GNSO consensus policy raises the possibility of registry failure. The program team (consisting of gTLD and ccTLD registry representatives and ICANN staff) responsible for addressing these issues has previously published key documents describing work that will contribute to the implementation of a registry failover program. ICANN has completed a draft Registry Failover Plan and has been reviewing that plan with technical and registry experts and other stakeholders in the community in order to ensure its completeness.

The draft Failover Plan (described in [written](#) and [flow chart](#) [PDF, 84K] form) and [Best Practices](#) [PDF, 56K] document are linked to this announcement. The Failover Plan identifies the process and procedures to be undertaken when a specific set of events indicating a potential gTLD registry failure is identified. The draft Plan is designed to protect the interests of registrants and provide the best opportunity for continued registry operations.

The Best Practices document intends to be the source of contractual terms that will become part of every new registry agreement. These terms are intended to provide registries a tool for ensuring ongoing operations and also to provide a backstop process in the case of failure.

The Registry Failover project will be complete when:

- elements of the Best Practice document are incorporated into the basic registry agreement published as part of the new gTLD process, and
- the Failover Plan is adopted by the Registry Constituency and ICANN staff.

It is important to recognize that several well-developed registries have implemented competent contingency plans. ICANN has built on that work (rather than attempt to duplicate it) and has developed a draft "best practices document." The document can be adopted by ICANN in creating new TLDs registry agreements.

An important issue is to define ICANN's role in the event of a registry failure. This registry failover program mandates that each registry must have a contingency plan to maintain the critical functions of a registry for a period of time so that:

- A replacement operator or sponsor can be found and a transfer effected, or
- Absent the designation of a replacement, provide a notice period to registrants that the registry is closing.

### Background

ICANN has conducted extensive research and outreach on the topic of registry failover. On 1 June 2007, ICANN published the first comprehensive registry failure report (<http://www.icann.org/announcements/announcement-4-01jun07.htm> and <http://www.icann.org/registries/reports/registry-failover-01jun07.htm>).

In developing this report, ICANN conducted a review of the critical functions of a registry, examined transition of a registry from one operator to another, and examined potential failure scenarios. This report finds that the identification of critical functions, along with establishment of best practices by registries will serve for the protection of registrants in the event that a registry failure occurs. The report provides the elements of the

registry failover plan and initial recommendations based on current registry practices.

The report was discussed in San Juan in presentations to: the gTLD Registry Constituency, the ccNSO, SSAC Open Forum, and Protections for Registrants workshop. Following the San Juan meeting, ICANN engaged in consultations with a panel of gTLD and ccTLD registry representatives, completed the draft gTLD Registry Failover Plan and synthesized a best practices document describing registry failover mechanisms. These mechanisms will provide guidance or be incorporated into ICANN's new gTLD process and potentially as a contractual requirement.

### **Discussion of Issues**

As currently envisioned, the implementation of registry failover procedures is intended to define a contractual requirement that registries provide failover mechanisms as a prerequisite to delegation as a registry. The failover mechanisms will, in the event of registry failure:

Provide a period of ongoing operations until a replacement entity may be engaged, or

Failing that, provide a period of notice to registrants of impending closure so that registrants may take their own remedial measures.

These goals were developed in answer to the following issues:

- Definition of ICANN's duty to registrants in the event of a failure of a gTLD registry?
- To what extent should there be a guarantee that a registry will not fail?
- How should ICANN aid in securing services for operation of a registry?
- Should a registry be required to designate a back-up registry operator that would step in to maintain the registry in the event of a long-term failure?
- What are the scenarios in which a registry would be allowed to fail without such a temporary or permanent failover mechanism?

If a registry fails and an RFP does not result in the identification of a successor operator, ICANN suggests here a process to terminate the registry and remove the TLD from the root. This process is outlined in the Registry Failover Plan. ICANN is not in the position to fund or take over operation of a failed TLD, nor is any entity that cannot pursue a viable model for the the failed registry. In such a case, the community might be best served by being informed that registries may be allowed to fail, and that a failed registry may be removed from the root zone.

Many existing gTLD registry agreements provide for failover testing every two years. This provision appears in the .ASIA, .JOBS, .MOBI, and .TRAVEL registry agreements. ICANN is working with these registries to coordinate failover testing criteria. The failover testing parameters will be added as one of the Best Practices contractual requirements for new gTLDs and added to existing gTLD agreements as those agreements are renewed.

### **Summary of Recommendations**

ICANN's 1 June 2007 registry failure report, posted at <http://www.icann.org/announcements/announcement-4-01jun07.htm>, identified seven critical functions of a registry:

1. maintenance of nameservers and DNS
2. the Shared Registration System
3. WHOIS
4. Registrar Billing and Accounting Information
5. Data security and Data Escrow

6. IDN tables (for those registries offering IDNs), and
7. DNSSEC keys (for those registries that have employed DNSSEC).

In addition, ICANN's draft gTLD Registry Failover Plan includes a set of assumptions, requirements and processes. These were generated through ICANN interaction with the ccTLD and gTLD group described above and through consultation with others. Key elements of the plan are described in greater detail below:

1. ICANN will have a role in the event of failure of a gTLD registry. This may be a primary communication role with the registry, registrars and the end user community.
2. Registries must develop and implement their own contingency plans, including the designation of a backup registry operator.
3. ICANN will not take over operation of a registry, but could operate nameservers or designate a nameserver operator on a temporary basis in the event of an emergency.
4. Registry agreement amendments will be required to adequately implement ICANN's gTLD Registry Failover Plan. Registry failover will be addressed in new gTLD agreements, and may otherwise be addressed in renewals, and in proposed consensus policy.
5. Registries should have a designated contact person who is authorized to act on behalf of the registry and who can serve as a point of contact with ICANN and the public on critical registry functions.
6. Registries should set aside necessary financial resources, such as a bond, to provide temporary funding of registry functions until a successor registry can be named.
7. Registries should implement geographic diversity of DNS services.
8. Where appropriate, ICANN will consult with experts in contingency and scenario planning, and the event of registry failure.
9. In the event of registry failure, in consultation with the registry, ICANN will identify the type of failure as a technical, business or other failure and determine whether the failure is long-term or temporary. A temporary failure would trigger an established set of responses from ICANN, while a long-term failure would trigger a different set of responses.
10. ICANN should define metrics for failover (the threshold that indicates an event that triggers failover procedures) in the gTLD registry agreements. Failover practice and testing obligations in gTLD registry agreements should be clarified.
11. ICANN has created a Registry Continuity Assistance Panel, consisting of 5 ccTLD registry representatives and 5 gTLD registry representatives to assist with the maintenance and testing of the gTLD Registry Failover Plan.
12. The Registry Failover Plan includes a procedure for designating a replacement registry operator. In the event that a replacement cannot be found, with notice to the community, the plan envisions that ICANN will follow a process for closing registry operations. ICANN should look closely at the transition and termination provisions in the existing registry agreements to determine whether these provisions should be clarified or amended in new agreements.
13. ICANN should establish a procedure for release of escrowed data to ICANN. The procedure must closely safeguard data security. Under the terms of the standard escrow agreement, registry escrow deposits may be released to ICANN under certain conditions. These are:
  - a. Expiration without renewal of registry or sponsorship agreement
  - b. Termination of registry or sponsorship has been terminated
  - c. Joint request by registry and ICANN
  - d. No successful verification reports for a Full Deposit in a one-month period
  - e. Nonpayment of fees by registry

- f. Mandated release by a court, arbitral, legislative, or government agency of competent jurisdiction

**Conclusion**

ICANN's gTLD Registry Failover Plan is intended to provide protection for registrants, and add to the security and stability of the Internet through collaboration with registries, registrars and members of the Internet community. The next steps in the project are to complete approval of the procedure, the base contract for new gTLDs.

### 1.3.2 Draft Registry Failover Plan

<http://www.icann.org/registries/failover/draft-plan-27nov07.htm.pdf>

# ICANN gTLD Registry Failover Plan

## 27 November 2007

Section 1.10.1 of the 2007-2008 ICANN Operating Plan states that ICANN will “Establish a comprehensive plan to be followed in the event of financial, technical, or business failure of a registry operator, including full compliance with data escrow requirements and recovery testing.”

The 2006-2007 ICANN Operating Plan included the above language and stated that ICANN will “publish a plan supported by the infrastructure and data escrow procedures necessary to maintain registry operation.” Based on community input received on the 1 June 2007 Registry Failure Report and Protections for Registrants Workshop in San Juan, Puerto Rico, ICANN developed a draft gTLD Registry Failover Plan.

ICANN published the draft for community input and comment from 20 October to 19 November 2007. ICANN has completed a revised draft plan incorporating feedback received during the ICANN meeting in Los Angeles and during the comment period. Comments are open on this draft until 15 December 2007.

The plan is based on the assumption that ICANN has a role in the event of a gTLD registry failure. gTLD registries must have a contingency plan to maintain the critical functions of a registry for a period of time:

- To provide recovery and escrow of domain name registration information and registrant contact information (if maintained by the registry), so that
- A replacement operator or sponsor can be found and a transfer effected, or
- Absent the designation of a replacement, provide a notice period to registrars and registrants that the registry is closing.

ICANN is coordinating the gTLD registry failover plan with the development of the new gTLD process and other contingency efforts such as the registrar failover plan and Registrar Data Escrow program.

### 1. Definitions

#### **The following definitions are used to describe the gTLD Registry Failover Plan.**

1.1 Initiating Event – The occurrence of an event with the potential to produce an undesired consequence. An initiating event is an event that causes or threatens to cause temporary or long-term failure of one or more of the critical functions of a (gTLD) registry.

Qualifying criteria for such an event may include:

- conditions, if continued for longer than (X time), have been shown, after diligent inquiry including consultation with registry staff, to be likely to cause temporary or long-term failure,
- Severe economic damage to registry services,
- a prolonged and irrevocable situation that cannot be solved by the registry without severe damages caused to the Internet community, and where
- the registry is accountable for the situation.

1.2 Temporary Failure - A registry failure where there is reasonable certainty of data recovery or restoration of service in a short duration of time. A short duration of time may be measured in minutes or hours, with recovery or restoration of service within a maximum of 24 to 72 hours, depending on the type of critical function involved in the failure. A failure involving the resolution

of names and maintenance of nameservers should be measured differently than a failure involving WHOIS service.

1.3 Long-term Failure – A failure rendering a registry or a critical function of a registry inoperable for an extraordinary length of time. An extraordinary period of time may be defined when commercially reasonable efforts fail to restore a registry or critical function of a registry to full system functionality within 24-72 hours after the termination of an initiating event, depending on the type of critical function involved in the failure.

1.4 Critical functions – those functions that are critical to the operation of a gTLD registry. The registry failure report published on 1 June 2007 identified seven critical functions of a registry, although there may be others.

1. Maintenance of nameservers and DNS for domains
2. Shared Registration System
3. WHOIS service
4. Registrar Billing and Accounting Information
5. Data Security and Data Escrow
6. IDN Tables (if IDNs are offered by the registry)
7. DNSSEC Keys (if DNSSEC is offered by the registry)

See <http://www.icann.org/registries/reports/registry-failover-01jun07.htm>. Within these critical functions there are levels of importance, with maintenance of nameservers and DNS for domains the most critical to the operation of a stable registry. A TLD can operate at a resolution-only level if SRS or WHOIS service is down for a certain period of time.

## **2. Notification When a Suspected Initiating event occurs**

2.1 ICANN learns of or may receive information on a suspected initiating event from a gTLD registry, sponsor, registrar, or other member of the community.

2.2 The suspected initiating event creates a response time line from ICANN staff.

1. Suspected initiating event occurs at time X
2. Notification is provided by Y
3. Y is expected to provide ICANN with as much detail regarding the nature and impact of the event as is available (and practically possible to collect) within the time frame
4. ICANN staff studies information provided during time frame, ICANN responds to the party who notified ICANN, and if appropriate, contacts the registry (if the registry did not already notify ICANN staff)

2.3 Designated registry contacts may inform ICANN of initiating events via a 24/7 telephone hotline.

## **3. ICANN Preliminary Examination**

3.1 ICANN staff conducts a preliminary examination based on facts known of the event. The staff examination may be conducted between members of the ICANN Office of General Counsel, Registry Liaison staff or other staff as appropriate. ICANN staff may also utilize experts with registry experience in this process.

3.2 ICANN staff will contact the designated registry representative, unless the registry has already contacted ICANN staff, to obtain information concerning a suspected initiating event.

#### 4. Communication with gTLD registry or sponsor

4.1 As part of the ICANN preliminary examination, ICANN will attempt to communicate with the designated gTLD registry contact. This contact should be someone with authorization to act on behalf of the registry. The examination should be assessed as an operational issue. Legal issues will be assessed based on the terms of the registry agreement.

If the registry or sponsor can be reached, ICANN (and the gTLD Operator, if such gTLD Operator is cooperative) will attempt to determine the following:

1. The nature and circumstances surrounding the initiating event
2. The cause of the initiating event
3. The severity of the event and whether such event is likely to be temporary or long-term
4. Whether the registry can continue the registry's critical functions
5. Question what, if any, services will be unavailable or operated at a reduced level of service
6. Whether the registry has interim measures in place to protect registry services

The determination on whether a registry can continue its critical functions operations should be made in consultation with the registry. As part of this determination, ICANN may consult with an objective panel of experts on registry functions.

There may be circumstances when a registry can provide limited services (DNS, but not registration or change services) for a temporary period without the need to transition operations to a qualified backup provider. ICANN may utilize a pre-qualification or accreditation process to create a pool of available backup providers.

4.2 If available, the designated gTLD registry or sponsor confirms contact and provides information on the suspected initiating event as a temporary failure or long-term failure, or informs ICANN that no such event has occurred.

4.3 If an initiating event has occurred, the registry or sponsor cannot be reached and a backup registry operations provider is available, ICANN should contact the backup registry operations provider or seek alternative confirmation of the event and contact the third party data escrow provider. At this point, no decision is to be made on transition, only to seek confirmation of the event and secure data for the registry.

- a. Execute agreement (or initiate procedure) for release of data from escrow
- b. Obtain data from escrow and copy zone (if available) to maintain resolution of names

4.4 If the registry's failover plan activates a backup registry operations provider, the backup provider must make contact with ICANN and confirm the level of service to be provided to registrars and registrants (full service or resolution-only service). ICANN will consult with the backup provider to ensure that domain name registration and associated contact information are not inadvertently lost. Many registries have certain elements of uniqueness that would either require capable backup operators to develop those capabilities to support these unique practices or situations or to suspend those unique practices for a period of time.

4.5 The backup provider will use commercially reasonable efforts to ensure that critical functions of the registry are maintained to the extent possible, based on priority of the critical function and time frame for implementation. Backup providers should conduct a test of contingency plans on a periodic basis.

## 5. Internal Communications Plan

5.1 Following contact with the gTLD registry or sponsor, or independent confirmation of the initiating event in the situation where the gTLD registry or sponsor cannot be contacted, and depending on the type and severity of the event, ICANN may initiate its crisis response team.

ICANN's crisis response team shall consist of ICANN's:

- a. VP of Corporate Affairs
- b. Media adviser
- c. General Counsel staff
- d. SVP, Services
- e. Registry staff
- f. Registrar staff
- g. Chief Security Officer
- h. Chief Technical Officer
- i. Compliance Program Director
- j. If applicable, IDN Program Director
- k. Other staff, as necessary

Each of these roles shall be clearly defined and preferably each role should have a designated back-up person. ICANN shall test its crisis management process on a regular basis, but in no event less than once per annum. ICANN staff is scheduled to test the process in January 2008.

5.2 The team shall inform the CEO, COO and Board of the event, the type of failure and course of action.

5.3 The VP of Corporate Affairs is ICANN's designated public spokesperson in the event ICANN's crisis team is assembled. ICANN will inform the Internet community based on the specifics of the event, the need to know and what is disclosed should be limited based on the perceived impact on affected parties.

5.4 The gTLD registry (or the backup registry operations provider) shall inform registrars of the failure. If the registry is a sponsored TLD, the sponsor should inform the members of its sponsored community. If this is not possible, ICANN shall provide notice to the community and make best efforts to provide notice to registrars and registrants.

5.5 ICANN may consult with a predetermined list of experts with registry experience based on the type of event and determination of the event as a technical failure, business failure or other failure.

5.6 In a temporary failure, ICANN will communicate with the registry or sponsor and provide technical assistance where appropriate or requested by the registry or sponsor.

5.7 In a long-term failure, ICANN shall, in consultation with the registry if available, examine the cause of the failure and whether the failure occurred as a result of technical, business/financial or other reasons. Based on the severity of the event, ICANN's communications plan may be invoked to ensure that the community is informed.

## **6. Communication with registrars and registrants**

6.1 Registrars should be advised to maintain a copy of names under management in the TLD (or TLDs if the operator maintains more than one) and ensure proper escrow of registrant data in accordance with ICANN's registrar data escrow specification.

6.2 If necessary, Registrars shall be advised by the gTLD Registry Operator to plan for the application of transactions to the TLD database upon restoration of services in a timely and predictable format in the event that notification of transaction success is delayed.

6.3 The gTLD registry (or the backup registry operations provider) shall inform registrars of the failure. If the registry is a sponsored TLD, the sponsor should inform the members of its sponsored community. If this is not possible, ICANN shall provide notice to the community and make best efforts to provide notice to registrars and registrants.

6.4 ICANN will confirm with registrars on notice to the community and registrants.

## **7. Decision on whether the registry or sponsor can continue operations**

7.1 The decision on whether the registry or sponsor can continue operations is not an easy one to make, and must be made in consultation with the registry. The decision will be based on the terms of the gTLD registry agreement.

7.2 If the registry or sponsor can continue operations, the registry will inform ICANN of the timeline for return to normal operations and on the status of the TLD zone.

7.3 ICANN may offer to provide or locate technical assistance to the registry or sponsor, if appropriate.

7.4 ICANN and the registry or sponsor shall provide notice to the community of the timeline for return to normal operations.

7.5 In the situation where the registry or sponsor cannot continue operations, the registry or sponsor will invoke its contingency plan to activate a mirror site or backup registry operations provider to ensure continuity of service for the TLD. ICANN may also offer temporary resolution-only service for the TLD if asked by the registry or sponsor.

7.6 ICANN will inquire whether the registry or sponsor has identified a backup registry operations provider and whether the registry's failover plan has been invoked. ICANN will inform the ICANN Board and advisory groups, as appropriate.

7.7 If the registry or sponsor has identified a backup registry operations provider, the registry or sponsor will follow its own registry failover plan to ensure continuity of service for the TLD.

7.8 Before a backup registry operations provider is engaged by the registry or sponsor, the backup registry operations provider must meet ICANN requirements for operating a TLD. ICANN shall obtain assurances of continuity from the backup registry operations provider.

7.9 If the registry or sponsor has not designated a backup registry operations provider, in an emergency, ICANN may provide temporary resolution-only services until the TLD can be transitioned to a successor.

## 8. Voluntary Transition Process

A voluntary transition of a TLD is necessary when an initiating event occurs that renders a registry or sponsor unable to execute one or more critical registry functions and therefore unable to continue operation of the TLD. The registry or sponsor and ICANN shall cooperate with ICANN in efforts to promote and facilitate the Security and Stability of the Internet and the DNS and to accomplish the terms of the registry agreement. A voluntary transition will occur under the cooperative terms of transition in the registry agreement.

8.1 ICANN and the registry or sponsor will consult on voluntary transition of the TLD. If the registry or sponsor has made a decision to voluntarily transition the TLD, ICANN and the registry or sponsor will agree to work cooperatively to facilitate and implement the transition of the registry for the TLD in a reasonable timeframe (30-90 days), with notice to the community.

8.2 The registry or sponsor may locate a buyer for the TLD delegation within the transition timeframe for the remainder of the registry's contract. The buyer must meet ICANN criteria to operate the TLD. Such criteria will be specified in advance.

8.3 If the buyer meets the specified criteria, ICANN will confirm the buyer as the successor. Transition will be complete following notification to the community and registrar testing.

8.4 ICANN will prepare a Request for Proposals (RFP) for a successor registry operator or sponsor. ICANN will schedule a Board meeting to discuss the transition and intent to seek a successor registry.

8.5 For sTLDs, ICANN will seek input from the sponsored community on a successor. Applicants must meet certain successor criteria.

8.6 ICANN will make an effort to post the RFP for at least 21 days, unless there is an urgent need for a shorter period of time.

8.7 Elements of the RFP may consist of the following, but could include additional items:

- a. Application instructions
- b. Application transmittal form
- c. Proposal form
- d. Financial Disclosure
- e. Statement of Requested Confidential Treatment of Materials Submitted
- f. Criteria to be used by ICANN to evaluate the proposals
- g. Base Registry Agreement
- h. If applicable, an application fee (with possible refund)
- i. Description of what is being transferred

8.8 ICANN shall post on its website the names of the applicants who submitted a response to the RFP and post certain non-proprietary/non-confidential portions of the response on its website so as to provide the public with a reasonable period of time for which to comment.

8.9 ICANN shall conduct an evaluation of the applications and publish a staff recommendation and report. The evaluation and selection will be based on published criteria.

8.10 The staff recommendation and report will be provided to the ICANN Board for consideration and selection of the successor registry or sponsor.

8.11 ICANN will coordinate with the registry or backend provider to ensure smooth transition of the TLD(s) to the successor registry.

8.12 In the event that ICANN does not receive sufficient proposals to operate the TLD, ICANN will publish a notice period to registrants and the community with a timeline on the impending closure of the TLD.

8.13 ICANN will follow IANA's procedures for removing a TLD from the root zone.

## **9. Non-voluntary Transition Process**

9.1 In the event that a registry or sponsor cannot continue operations and does not agree with ICANN on voluntary reassignment, ICANN will make a legal determination whether to proceed with the non-voluntary termination process. If the decision is made to proceed with the non-voluntary transition process, ICANN will invoke the breach process based on the terms of the registry agreement and provide notice to the registry or sponsor. The community will be informed of a decision to invoke the breach process.

9.2 Under the terms of the gTLD registry agreement, ICANN must provide notice and opportunity to cure or initiate arbitration within thirty calendar days after ICANN gives registry or sponsor written notice of breach.

9.3 In the event of a non-voluntary transition, ICANN may under the terms of the gTLD registry agreement invoke the registry data escrow agreement and contact the third party escrow provider for a copy of all escrowed data related to the registry.

9.4 The non-voluntary transition process will be managed by the Office of General Counsel.

## **10. Closure of the registry**

10.1 In the event that the RFP fails to identify a successor registry operator or sponsor, ICANN will provide notice to the community and to registrants in the TLD(s).

10.2 If possible, the registry, sponsor or backup registry operations provider will maintain operations for a designated period of time (30 to 90 days or more) in order to ensure that registrants have sufficient time to locate alternatives to the TLD.

10.3 After the designated period of time and notices to the community, the registry, sponsor or backup provider may terminate nameservers for the TLD.

10.4 Following determination of the Board, termination of the TLD and notices to the community, ICANN will follow IANA procedures for removing a TLD from the root zone.

## **11. Testing of Failover Plan**

11.1 ICANN shall test the registry failover plan and crisis communications plan at least once a year.

11.2 Testing should be done in consultation with the Registry Constituency, and other members of the technical community. Testing may include registrars and third party data escrow providers. A joint panel of gTLD and ccTLD registry representatives may also provide assistance to ICANN in testing the registry failover plan.

11.3 Registry operators should conduct business continuity and disaster recovery testing at least once a year.

11.4 Registry operators should submit an Annual Certification document that states they have a business continuity and disaster recovery plan and it has been tested.

## **12. Failover Plan Review**

12.1 ICANN shall periodically review the failover plan and make modifications as necessary to stay current with registry practices.

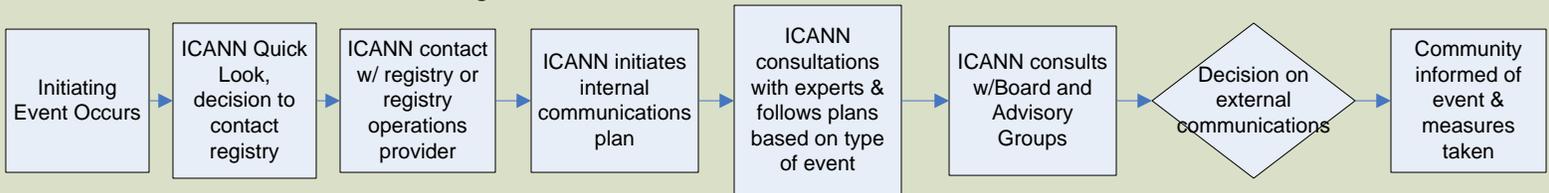
12.2 In the event of registry failure, ICANN will conduct a review of ICANN's handling of the event and document the lessons learned. ICANN will consult with SSAC, external experts and constituency advisory groups for their input on ICANN's handling of the event.

### 1.3.3 Draft Registry Failover Plan Flow Chart

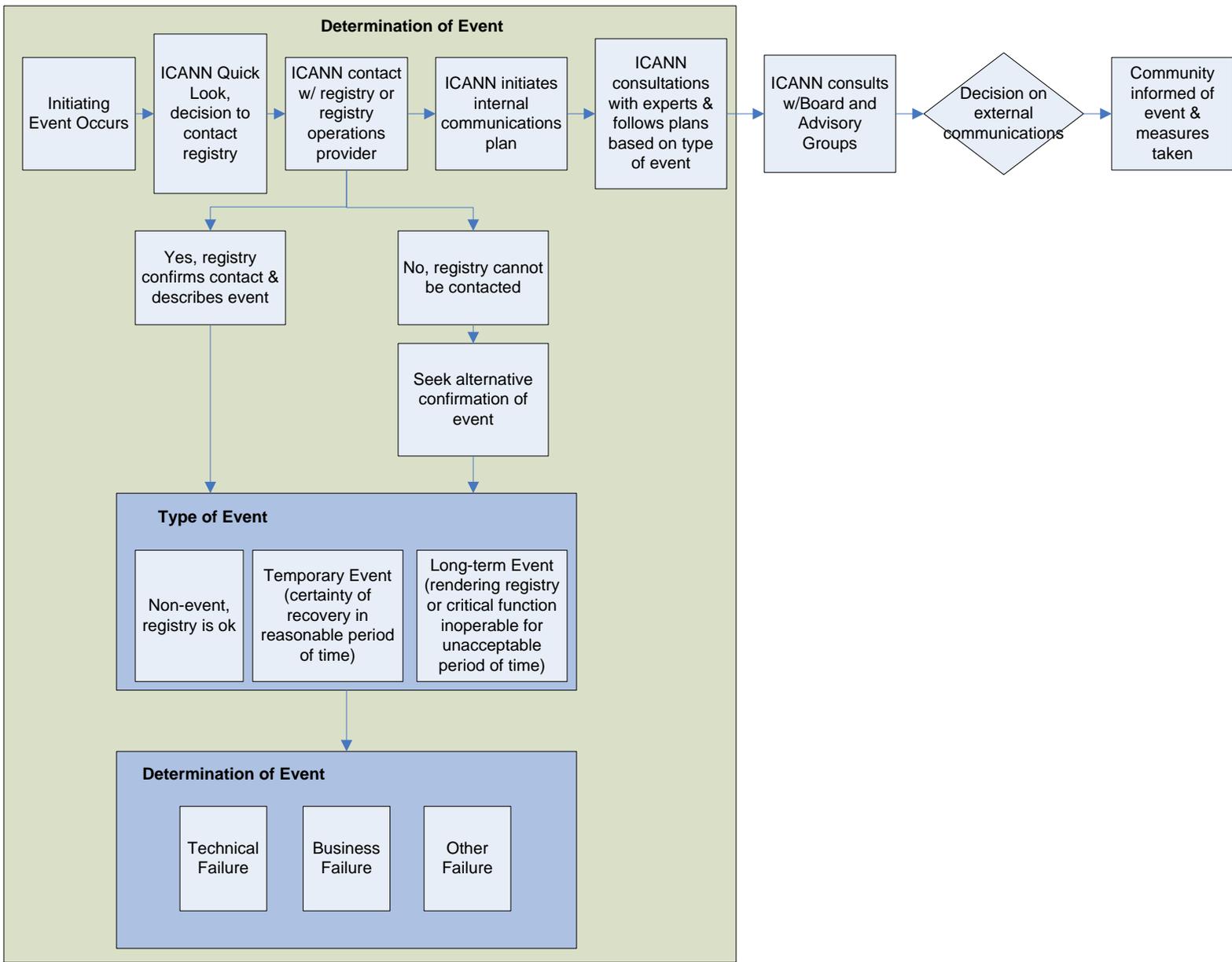
<http://www.icann.org/registries/failover/draft-plan-flow-chart-20oct07.pdf>

# Draft ICANN gTLD Registry Failover Plan

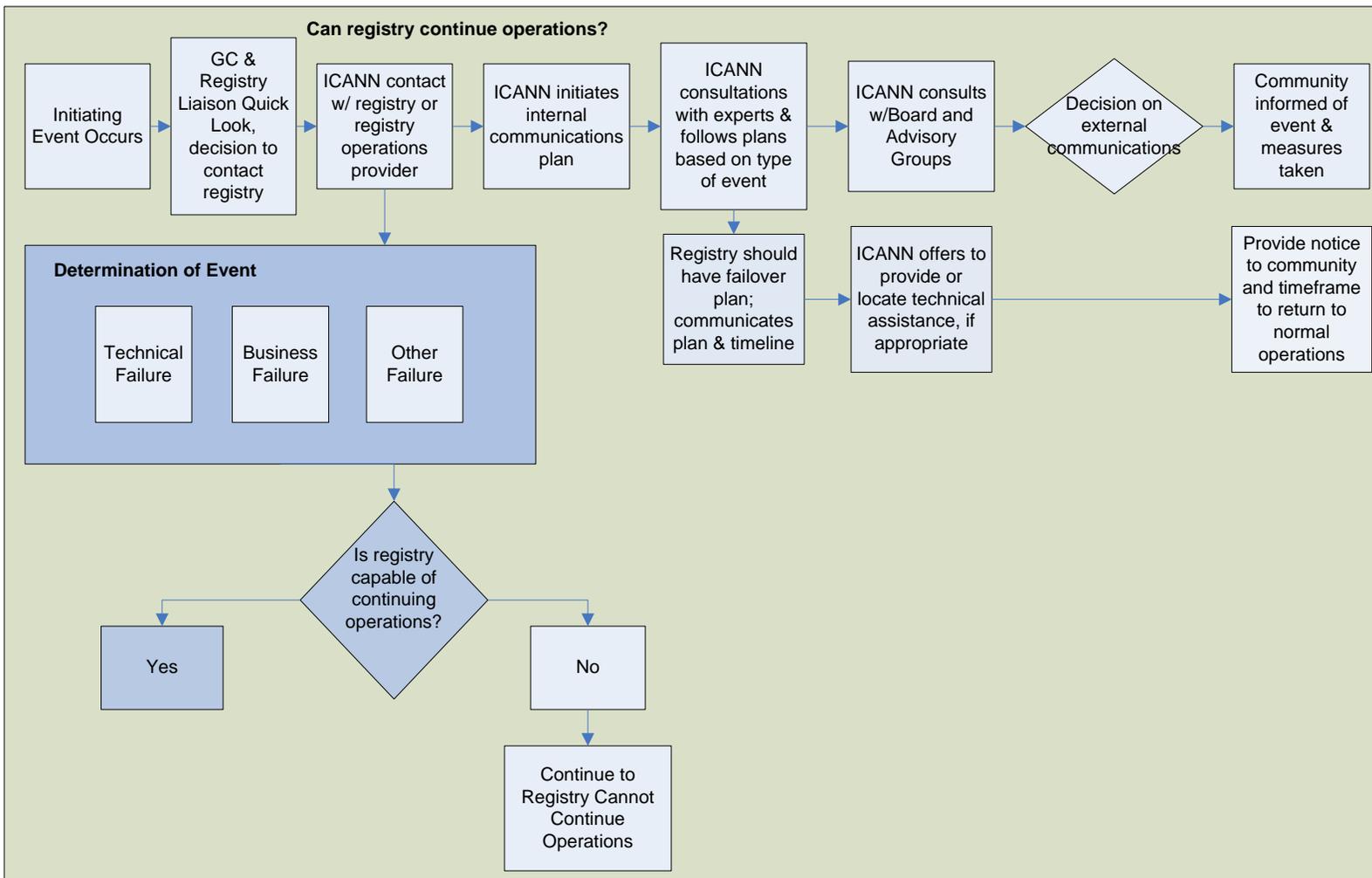
## High-level Overview



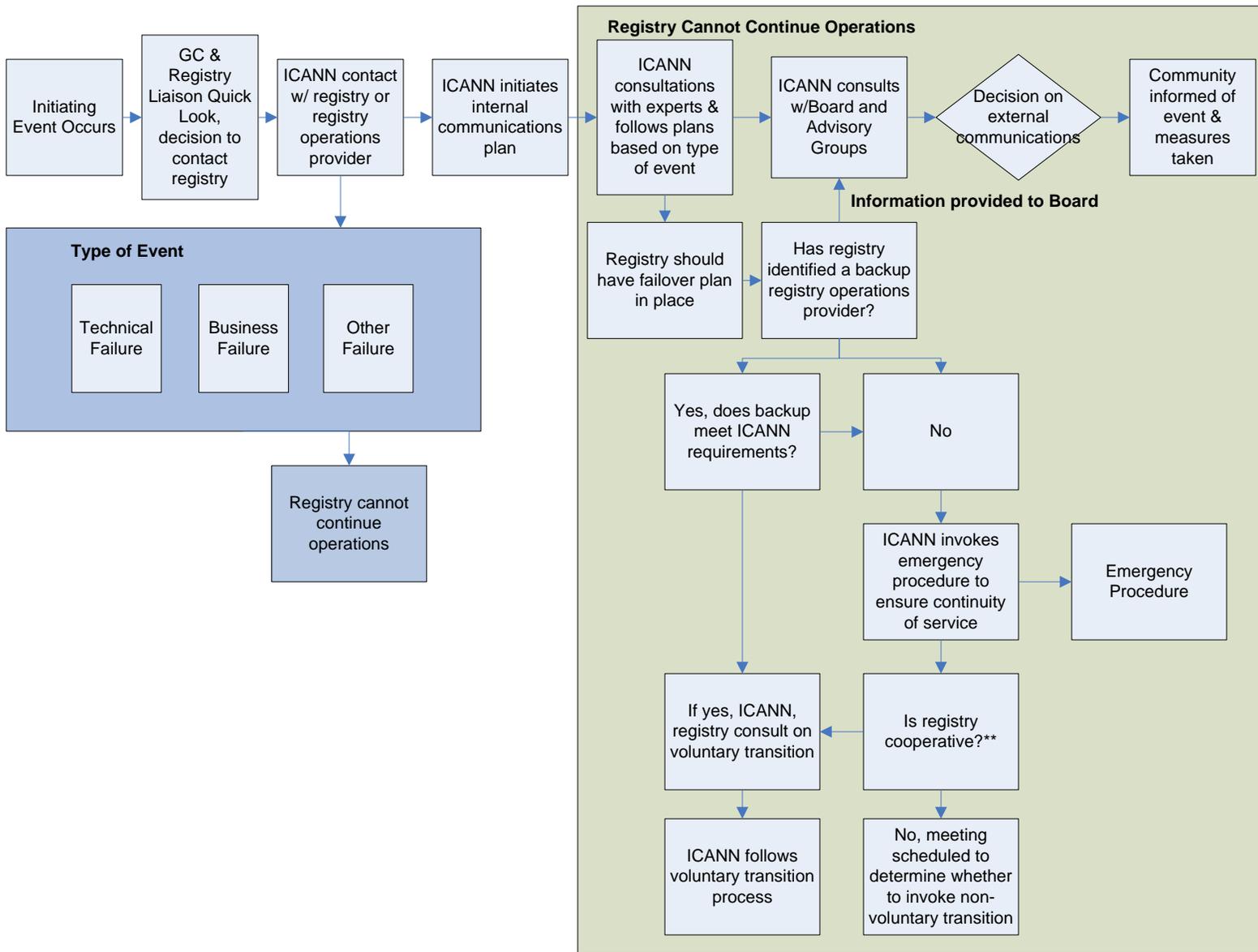
# Draft ICANN gTLD Registry Failover Plan



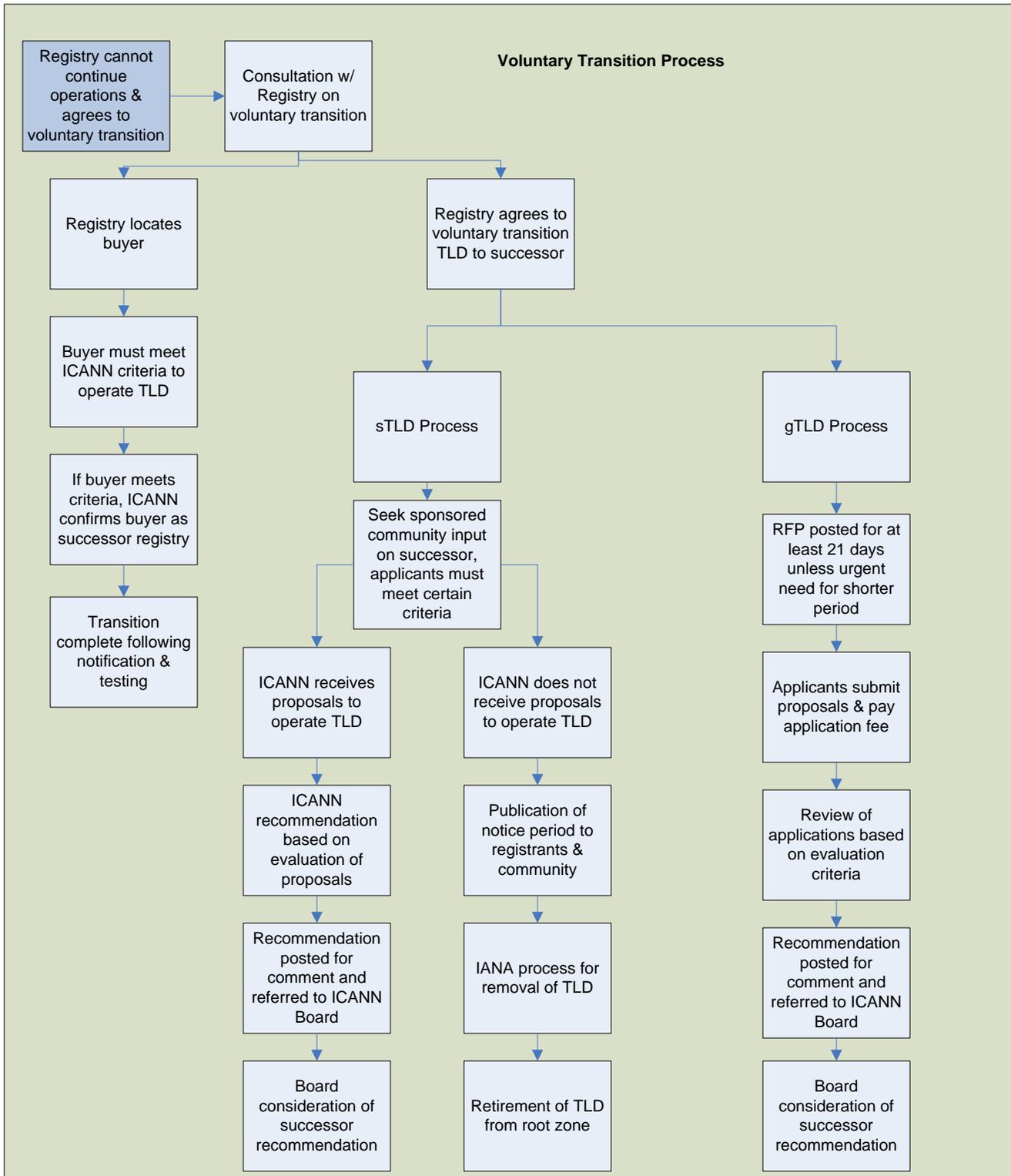
# Draft ICANN gTLD Registry Failover Plan



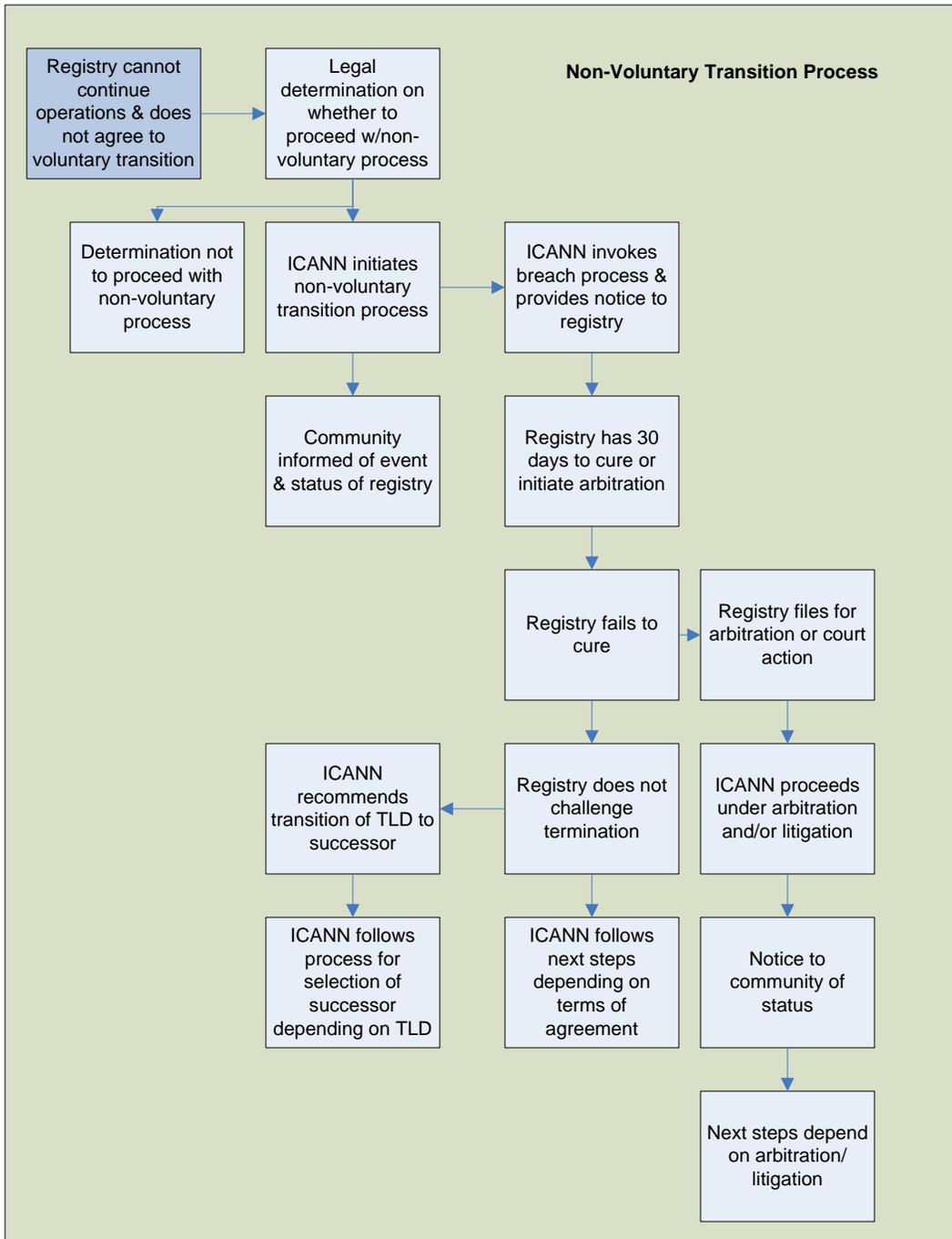
# Draft ICANN gTLD Registry Failover Plan



# Draft ICANN gTLD Registry Failover Plan



# Draft ICANN gTLD Registry Failover Plan



1.3.4 Draft Registry Failover Best Practices  
<http://www.icann.org/registries/failover/draft-plan-best-practices-20oct07.pdf>

# DRAFT ICANN gTLD Registry Failover Plan

## Best Practices Recommendations

Patrick Jones  
20 October 2007

### 1 Executive Summary

The 2006 ICANN Strategic Plan (Section 1.1.2 and 1.1.6-7) set forth as one of the key goals implementation of “procedures for dealing with key business failure of key operational entities,” including contingency plans for registry failover in order to appropriately protect registrants (this project was carried over into the 2007-2008 ICANN Strategic Plan as Section 1.10.1).

The Operational Plan states that a key goal is to “establish a comprehensive plan to be followed in the event of financial, technical or business failure of a registry operator, including full compliance with data escrow requirements and recovery testing.”

ICANN has conducted significant research and outreach on registry failover. Based on community input received on the 1 June 2007 Registry Failure Report and Protections for Registrants Workshop in San Juan, Puerto Rico, ICANN has developed a draft gTLD Registry Failover Plan. The plan includes the delivery of best practices recommendations for registry failover mechanisms for gTLD registries.

The best practices recommendations will be incorporated into ICANN's draft base contract for new gTLDs, and incorporated into existing gTLD registry agreements as they are renewed.

### 2 Glossary

#### 2.1 DNS

The Domain Name System (DNS) is a distributed database that translates domain names (computer hostnames) to IP addresses. Domain names are defined in RFC 1034 (<ftp://ftp.rfc-editor.org/in-notes/rfc1034.txt>). RFC 1035 describes the domain system and protocol (published in November 1987 and recognized as an Internet Standard, <ftp://ftp.rfc-editor.org/in-notes/rfc1035.txt>). As stated in RFC 1035, “The goal of domain names is to provide a mechanism for naming resources in such a way that the names are usable in different hosts, networks, protocol families, internets, and administrative organizations.” The DNS consists of a hierarchical set of DNS servers. Each domain or subdomain has one or more authoritative DNS servers that publish information about that domain and the nameservers of any domains below it.

- The DNS consists of resource records, zones, nameservers, and resolvers. Programs such as BIND, that respond to queries about the domain namespace via the DNS protocol, are called nameservers.<sup>1</sup>
- The data associated with domain names are contained in resource records. There are several types of resource records, corresponding to the varieties of data that may be

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<sup>1</sup> Liu & Albitz, DNS & BIND, 5th Ed. (May 2006), page 22.

stored in the domain namespace, including Start of Authority records, NS (nameserver) records, Address records, and PTR (pointer) records.<sup>2</sup>

- A zone is an autonomously administered piece of the name space.
- Nameservers load data from zone datafiles. These files contain resource records that describe the information within a particular zone. Resource records describe the hosts within the zone and delegation of subdomains.<sup>3</sup>
- Resolvers are the clients that access nameservers, and handle queries and responses.

## 2.2 Registry

A registry is an organization responsible for maintaining the zone files of a top-level domain (TLD). “Under the current structure of the Internet, a given top-level domain can have no more than one registry.”<sup>4</sup>

“These registries have typically served two main domain functions: as the registry for a gTLD or as a registry for a ccTLD. In some instances, one entity will operate multiple TLD's, both of the gTLD and ccTLD type. A gTLD or ccTLD domain registry operator may be a governmental entity, non-governmental, non-commercial entity, or a commercial entity.”<sup>5</sup>

## 2.3 Registrar

A registrar acts as an interface between registrants and registries, providing registration and other value-added services. The registration process occurs when a customer provides contact and perhaps billing information to a registrar (or in some cases, a registry) in exchange for delegation of a domain name.<sup>6</sup>

## 2.4 Related Documents

RFCs. “The Requests for Comment (RFC) documents form a series of notes started in 1969 by the research community that designed and built the ARPAnet. The RFCs series forms an archive of technical proposals, standards, and ideas about packet-switched networks.”<sup>7</sup> RFCs are maintained by the Internet Engineering Task Force (IETF) and published at <http://www.rfc-editor.org/>.

RFC 1033, Domain Administrators Operations Guide, provides guidelines for domain administrators in operating a domain server and maintaining their portion of the hierarchical database (<ftp://ftp.rfc-editor.org/in-notes/rfc1033.txt>).

RFC 1034, Domain Names - Concepts and Facilities, provides extensive background information on the DNS. The DNS has three major components: resource records, name servers and resolvers (<ftp://ftp.rfc-editor.org/in-notes/pdf/rfc1034.txt.pdf>).

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<sup>2</sup> Id., page 16, 55-61.

<sup>3</sup> Id., page 26.

<sup>4</sup> Id., page 41.

<sup>5</sup> RFC 3707, 2.1.1, <ftp://ftp.rfc-editor.org/in-notes/rfc3707.txt>.

<sup>6</sup> Id., page 41.

<sup>7</sup> <http://www.rfc-editor.org/rfc-online.html>.

RFC 1035, Domain Implementation and Specification, is cited above.

RFC 1101, DNS Encoding of Network Names and Other Types, describes a method for mapping between network names and addresses (<ftp://ftp.rfc-editor.org/in-notes/rfc1101.txt.pdf>).

RFC 1591, Domain Name System Structure and Delegation, provides information on the structure of names in TLDs and the administration of domains (<ftp://ftp.rfc-editor.org/in-notes/pdf/rfc1591.txt.pdf>). This RFC is particularly useful in describing the role of the designated manager of a TLD:

“A new top-level domain is usually created and its management delegated to a ‘designated manager’ all at once...The major concern in selecting a designated manager for a domain is that it be able to carry out the necessary responsibilities, and have the ability to do a equitable, just, honest, and competent job” (see RFC 1591, page 3).

RFC 1591 identified several principles for a designated manager of a TLD and identified critical functions of a registry:

- There should be a designated manager for a TLD. “The manager must, of course, be on the Internet. There must be Internet Protocol (IP) connectivity to the nameservers and email connectivity to the management and staff of the manager.”<sup>8</sup>
- “The designated authorities are trustees for the delegated domain, and have a duty to serve the community.”
- “The actual management of the assigning of domain names, delegating subdomains and operating nameservers must be done with technical competence...and operating the database with accuracy, robustness and resilience.”<sup>9</sup>

RFC 2181, Clarifications to the DNS Specification, provides an update to the DNS specification (<ftp://ftp.rfc-editor.org/in-notes/rfc2181.txt>).

RFC 2182, Selection and Operation of Secondary DNS Servers, is a best current practice for the selecting and operating secondary DNS Servers (<ftp://ftp.rfc-editor.org/in-notes/rfc2182.txt>)

RFC 3467, Role of the Domain Name System, provides useful information on the original function and purpose of the domain name system (<ftp://ftp.rfc-editor.org/in-notes/rfc3467.txt>).

RFC 3707, Cross Registry Internet Service Protocol (CRISP) Requirements, (<ftp://ftp.rfc-editor.org/in-notes/rfc3707.txt>).

BCP 126, Operation of Anycast Services, specifies the best current practices for using Anycast to add redundancy to DNS servers (<ftp://ftp.rfc-editor.org/in-notes/bcp/bcp126.txt>).

Internet draft on ccTLD Best Current Practices  
(<http://ws.edu.isoc.org/workshops/2006/PacNOG2/track1/day3/draft-wenzel-ccTld-bcp-02.txt>).

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<sup>8</sup> RFC 1591, J.Postel, page 4 (March 1994), <ftp://ftp.rfc-editor.org/in-notes/pdf/rfc1591.txt.pdf>.

<sup>9</sup> Id., page 6.

This is a draft document on best current practices within the ccTLD community. As an Internet-draft, this document is not a standard and is considered a work-in-progress.

Proposed Rule on the technical management of Internet Names and Addresses (20 February 1998), the US Department of Commerce, National Telecommunication and Information Administration (NTIA) (<http://www.ntia.doc.gov/ntiahome/domainname/022098fedreg.htm>). The document defined registry requirements as:

1. An independently-tested, functioning Database and Communications System that:
  - a) Allows multiple competing registrars to have secure access (with encryption and authentication) to the database on an equal (first-come, first-served) basis
  - b) Is both robust (24 hours per day, 365 days per year) and scalable (i.e., capable of handling high volumes of entries and inquiries).
  - c) Has multiple high-throughput (i.e., at least T1) connections to the Internet via at least two separate Internet Service Providers.
  - d) Includes a daily data backup and archiving system.
  - e) Incorporates a record management system that maintains copies of all transactions, correspondence, and communications with registrars for at least the length of a registration contract.
  - f) Features a searchable, on-line database meeting the requirements of Appendix 2.
  - g) Provides free access to the software and customer interface that a registrar would need to register new second-level domain names.
  - h) An adequate number (perhaps two or three) of globally-positioned zone-file servers connected to the Internet for each TLD.
2. Independently-reviewed Management Policies, Procedures, and Personnel including:
  - a) Alternate (i.e., non-litigation) dispute resolution providing a timely and inexpensive forum for trademark-related complaints. (These procedures should be consistent with applicable national laws and compatible with any available judicial or administrative remedies.)
  - b) A plan to ensure that the registry's obligations to its customers will be fulfilled in the event that the registry goes out of business. This plan must indicate how the registry would ensure that domain name holders will continue to have use of their domain name and that operation of the Internet will not be adversely affected.
  - c) Procedures for assuring and maintaining the expertise and experience of technical staff.
  - d) Commonly-accepted procedures for information systems security to prevent malicious hackers and others from disrupting operations of the registry.

### 3. Independently inspected Physical Sites that feature:

- a. A backup power system including a multi-day power source.
- b. A high level of security due to twenty-four-hour guards and appropriate physical safeguards against intruders.
- c. A remotely-located, fully redundant and staffed twin facility with "hot switchover" capability in the event of a main facility failure caused by either a natural disaster (e.g., earthquake or tornado) or an accidental (fire, burst pipe) or deliberate (arson, bomb) man-made event. (This might be provided at, or jointly supported with, another registry, which would encourage compatibility of hardware and commonality of interfaces.)

There have been significant improvements in technology, operations and internationalization since the NTIA rule was published nearly 10 years ago. A proposed revision to the rule if required in order to stay current with best current practices may be undertaken in a separate effort.

### 3 Current Functional and Performance Specifications

All gTLD registry agreements have minimum ICANN-required performance and functional specifications for registry services.<sup>10</sup> These specifications are typically defined in the

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<sup>10</sup> .AERO: <http://www.icann.org/tlds/agreements/sponsored/sponsorship-agmt-att7-13oct01.htm> and <http://www.icann.org/tlds/agreements/sponsored/sponsorship-agmt-att6-08sep01.htm>  
.ASIA: <http://www.icann.org/tlds/agreements/asia/appendix-7-06dec06.htm>  
.BIZ: <http://www.icann.org/tlds/agreements/biz/appendix-07-29jun07.htm> and SLA at <http://www.icann.org/tlds/agreements/biz/appendix-10-08dec06.htm>  
.CAT: <http://www.icann.org/tlds/agreements/cat/cat-appendix7-22mar06.htm>  
.COM: <http://www.icann.org/tlds/agreements/verisign/appendix-07-01mar06.htm> and SLA at <http://www.icann.org/tlds/agreements/verisign/appendix-10-01mar06.htm>  
.COOP: <http://www.icann.org/tlds/agreements/coop/appendix-7-01jul07.htm>  
.INFO: <http://www.icann.org/tlds/agreements/info/appendix-07-08dec06.htm> and SLA at <http://www.icann.org/tlds/agreements/info/appendix-10-08dec06.htm>  
.JOBS: <http://www.icann.org/tlds/agreements/jobs/appendix-7-05may05.htm>  
.MOBI: <http://www.icann.org/tlds/agreements/mobi/mobi-appendix7-23nov05.htm>  
.MUSEUM: <http://www.icann.org/tlds/agreements/sponsored/sponsorship-agmt-att6-08sep01.htm> and <http://www.icann.org/tlds/agreements/sponsored/sponsorship-agmt-att7-13oct01.htm>  
.NAME: See Appendix 7  
.NET: <http://www.icann.org/tlds/agreements/net/appendix7.html> and SLA at <http://www.icann.org/tlds/agreements/net/appendix10.html>  
.ORG: <http://www.icann.org/tlds/agreements/org/appendix-07-08dec06.htm> and SLA at <http://www.icann.org/tlds/agreements/org/appendix-10-08dec06.htm>  
.PRO: <http://www.icann.org/tlds/agreements/pro/registry-agmt-appc-30sep04.htm> and <http://www.icann.org/tlds/agreements/pro/registry-agmt-appd-02mar02.htm>, SLA at <http://www.icann.org/tlds/agreements/pro/registry-agmt-appc-29dec01.htm>  
.TEL: <http://www.icann.org/tlds/agreements/tel/appendix-7-07apr06.htm>  
.TRAVEL: <http://www.icann.org/tlds/agreements/travel/travel-appendix-7-12apr06.htm>

performance and functional specification appendices, and cover the use of Extensible Provisioning Protocol (EPP), supported initial and renewal periods, grace periods, nameserver requirements and WHOIS.

#### **4 Critical Functions of a Registry**

1. Maintenance of nameservers and DNS
2. SRS
3. WHOIS
4. Registrar Billing and Accounting Information
5. Data security and data escrow
6. IDN Tables (for those registries offering IDNs)
7. DNSSEC keys

ICANN's 1 June 2007 document, *Building Towards a Comprehensive Registry Failover Plan* (<http://www.icann.org/registries/reports/registry-failover-01jun07.htm>) identified seven critical functions of a registry. The following functions are described in detail with recommendations on best practices for registry failover.

Registries must have their own contingency plans, including the designation of a backup registry operations provider if necessary, to maintain the critical functions of a registry for a period of time:

- To provide recovery and escrow of domain name registration information and registrant account information, so that
- A replacement operator or sponsor can be found and a transfer effected, or
- Absent the designation of a replacement, provide a notice period to registrants that the registry is closing.

Registries should provide contingency plans to ICANN on a confidential basis for review and consultation. Contingency plans must be tested on a periodic basis.

Registries shall have a designated contact person who is authorized to act on behalf of the registry, and who can serve as a point of contact with ICANN on critical registry functions.

The monthly report format should be updated to include diversity and contingency progress and status metrics.

Registries should set aside necessary financial resources, such as a bond, to provide temporary funding of registry functions until a successor registry can be named.

##### **4.1 Maintenance of nameservers and DNS for domains**

The maintenance of nameservers and DNS for domains is probably the most critical function of a registry. The DNS enables domain names that are registered to resolve on the Internet.

A TLD zone file contains Start of Authority (SOA) records, Nameserver (NS) records for each name server of each domain (such as NS.ICANN.ORG), Time to Live (TTL) records (the amount of time DNS resource records are to be cached), and Address (A and AAAA) records

(IP addresses) for the nameservers. These records must be maintained by a registry operator according to recognized best practices.

"The DNS was designed to identify network resources ... with the flexibility to accommodate new data types and structures." RFC 3467 (<ftp://ftp.rfc-editor.org/in-notes/pdf/rfc3467.txt.pdf>).

ICANN's Security and Stability Advisory Committee released a DNS Infrastructure recommendation on 1 November 2003 (see <http://www.icann.org/committees/security/dns-recommendation-01nov03.htm>) to address stability of DNS infrastructure. The paper provides two recommendations on the delegation of zones in the DNS:

1. Zone administrators should adopt a policy that ensures that referral information for their sub-zones is updated upon request and in a timely fashion.
2. Zone administrators should adopt a policy that requires multiple independent servers for their zone when it delegates sub-zones to more than one responsible party.

At a minimum, registries shall implement geographic diversity of DNS services. Geographic diversity serves two purposes: 1) increases the security and stability of a TLD, 2) locates name servers closer to local communities, helping users resolve domain names more quickly.<sup>11</sup> As an example, Packet Clearing House (see [www.pch.net](http://www.pch.net)) provides secondary DNS service to registries (both ccTLDs and gTLDs), allowing registries to distribute their DNS services across multiple regions and exchange points.

If costs permit, registries should consider implementation of Anycast services (see, BCP 126, <ftp://ftp.rfc-editor.org/in-notes/bcp/bcp126.txt>) to increase the availability and improve response times for queries of records in their TLD zones. Anycast is a service that increases the redundancy of DNS servers through multiple, discrete, autonomous locations. If a registry can afford multiple locations, the incremental cost of implementing Anycast is not onerous. A recent article in the Internet Protocol Journal (Vol 10, No. 1), provides useful information on the issues of geographic diversity of DNS infrastructure distribution (see [http://cisco.com/web/about/ac123/ac147/archived\\_issues/ipj\\_10-1/101\\_dns-infrastructure.html](http://cisco.com/web/about/ac123/ac147/archived_issues/ipj_10-1/101_dns-infrastructure.html)).

While specifically for root server operators, BCP 40, RFC 2870, (<ftp://ftp.rfc-editor.org/in-notes/rfc2870.txt>), provides best current practices on Root Name Server Operational Requirements. This document may be useful for registry operators in the operation of DNS servers and TLD zone files.

Many gTLD registry agreements define "Core Internet Service Failure" as an extraordinary and identifiable event beyond the control of Registry Operator affecting the Internet services. Such events include but are not limited to congestion collapse, partitioning, power grid failures, and routing failures.

The Registry Operator will use commercially reasonable efforts to restore the critical systems of the Core Services within 24 hours after the termination of a force majeure event and restore full system functionality within 48 hours after the termination of a force majeure event. Outages due to a force majeure will not be considered Service Unavailability.

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<sup>11</sup> VeriSign DNS Management Best Practices data sheet, <http://www.verisign.com/static/002104.pdf>.

A force majeure event is defined as any loss or damage resulting from any cause beyond [a registry operator's] reasonable control including, but not limited to, insurrection or civil disorder, war or military operations, national or local emergency, acts or omissions of government or other competent authority, compliance with any statutory obligation or executive order, industrial disputes of any kind (whether or not involving either party's employees), fire, lightning, explosion, flood subsidence, weather of exceptional severity, and acts or omissions of persons for whom neither party is responsible. Upon occurrence of a Force Majeure Event and to the extent such occurrence interferes with either party's performance of this Agreement, such party shall be excused from performance of its obligations (other than payment obligations) during the first six months of such interference, provided that such party uses its best efforts to avoid or remove such causes of nonperformance as soon as possible.

ICANN recommends an update to the functional and performance specifications in gTLD registry agreements to be current with accepted standards.

#### **4.2 Shared Registration System**

The Shared Registration System (SRS) is the software (clients and servers) provided by a registry to facilitate the registration of domain names, updates to nameservers, contact information and overall management of a registry. The SRS is used by registrars to connect to the registry, and "its purpose is to create an environment conducive to the development of robust competition among domain name registrars."<sup>12</sup>

The SRS refers to the ability of Registrars to add, modify, and delete information associated with domain names, nameserver, contacts, and Registrar profile information. This service is provided by systems and software maintained in coactive redundant data centers. The service is available to approved Registrars via an Internet connection, and may include a web-based interface for registrars.

#### **4.3 WHOIS Service**

Whois service consists of Port 43 Whois protocol interface and a web-based user interface to all publicly accessible domain name registration records. The Whois service contains registrant, administrative, billing and technical contact information provided by registrars for domain name registrations. A registry may operate as either a "thick" or "thin" registry. A "thick" registry is one that displays in Whois authoritative information for a domain name received from a registrar. A "thin" registry will only display the information showing the registrar of record, creation date, and nameservers.

With the 'thin' model, only the operational data about each domain is stored in the central registry database while contact data and billing information is maintained by the registrar sponsoring the domain name. The registry only knows the mapping from a domain name to a registrar, and the associated name servers. Whois services operated by the registry publish that mapping; the registrant's identity is then published by the registrar.

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<sup>12</sup> Melbourne IT Help Centre, definition of SRS, <http://www.melbourneit.com.au/help/index.php?questionid=53>.

In a "thick" registry model, registrant data is retained by the registry in its centralized database. This is useful in the event of registrar failure as the registry would have a copy of relevant registrant data in its "thick" Whois service.

#### 4.4 Registrar Billing and Accounting Information

Registrar billing and accounting information is maintained by a registry for the registration of domain names, provisioning of services, refunds for necessary grace period deletions, transfers. Billing information includes accounts for each registrar accredited to operate with the registry, account balance information, present book entries, billing events associated with particular domains, registrar wire information or letters of credit. Registries only have the billing data in regard to their registrars and registrar accounts, and do not have any private customer billing data.

#### 4.5 Data Security and Data Escrow

ICANN requires gTLD registries under contract with ICANN to escrow registry data. Registry data escrow helps to ensure continuity of service for registrants in the event of a registry failure. For the purposes of this report, registry data escrow is included with other measures employed by the registry to provide security and stability for the TLD. For more information on ICANN's gTLD registry data escrow requirements, see <http://www.icann.org/announcements/announcement-05mar07.htm>.

A registry should implement measures to mitigate "the unauthorized disclosure, alteration, insertion or destruction of Registry Data", that is not compliant with applicable relevant standards published by the IETF, or that "creates a condition that adversely affects the throughput, response time, consistency or coherence of responses to Internet servers or end systems, operating in accordance with applicable relevant standards."<sup>13</sup>

In response to the registry data escrow report and the draft Registrar Data Escrow specifications<sup>14</sup> published on 17 May 2007, SSAC, data escrow providers and gTLD registries suggested improvements to the escrow requirements and recommended best practices such as:

- Escrow of all information that would be required to recreate the registration and restore service to registrants
  - Escrow of all data fields specified in EPP 1.0 (Extensible Provisioning Protocol, see RFC 4930)<sup>15</sup>
  - Escrow of status of the name registration
  - Escrow of Any registration "features" (locks, domain proxy, etc.)
  - Escrow of transactional data
- Use of a standard, non-proprietary electronic file format, such as XML
- Stored data encryption and data transmission encrypted
- Data signing
- Digitally signed deposits
- Verification of incoming data deposits

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<sup>13</sup> From the definitions of security and stability, .ORG Registry Agreement, Section 3.1(d)(iv)(G), <http://www.icann.org/tlds/agreements/org/registry-agmt-08dec06.htm#3.1.d.iv>.

<sup>14</sup> <http://www.icann.org/announcements/rfp-registrar-data-escrow-svs-17may07.pdf>.

<sup>15</sup> RFC 4930, <ftp://ftp.rfc-editor.org/in-notes/rfc4930.txt>.

- Escrow agent certification and annual certification test
- A requirement in the data escrow agreement that escrow agent notify the registry (and registry services provider, if applicable) if an escrow deposit is not received
- Data placed in escrow should be tested to ensure that the data can be used to restore registry operations
- Use of an ISP carrier grade data center environment
- Use of a 48 hour service level agreement on data processing and digital signature checks
- ICANN specifying the XML format for all Registries & Escrow Agents
- Verification of incoming data including both digital signature checks AND verification of XML data deposits against ICANN's XML schema
- Escrow agent certification to confirm that escrow agent can perform all contractually required duties
- Support of an ICANN specified format for release of Registry data
- Annual certification test to demonstrate capabilities and compliance with SLA's
- Escrow agent prevented from outsourcing on work related to Registry Data Escrow
- Collection of Zone File information through Zone File Access Agreement
- Use of all data fields currently described in EPP 1.0

These suggested improvements should be discussed in greater detail. ICANN staff is currently reviewing the registry data escrow provisions to be included in the base contract for new gTLDs, and may recommend changes to be incorporated into an updated Registry Data Escrow Specification and updated Registry Data Escrow Agreement.

ICANN recommendations on release of data from escrow include the following:

- Release of escrow should only occur when the registry data is no longer publicly available
- Registry change of ownership
- Notification of bankruptcy
- Sustained inability to meet service or agreement obligations
- Integrity checking and validation
- Technical failure
- Court determination that the registry is in breach of contract
- By agreement of registry and ICANN

ICANN will, in consultation with gTLD registries and the community, define the requirements for accessing data in escrow and the data elements necessary for a successor operator to provide registry services.

#### **4.6 IDN Tables**

ICANN has made a commitment to Internationalized Domain Names (IDNs). ICANN's Affirmation of Responsibilities<sup>16</sup> states that "ICANN shall maintain and build on processes to ensure that competition, consumer interests, and Internet DNS stability and security issues are

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<sup>16</sup> Affirmation of Responsibilities, <http://www.icann.org/announcements/responsibilities-affirmation-28sep06.htm> (approved by the ICANN Board on 25 September 2006 and incorporated as Annex A in the Joint Project Agreement between the U.S. Department of Commerce and ICANN, <http://www.icann.org/general/JPA-29sep06.pdf>).

identified and considered in TLD management decisions, including the consideration and implementation of new TLDs and the introduction of IDNs."

For registries that allow for the registration of IDNs, it is important that these registries also ensure that the IDN tables and languages supported are also protected as a registry resource. gTLD registries that observe the IDN guidelines will make definitions of what constitutes an IDN registration and the associated registration rules available to the IANA Repository for IDN Tables (<http://www.iana.org/assignments/idn/index.html>). In the event that a registry is transitioned to another operator, this will assist the caretaker or acquiring operator with the maintenance of the existing registrations and the operation of the registry going forward.

The protection of IDN tables must be a priority for registries that accommodate IDNs, and the tables as well as any other IDN-related data and registry processes must be considered in defining registry failover.

#### **4.7 DNSSEC keys**

The DNS Security Extensions (DNSSEC) enable DNS administrators and registry operators to digitally sign their zone data using public-key cryptography. This provides a layer of security to the zone and is designed to provide "origin authentication of DNS data, data integrity and authenticated denial of existence."<sup>17</sup>

For registry operators that adopt DNSSEC and sign their zones, it is expected that those registries will follow the DNSSEC Operational Practices to secure the zone keys for their TLD. RFC 4641 is the most current draft of the DNSSEC Operational Practices (see <ftp://ftp.rfc-editor.org/in-notes/pdf/rfc4641.txt.pdf>). This is an area for further work and study.

### **5 Transition Elements**

#### **5.1 Current Registry Agreements**

ICANN's current registry agreements provide mechanisms for transition of a TLD from one operator to another in the event of termination of the registry agreement. A number of registry agreements enable TLD transition in the event of 1) termination of the registry agreement by ICANN, 2) bankruptcy, 3) transition of registry upon termination of agreement, 4) breach of the agreement, or 5) failure to perform in good faith. This provision is reflected in all of the new gTLD agreements signed since 2005.

The provisions on termination do not specify how ICANN would transition a registry in the event that termination is invoked. ICANN, in consultation with the registries constituency and community, may recommend improvements to gTLD registry agreements to better address transition situations. These recommendations may take the form of an emergency situations policy, and will follow formal consideration of the ICANN gTLD registry failover plan by the ICANN Board of Directors.

#### **5.2 Voluntary Transition**

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<sup>17</sup> Explanation from [DNSSEC.net](https://www.dnssec.net); further information on DNSSEC is available in RFCs 4033, 4034, 4035, 4310, 4398, 4471 and 4641.

As part of the draft ICANN gTLD Registry Failover Plan, ICANN will follow a voluntary transition plan in consultation with the affected registry or sponsor. If a decision is made to voluntarily transition a TLD to a new operator, ICANN and the registry or sponsor shall provide notice to the community of the timeline for transition.

If the registry or sponsor has made a decision to voluntarily transition the TLD, ICANN and the registry or sponsor will agree to work cooperatively to facilitate and implement the transition of the registry for the TLD in a reasonable timeframe (30-90 days), with notice to the community.

As part of the new gTLD process, applicants should submit a TLD transition plan which identifies the critical functions of the registry and describes how each of those functions would be transitioned to a new operator in the event of registry failure. This plan must include the designation of a back-up or temporary provider, or description of mirror site and contingency plan.

The applicant may designate this section of the gTLD agreement or application as confidential. The transition plan is to be retained by the registry as part of the registry's overall failover plan. The transition plan requirement follows the recommendations in the GAC Principles on New gTLDs related to registry failover and continuity practices for new gTLDs.

A clearly documented transition process shall provide

- a. instructions and notices to registrars,
- b. requirements for data accuracy measures, and
- c. a contingency plan for registrars that do not become accredited in the successor registry.

ICANN will prepare a Request for Proposals (RFP) for a successor registry operator or sponsor. ICANN will schedule a Board meeting to discuss the transition and intent to seek a successor registry. For sTLDs, ICANN will seek input from the sponsored community on a successor. Applicants must meet certain successor criteria. ICANN will make an effort to post the RFP for at least 21 days, unless there is an urgent need for a shorter period of time.

ICANN will coordinate with the registry or backend provider to ensure smooth transition of the TLD(s) to the successor registry.

### **5.3 Non-voluntary Transition**

In the event that a registry or sponsor cannot continue operations and does not agree with ICANN on voluntary reassignment, ICANN will make a legal determination whether to proceed with the non-voluntary termination process. This process will be managed by ICANN's Office of General Counsel. If the decision is made to proceed with the non-voluntary transition process, ICANN will invoke the breach process based on the terms of the registry agreement and provide notice to the registry or sponsor. The community will be informed of a decision to invoke the breach process.

Under the terms of the gTLD registry agreement, ICANN must provide notice and opportunity to cure or initiate arbitration within thirty calendar days after ICANN gives registry or sponsor written notice of breach.

In the event of a non-voluntary transition, ICANN may invoke the registry data escrow agreement and contact the third party escrow provider for a copy of all escrowed data related to the registry.

## **5.4 Transition Elements**

Transition of a TLD from one registry operator to another should involve the following elements:

5.4.1 Technical transition – data transfer from former registry operator to new operator

5.4.2 Testing by new operator

5.4.3 Parallel nameserver operation

5.4.4 IANA nameserver delegation process

5.4.5 Registrar transition time and testing

5.4.6 Timed cutover from former registry operator to new operator

5.4.7 Data contingency plan during transition

5.4.8 Data migration plan

5.4.9 Notification to the community

In the event of transition, Registry Operator will work in conjunction with ICANN, the registrars constituency and the Internet community at large to maximize the notification process by using a multitude of mechanisms including: the Registry Operator website, a transition website, email announcements; registrar communiqués; press releases, and other methods.

## 1.4.1 Registry Services Evaluation Process

<http://www.icann.org/registries/rsep/>

## Registry Services Evaluation Process

 [What is RSS?](#)

Welcome to the Registry Services Evaluation Process information area.

The Registry Services Evaluation Process was developed through ICANN's consensus policy development process. The policy recommendations contained in the Final Report to the GNSO (posted 10 July 2005) were accepted by the GNSO Council, and adopted by the ICANN Board on 8 November 2005. All gTLD registry operators are required to follow this policy when submitting a request for new registry services.

This area is designed to document the process of the evaluation of new registry services as well as allow for discussion of issues related to proposed new registry services by the ICANN community.

An RSS feed is available on this page so that the community can stay current with proposed new registry services. If you would like to subscribe to the RSS feed for this page, click the RSS icon. ICANN also offers an open public comment forum on the process. Please send comments you have about this policy implementation or any service posted here to [registryservice@icann.org](mailto:registryservice@icann.org). Comments may be viewed at <http://forum.icann.org/lists/registryservice>.

### Submitted Applications for New Registry Services

As part of ICANN's efforts to be open and transparent with the ICANN community, this page is intended to provide the community with information on requests for new registry services that have been submitted to ICANN.

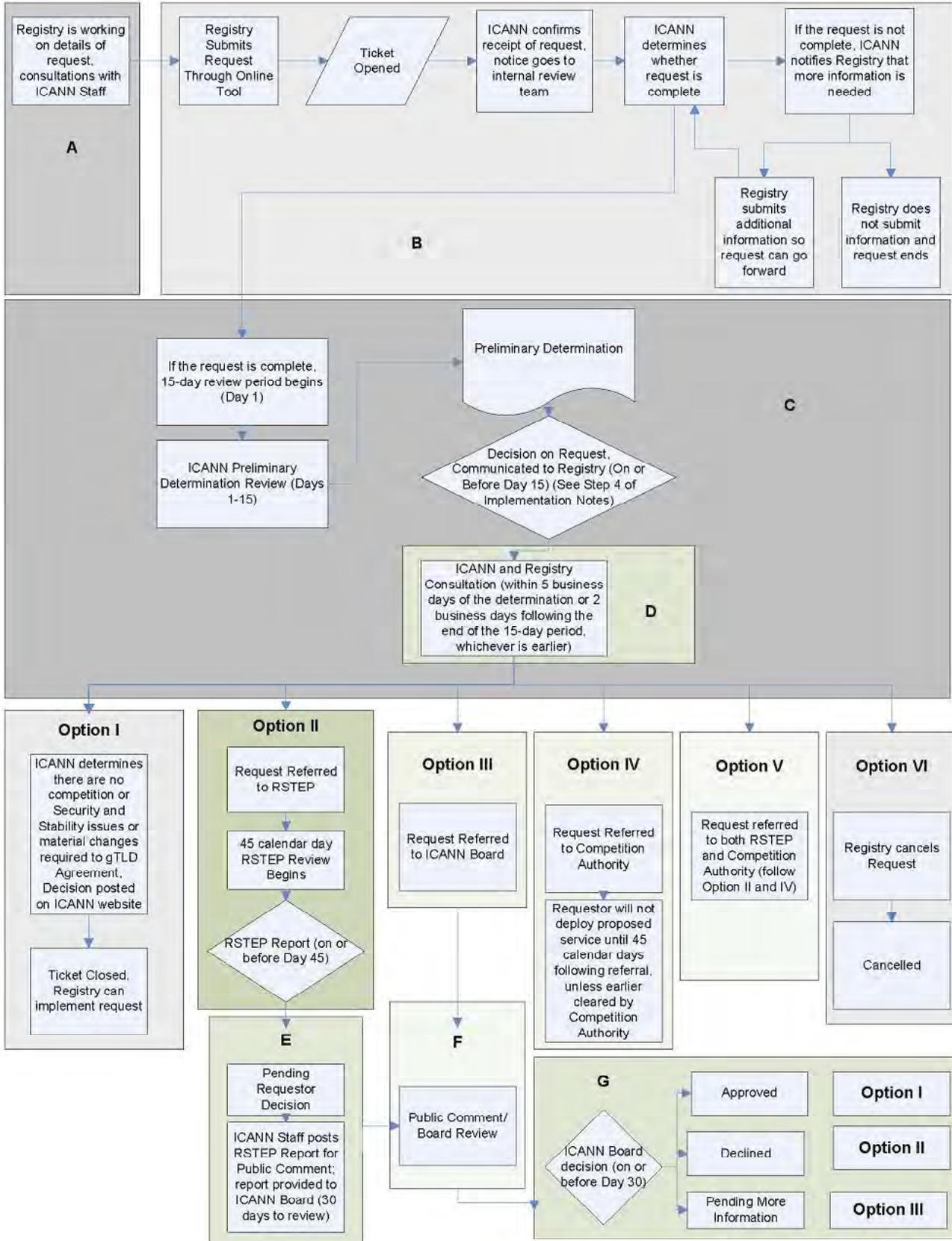
Proposal #	Registry Name	gTLD	Name of Service	Status	Documents
2007005	DotCooperation LLC	.COOP	Domain Name Exception – go.coop	Approved	<ul style="list-style-type: none"> <li>• <a href="#">DotCoop Proposal</a> [PDF, 24K]</li> <li>• <a href="#">NCGA letter</a> [PDF, 61K]</li> <li>• <a href="#">Letter to DotCoop</a> [PDF, 16K]</li> </ul>
2007004	Telnic Ltd	.TEL	UK/EU Data Protection legislation impact on ICANN contract	Approved	<ul style="list-style-type: none"> <li>• <a href="#">25 April 2007 Telnic Letter</a> [PDF, 1,067K]</li> <li>• <a href="#">Telnic Whois Proposal</a> [PDF, 137K]</li> <li>• <a href="#">11 May Letter to Telnic</a> [PDF, 245K]</li> <li>• <a href="#">11 May 2007 Comment Period</a></li> <li>• <a href="#">7 June 2007 Announcement</a></li> <li>• <a href="#">Comparison Document</a> [PDF, 13K]</li> <li>• <a href="#">28 June 2007 Telnic Response</a> [PDF, 56K]</li> </ul>

					<ul style="list-style-type: none"> <li>• <a href="#">19 October 2007 Announcement</a></li> <li>• <a href="#">19 October 2007 Comment Forum</a></li> <li>• <a href="#">Revised Appendix S, part VI</a> [PDF, 77K]</li> <li>• <a href="#">20 Nov 2007 Revised Appendix S, part VI</a> [PDF, 71K]</li> <li>• <a href="#">Preliminary Report of the Board 18 December 2007</a></li> </ul>
2007003	VeriSign, Inc.	.COM & .NET	DNS Update Service	Approved	<ul style="list-style-type: none"> <li>• <a href="#">22 Mar Notice of New Service</a> [PDF, 252K]</li> <li>• <a href="#">11 Apr Letter to VeriSign</a> [PDF, 237K]</li> <li>• <a href="#">ICANN Memo on DNS Update Service</a> [PDF, 29K]</li> </ul>
2007002	EmployMedia LLC	.JOBS	Release of Initially Reserved Two-Character Domain Names	Approved	<ul style="list-style-type: none"> <li>• <a href="#">.JOBS Proposal</a></li> <li>• <a href="#">28 Mar Letter to .JOBS</a> [PDF, 292K]</li> </ul>
2007001	Fundació puntCAT	.CAT	Domain name exceptions (release of UB.cat, UV.cat, UA.cat)	Approved	<ul style="list-style-type: none"> <li>• <a href="#">puntCAT Proposal</a></li> <li>• <a href="#">22 Sept 2006 email from .CAT</a></li> <li>• <a href="#">UB Domain Report</a></li> <li>• <a href="#">7 Mar Letter to .CAT</a></li> </ul>
2006004	Global Name Registry, LTD	.NAME	Limited Release of Initially Reserved Two-Character Names	Approved	<ul style="list-style-type: none"> <li>• <a href="#">GNR Proposal</a></li> <li>• <a href="#">DENIC Letter to ICANN</a></li> <li>• <a href="#">ICANN Letter to GNR</a></li> <li>• <a href="#">GNR Letter to ICANN</a></li> <li>• <a href="#">ICANN Letter to RSTEP</a></li> <li>• <a href="#">Public Comment RSTEP Report</a></li> <li>• <a href="#">6 December 2006 Announcement</a></li> <li>• <a href="#">Public Comment Forum</a></li> </ul>

					<ul style="list-style-type: none"> <li>• <a href="#">Board Resolution</a></li> </ul>
2006003	Public Interest Registry	.ORG	Excess Deletions Fee	Approved	<ul style="list-style-type: none"> <li>• <a href="#">PIR Request</a></li> <li>• <a href="#">ICANN Letter to PIR</a></li> <li>• <a href="#">PIR Reply</a></li> <li>• <a href="#">Letter from Paul Riedl to ICANN</a></li> <li>• <a href="#">Letter from Edward Viltz to Vint Cerf</a></li> <li>• <a href="#">Board Resolution 22 Feb 2007</a></li> <li>• <a href="#">Announcement on Amendment</a></li> <li>• <a href="#">Proposed Amended Appendices</a></li> <li>• <a href="#">Correspondence from PIR 1 March 2007</a></li> </ul>
2006002	NeuLevel, Inc.	.BIZ	Bulk Transfer of Partial Portfolio	Approved	<ul style="list-style-type: none"> <li>• <a href="#">NeuLevel Request</a></li> <li>• <a href="#">ICANN Letter to Neulevel</a></li> <li>• <a href="#">Board Resolution</a></li> <li>• <a href="#">8 June 2007 Announcement</a></li> </ul>
2006001	Tralliance Corporation	.TRAVEL	search.travel	Not Approved	<ul style="list-style-type: none"> <li>• <a href="#">Tralliance Request</a></li> <li>• <a href="#">ICANN Letter to SSAC</a></li> <li>• <a href="#">SSAC Reply</a></li> <li>• <a href="#">ICANN Letter to Tralliance</a></li> <li>• <a href="#">Tralliance Letter to ICANN</a></li> <li>• <a href="#">ICANN Letter to RSTEP</a></li> <li>• <a href="#">Public Comment</a></li> <li>• <a href="#">RSTEP Report</a></li> <li>• <a href="#">Public Comment</a></li> <li>• <a href="#">Board Resolution</a></li> <li>• <a href="#">Letter to ICANN Board</a></li> <li>• <a href="#">ICANN Comment Regarding Process</a></li> </ul>

## 1.4.2 Registry Services Workflow

<http://www.icann.org/registries/rsep/workflow.html>



1.5.1 November 2007 Announcement on  
Implementation of Registrar Data Escrow  
program

<http://www.icann.org/announcements/announcement-2-09nov07.htm>

## Implementation of Registrar Data Escrow Program

9 November 2007

ICANN has concluded negotiations and entered into an agreement with Iron Mountain Intellectual Property Management, Inc. to provide escrow services under ICANN's Registrar Data Escrow (RDE) program. ICANN selected Iron Mountain through a competitive Request for Proposals process concluded earlier this year.

Under the data escrow provision of the Registrar Accreditation Agreement (RAA), all ICANN-accredited registrars must regularly deposit a backup copy of their gTLD registration data with ICANN through ICANN's arrangement with Iron Mountain or they may elect to use a Third Party Provider of RDE services that has been approved by ICANN. The data held in escrow may be released to ICANN upon termination of a registrar's accreditation agreement or expiration of the accreditation agreement without renewal to facilitate transfer of registrations from the failed registrar to another registrar. ICANN plans to have all accredited registrars enrolled in the RDE program within the next six months.

"The vast majority of ICANN-accredited registrars offer high levels of service and integrity," said Dr. Paul Twomey, ICANN's President and CEO. "But as we have seen, there is the risk that a poorly performing registrar can hurt registrants significantly. ICANN's Registrar Data Escrow program provides an important additional layer of protection for registrants."

ICANN and Iron Mountain will begin enrolling registrars in the RDE program immediately. Registrars who elect to use Iron Mountain's escrow service will be required to enter into [a standardized agreement with ICANN and Iron Mountain](#) [PDF, 49K]. Escrow agents who wish to apply for approval as a Third Party Provider (TPP) should review [ICANN's TPP Approval Criteria](#) [PDF, 21K] and [TPP Approval Process Diagram](#) [PDF, 121K], and submit a completed TPP Application [[PDF](#), 21K, [MS Word](#), 61K] to ICANN. All registrars and escrow agents must comply with [ICANN's RDE Specifications](#) [PDF, 33K].

## 1.6.1 IANA Statistics for IETF-related Requests - introduction

<http://beta.iana.org/about/performance/ietf-statistics/archive/2007-11/>



Internet Assigned Numbers Authority

[Domains](#)

[Numbers](#)

[Protocols](#)

[About IANA](#)

IETF Processing Report

**November 2007**

Due to the nature of resource request reviews, ICANN/IANA and the IETF community are jointly responsible for cooperatively managing the resource request process. ICANN/IANA has control over the functions it performs directly, e.g ., receiving requests, making sure they are syntactically and semantically sensible, forwarding the requests to Designated Experts where appropriate, creating and modifying the registries, etc. The IETF community has direct or indirect control over functions performed by third parties, including IESG Designated Experts, the IESG, the IAB, the RFC Editor, and the requester. As such, the processing of requests has a “gross processing time” calendar days goal established for each function and a “net processing time” calendar days goal to reflect time expended directly by ICANN/IANA.

The statistics below are offered to measure IANA’s fulfillment of the goals established in the ICANN / IANA - IETF MoU Supplemental Agreement. Further details on these goals and statistics can be found by reviewing [the agreement](#).

[View PDF Report](#)

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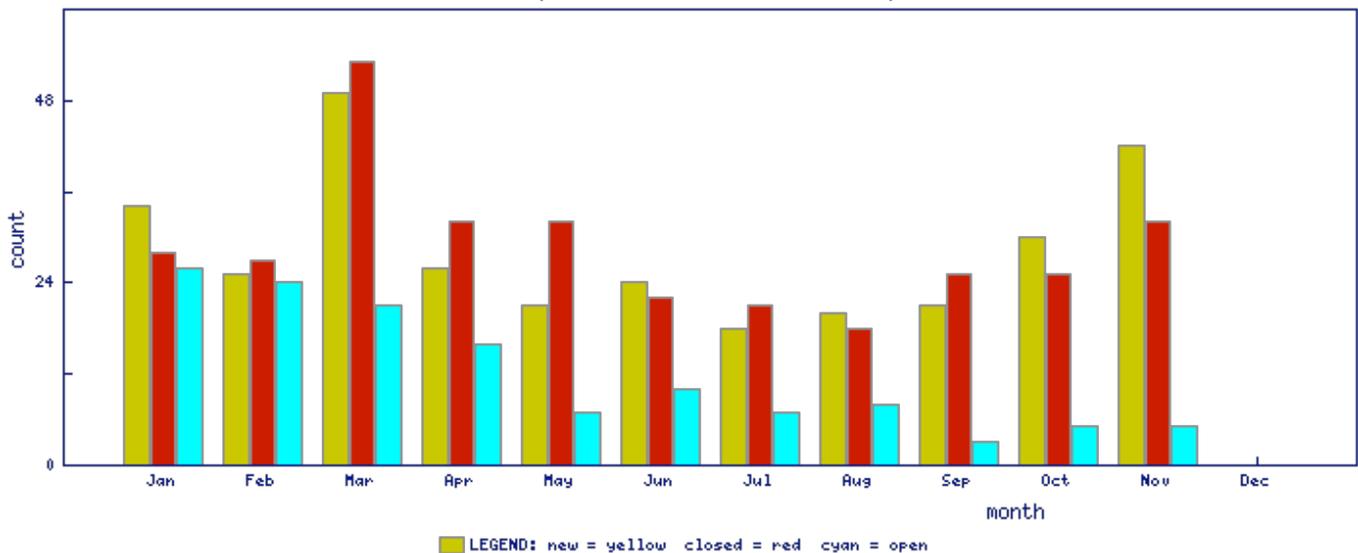
[TRIP Registry](#)

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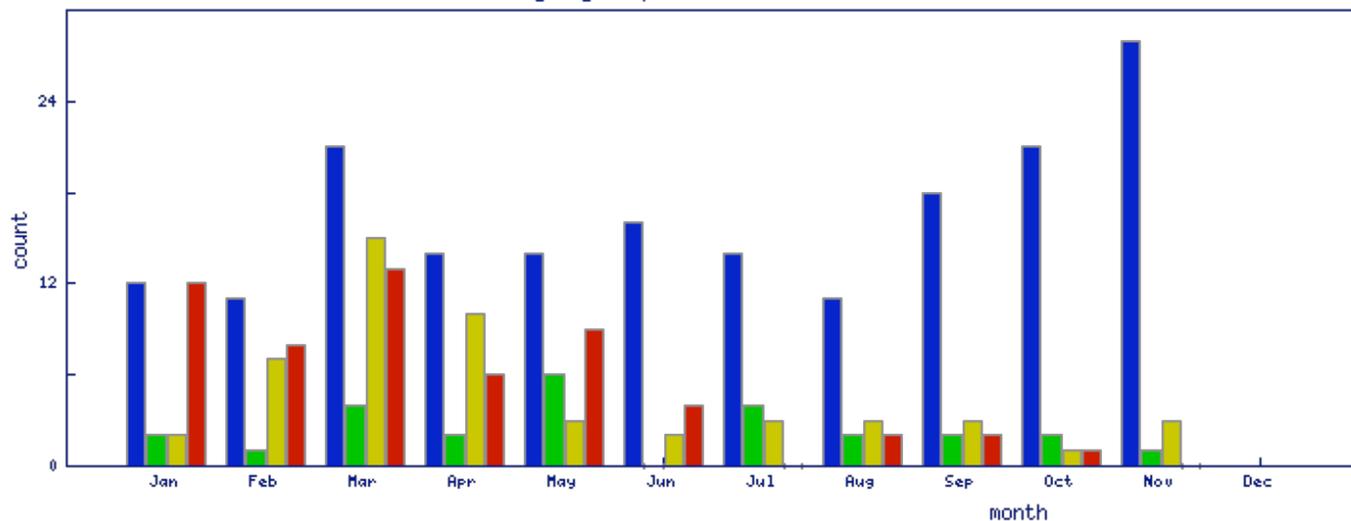
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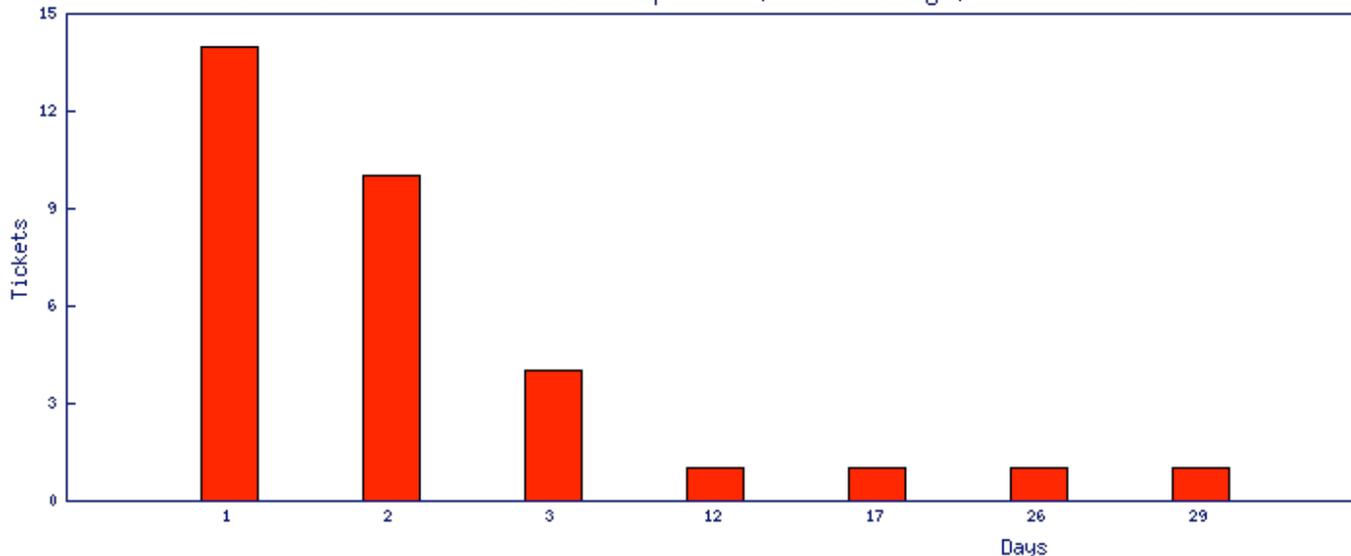
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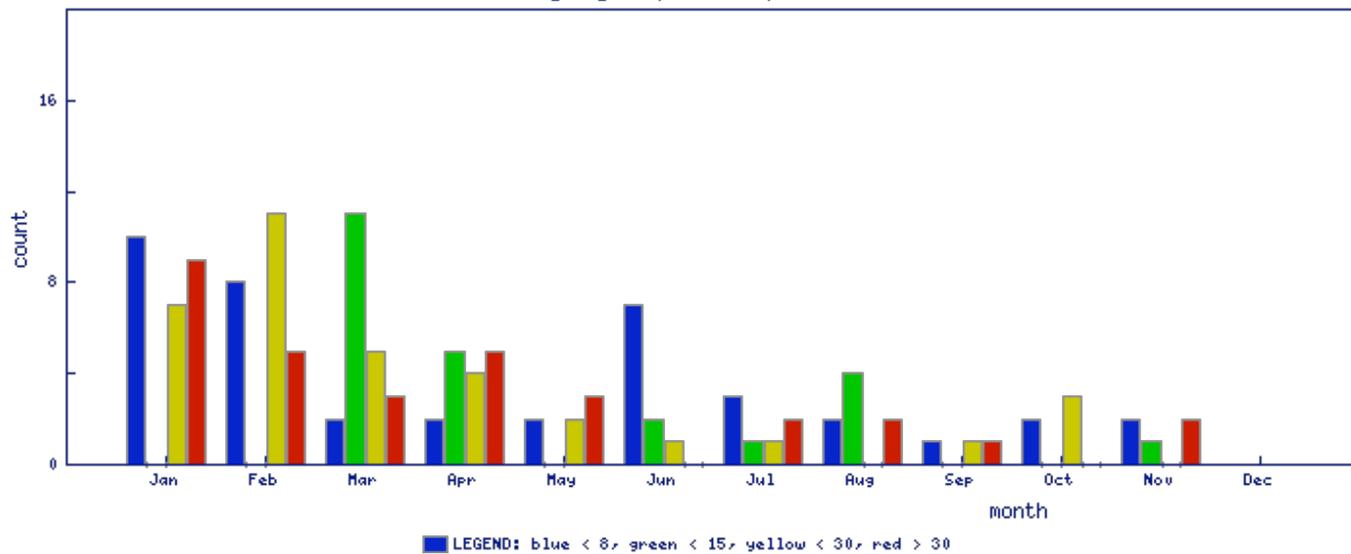
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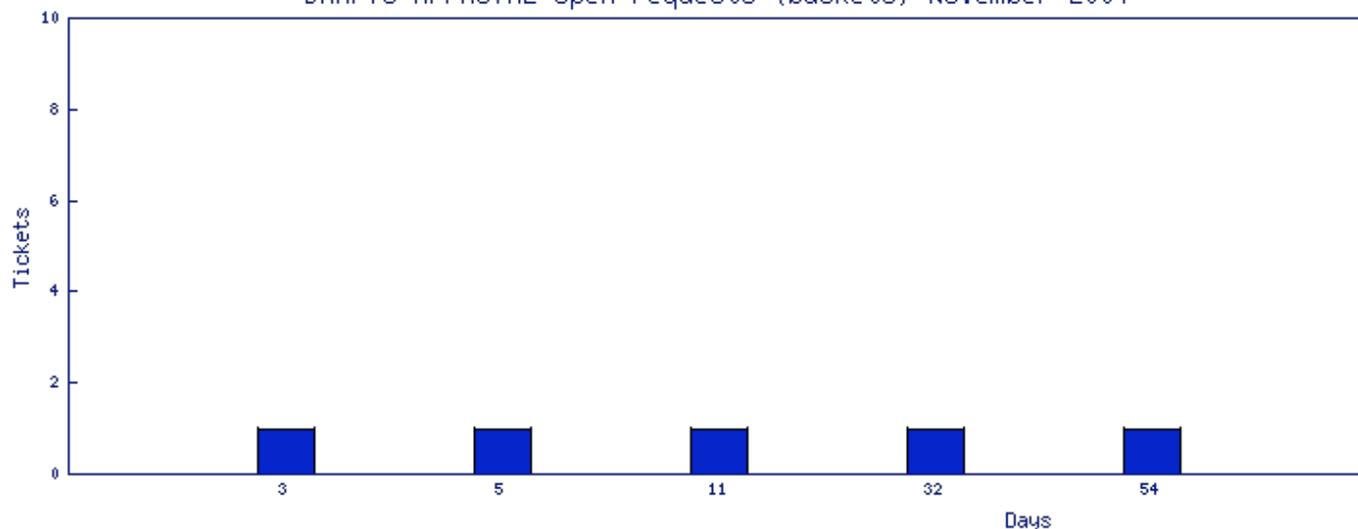
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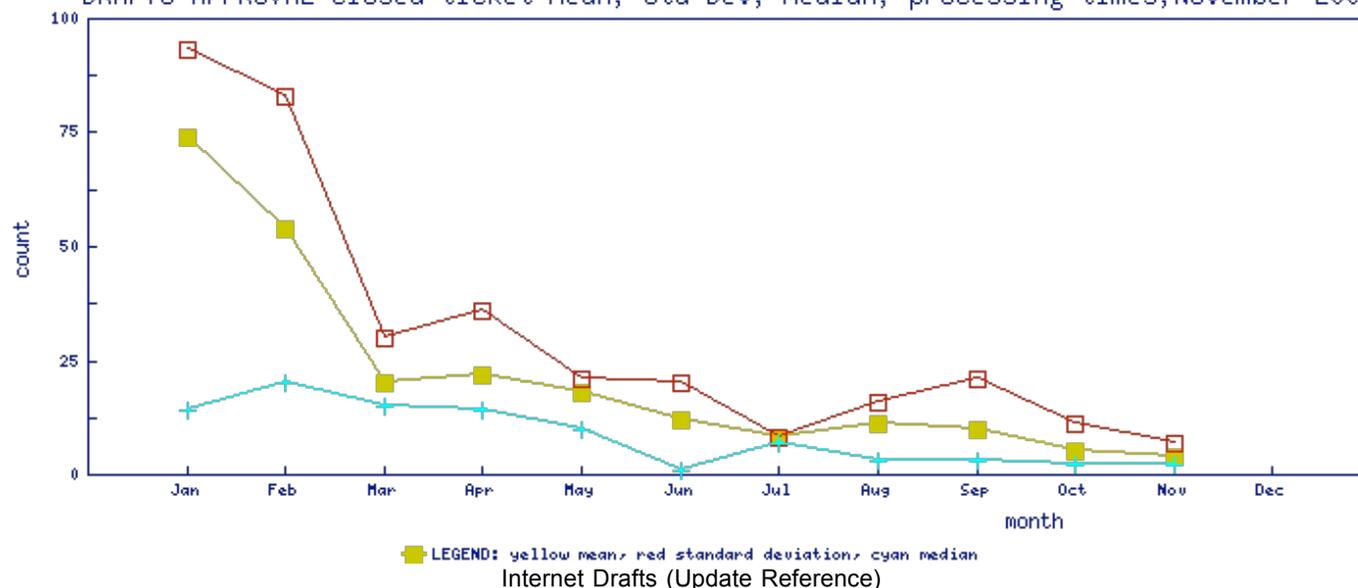
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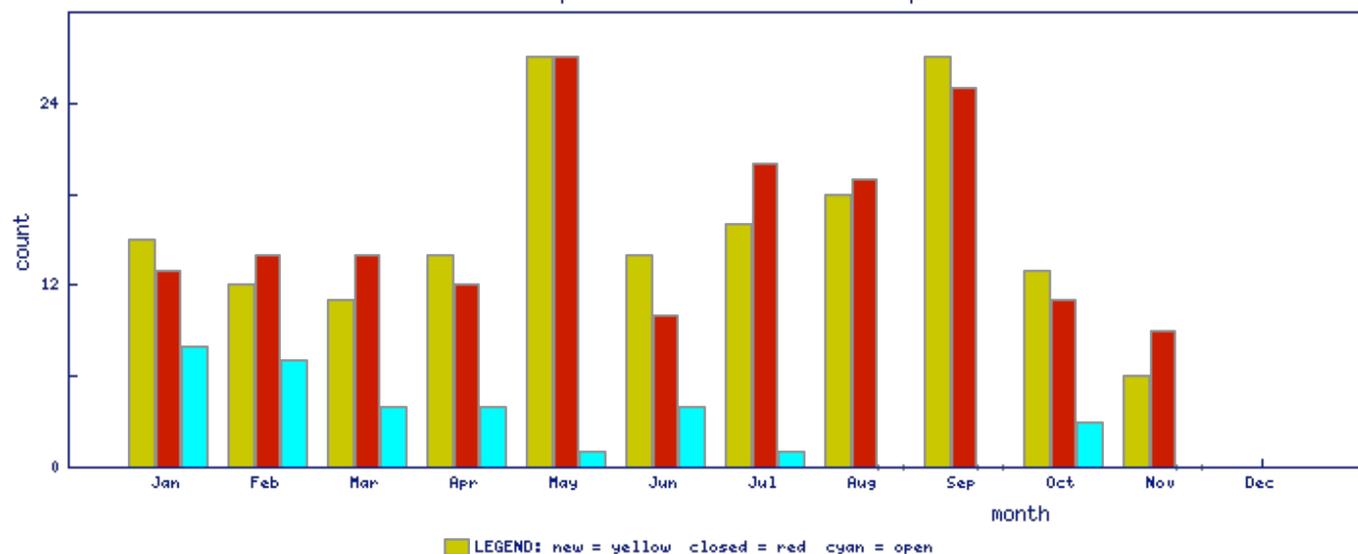
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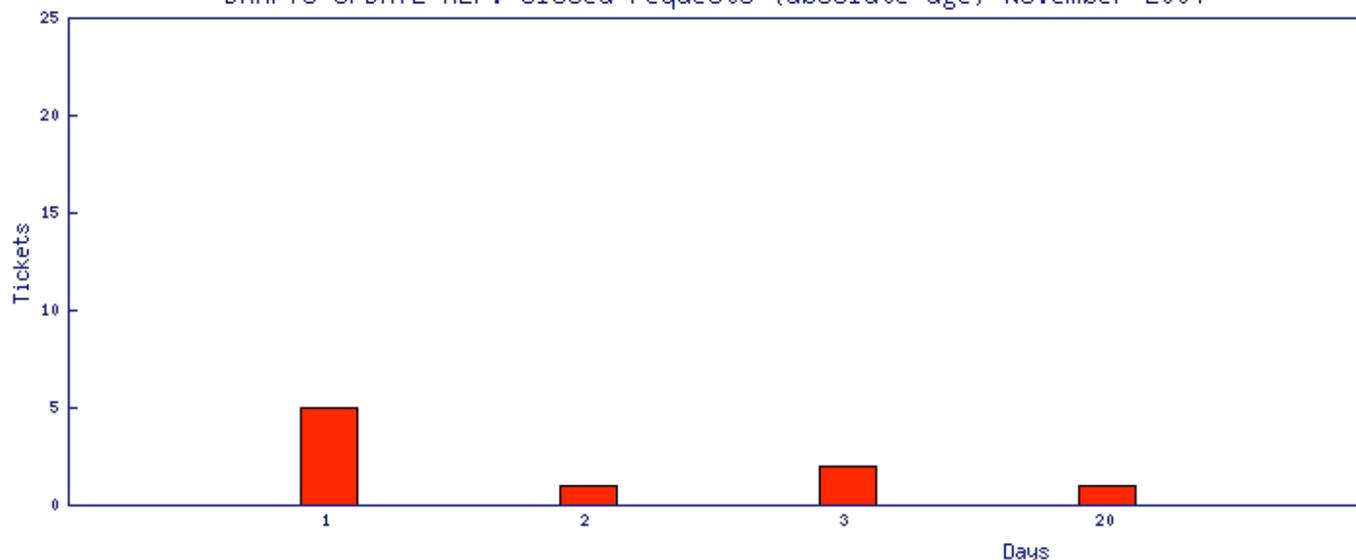
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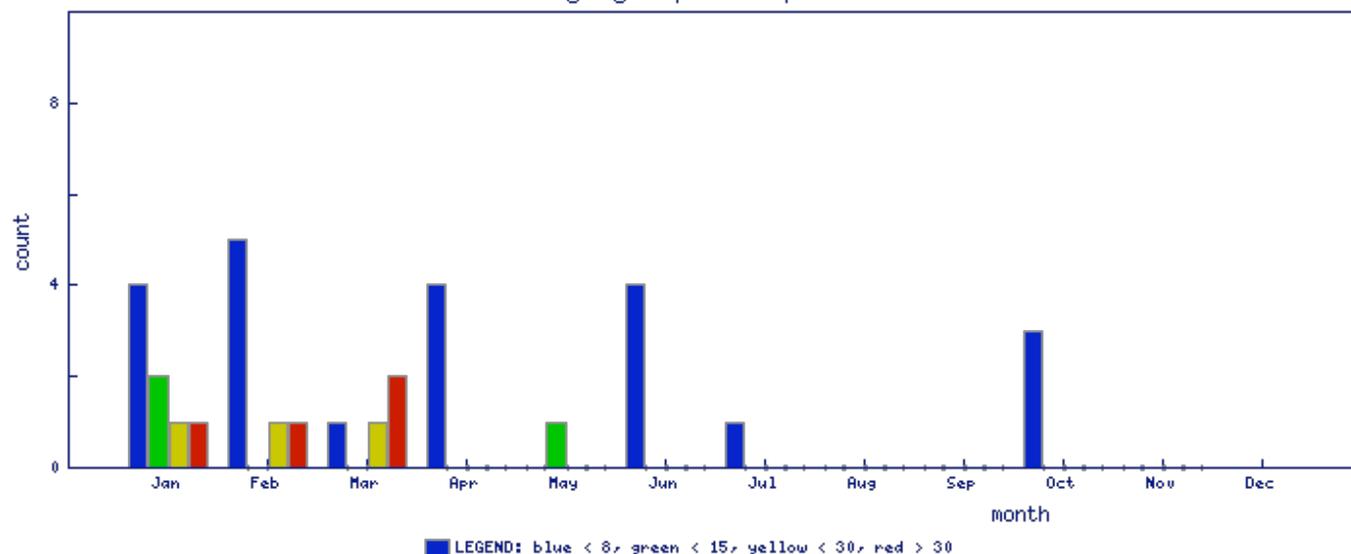
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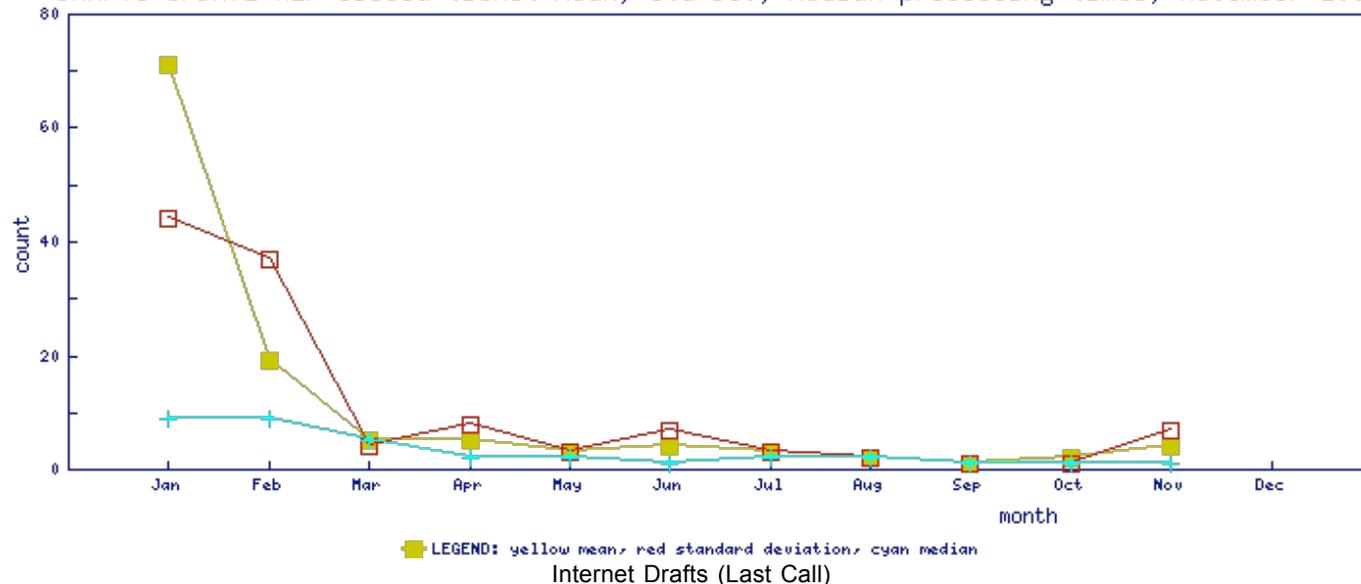
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DRAFTS-UPDATE-REF: Age groups of open tickets November 2007

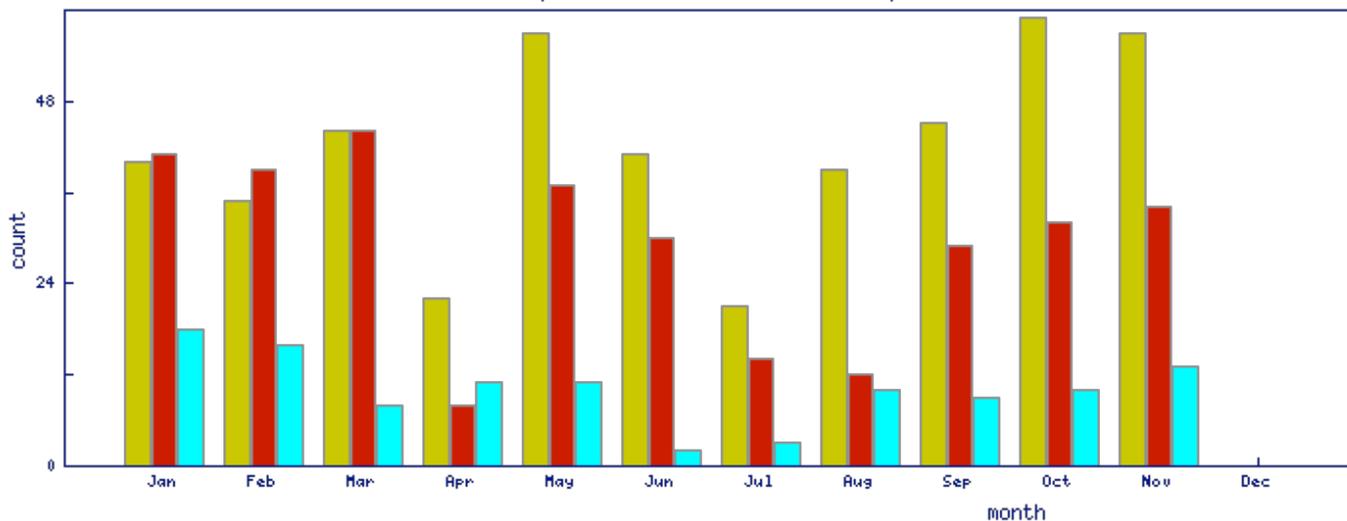


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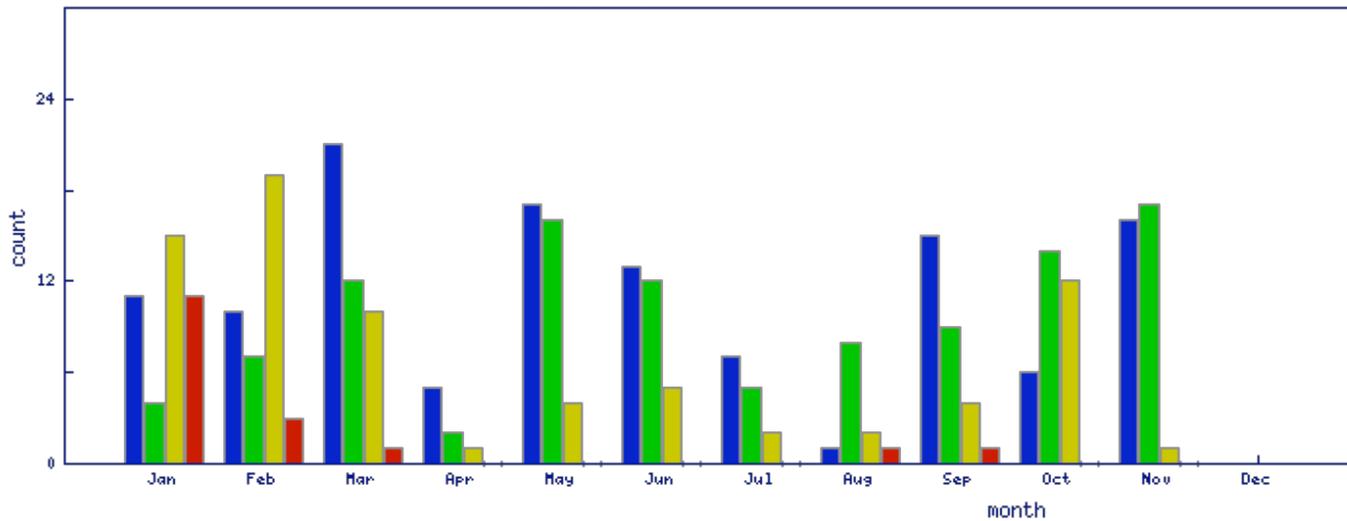


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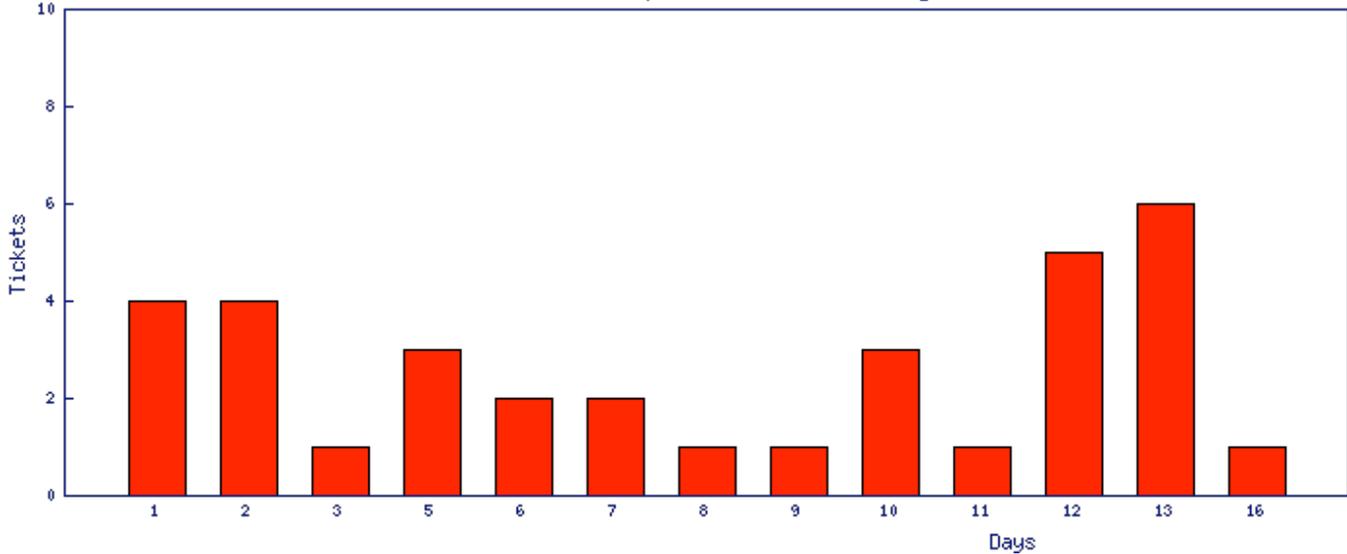
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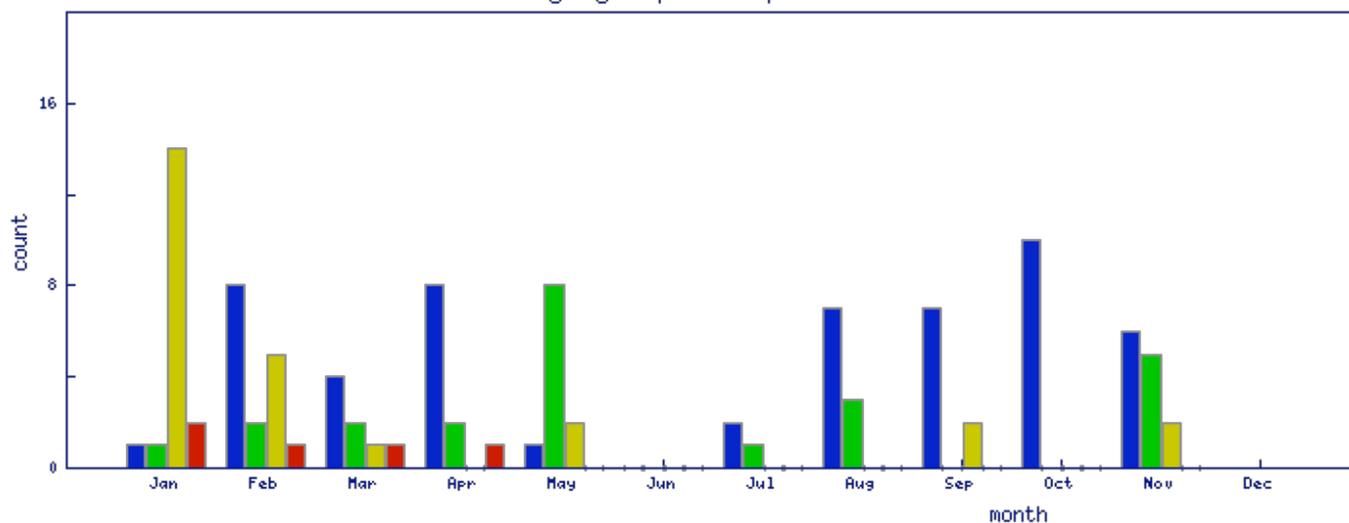
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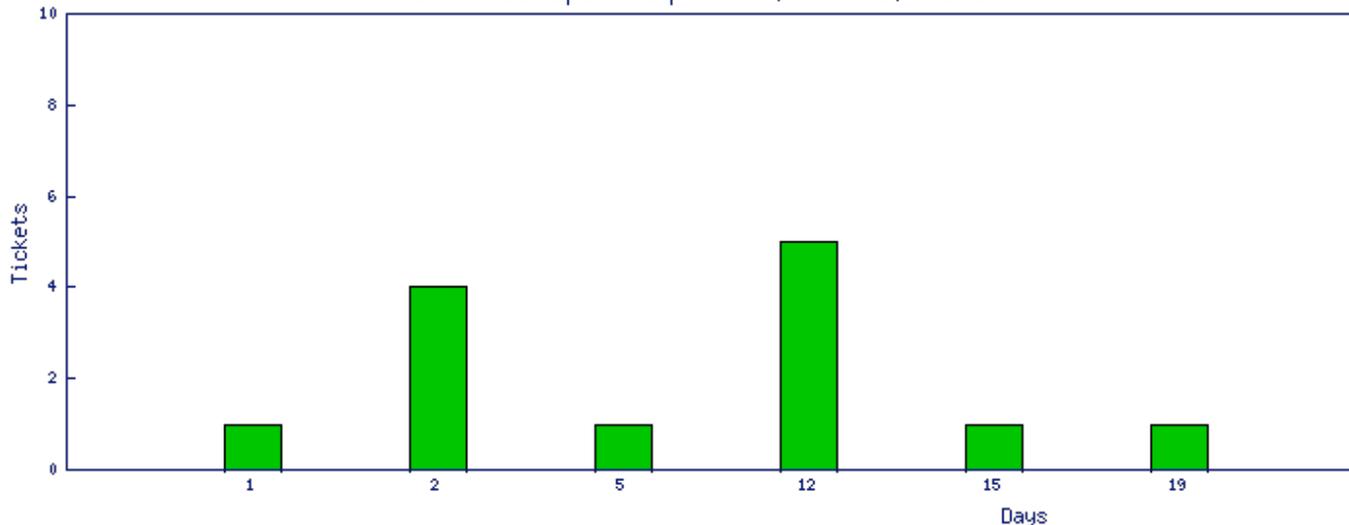
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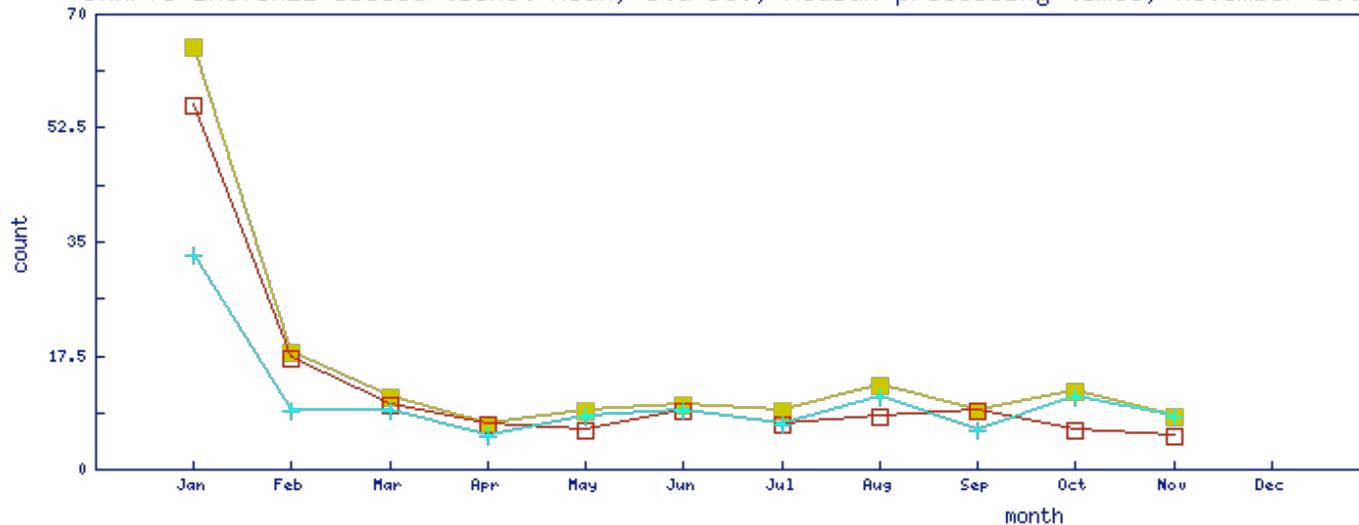
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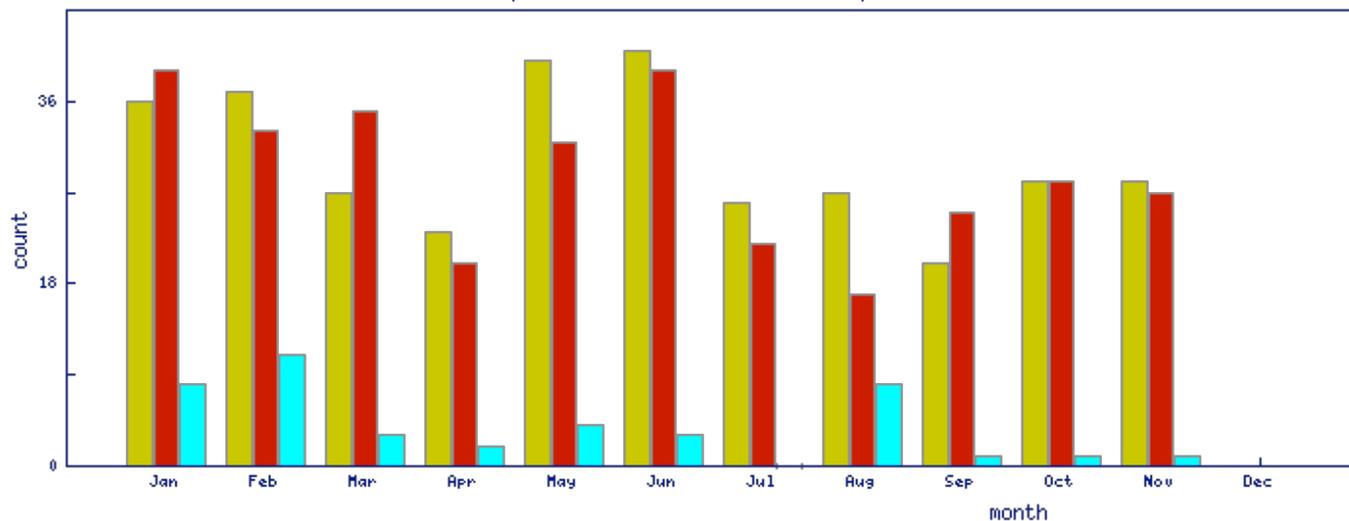


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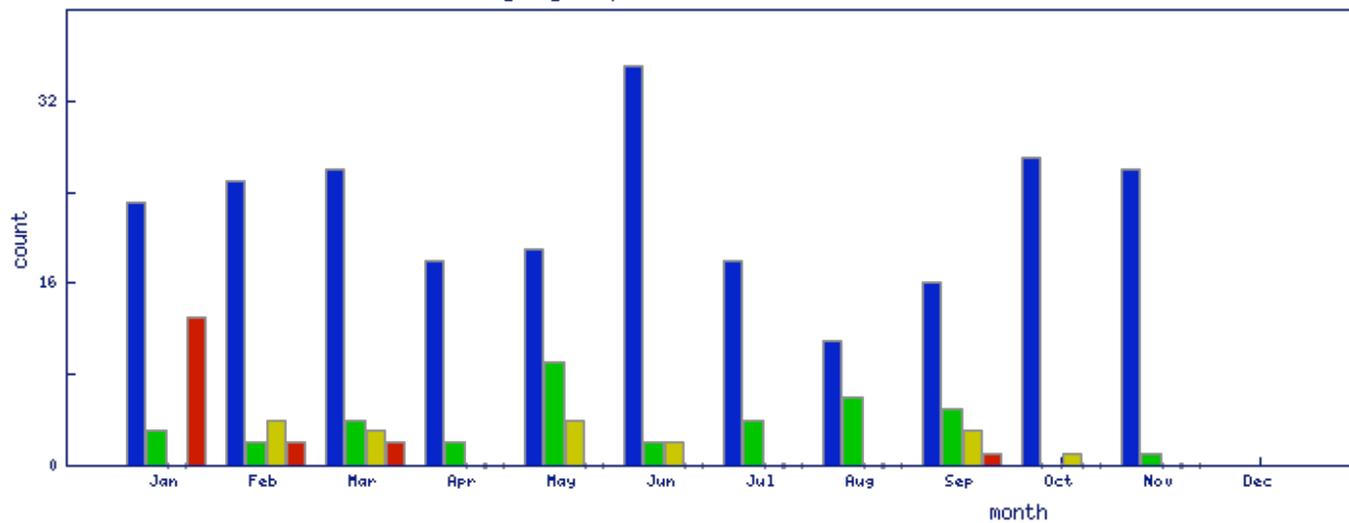


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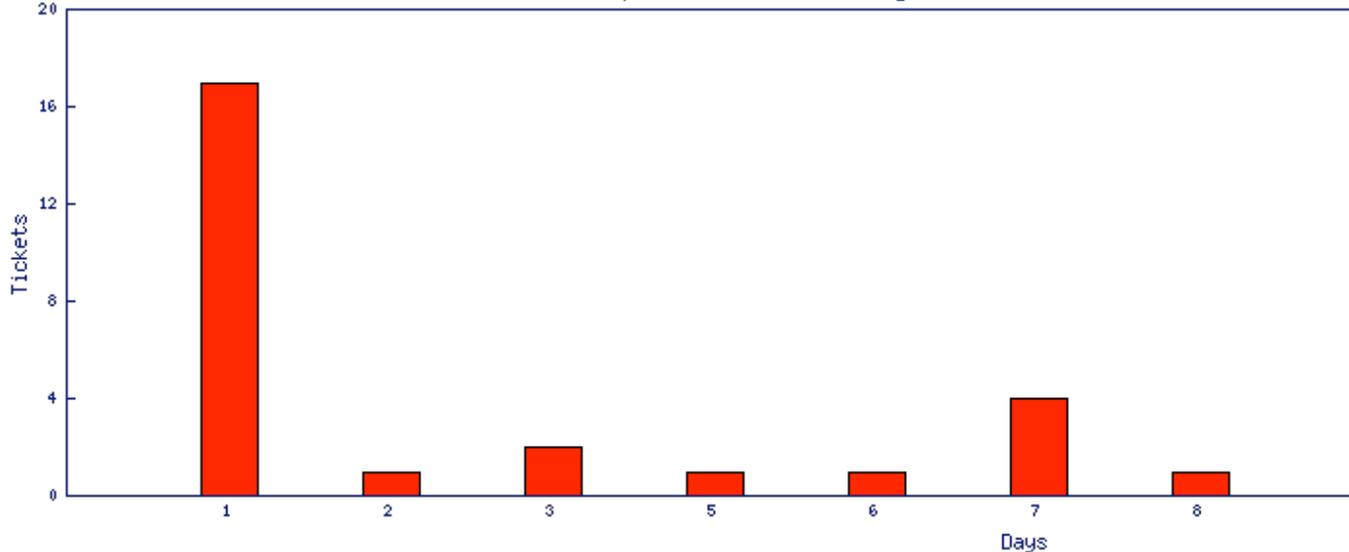
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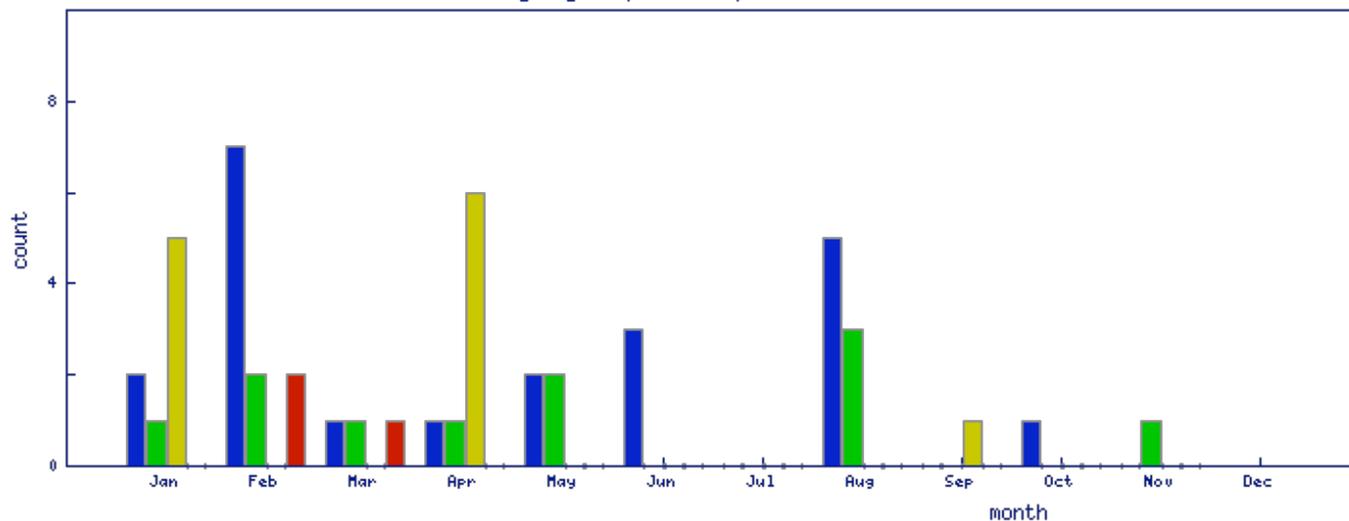
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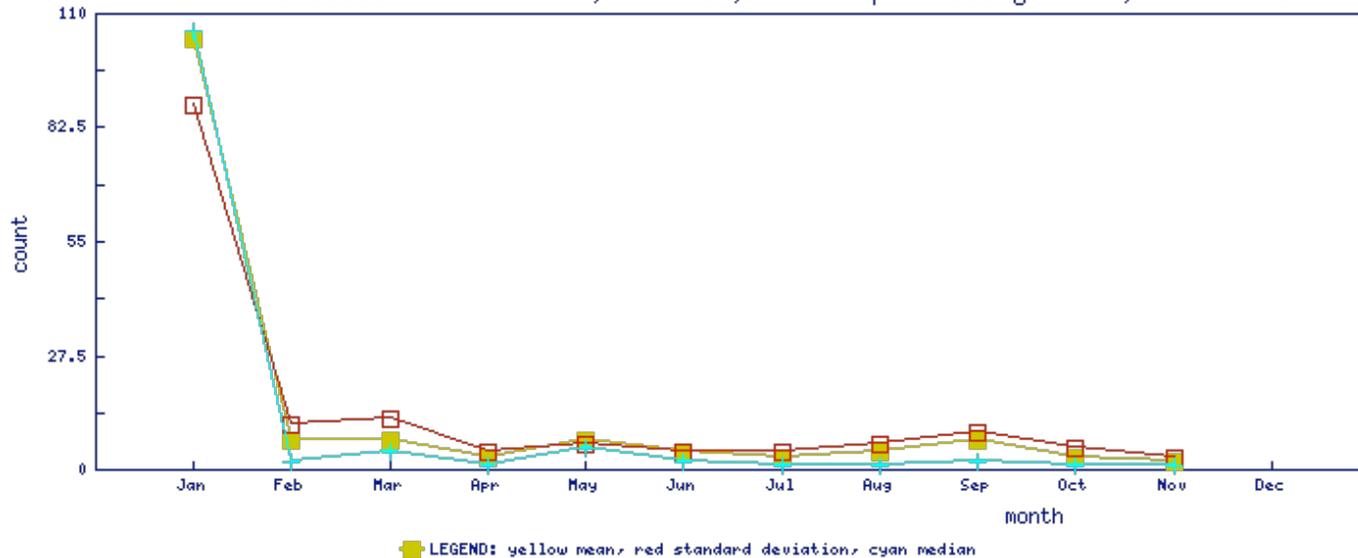
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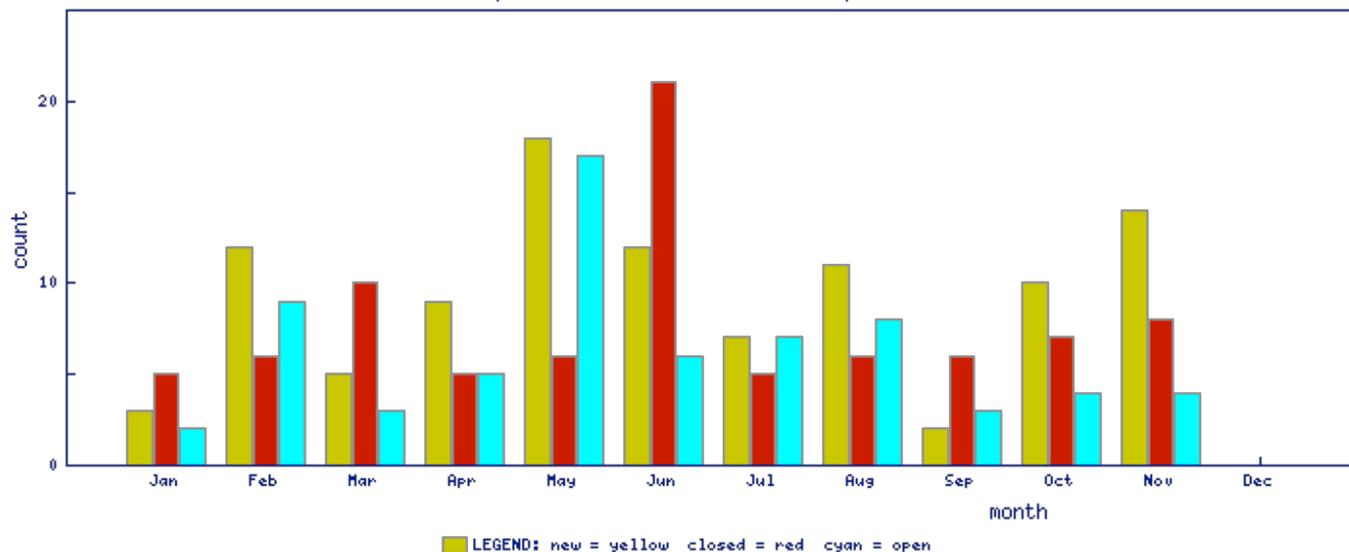
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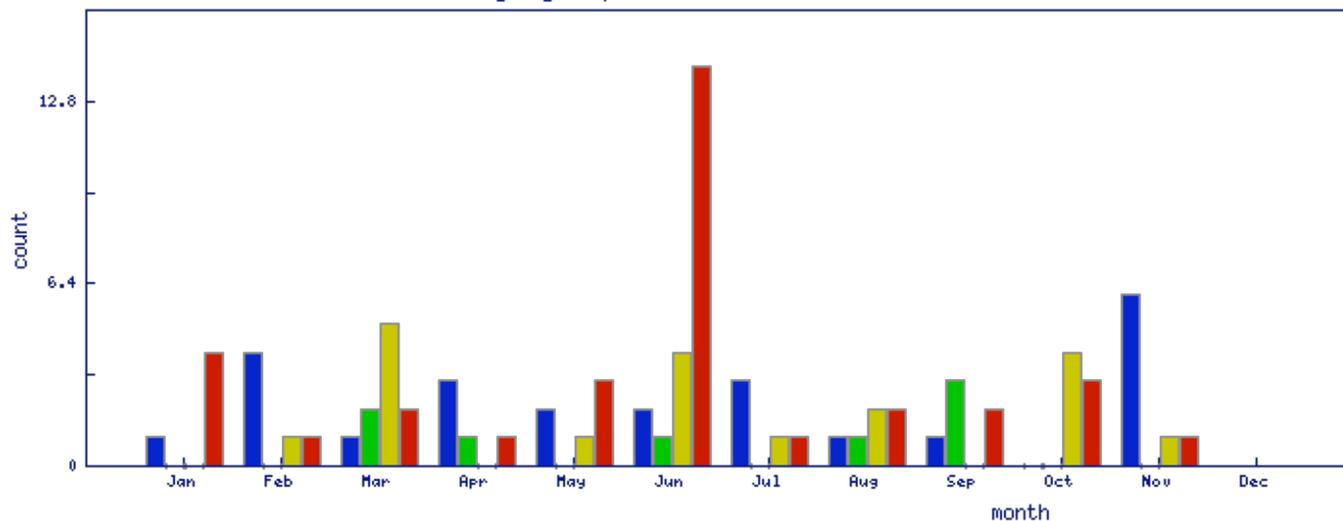
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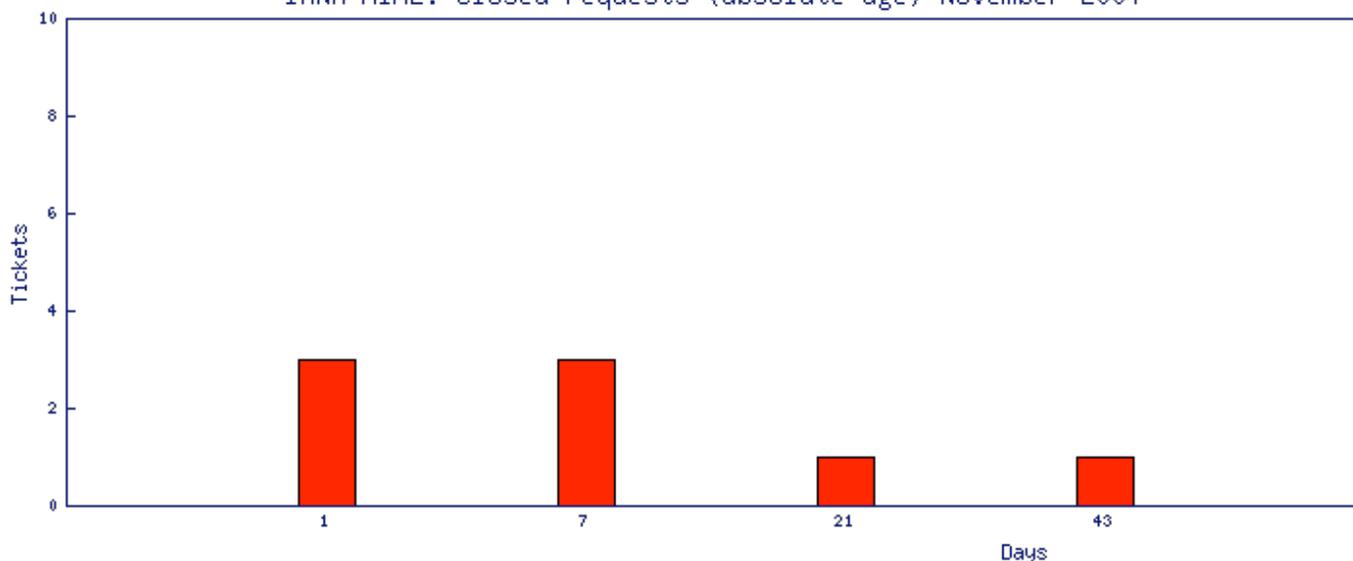
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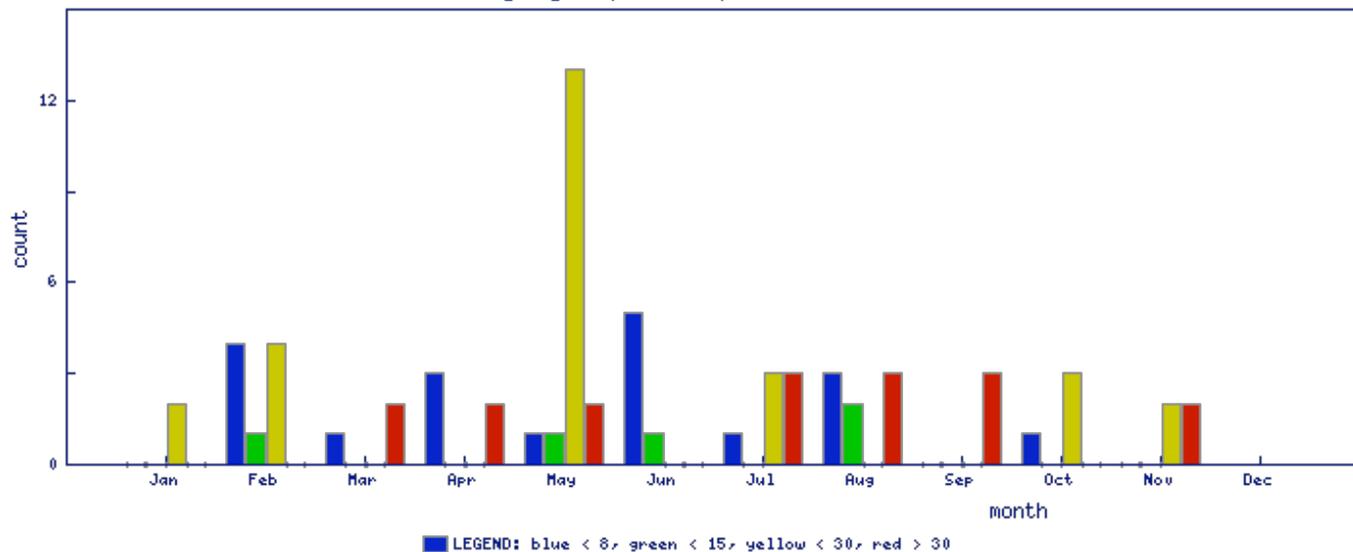
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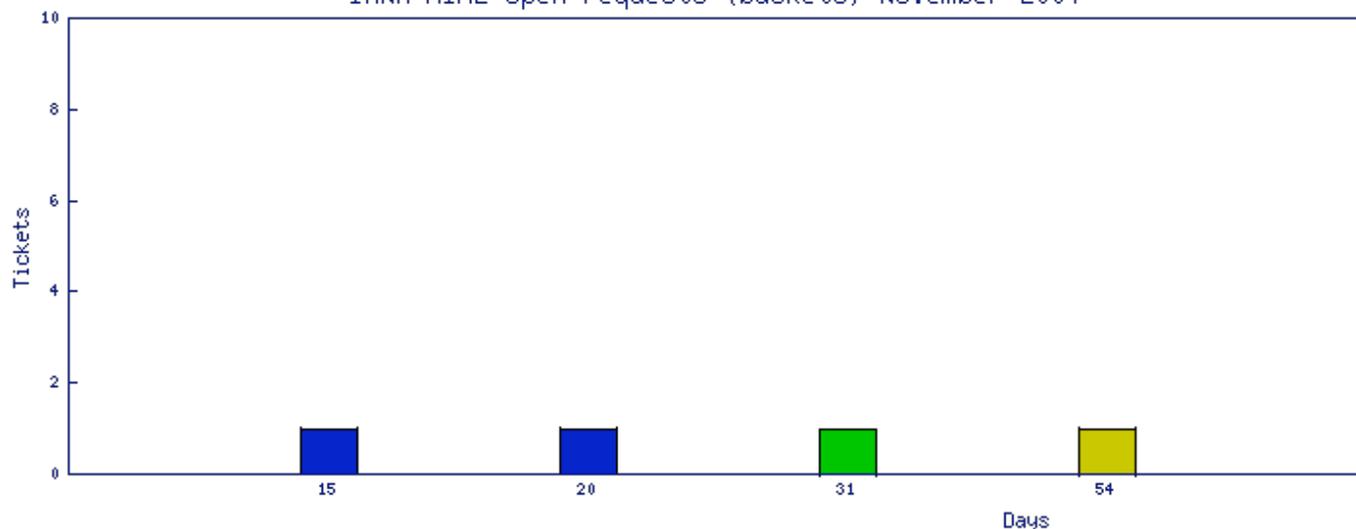
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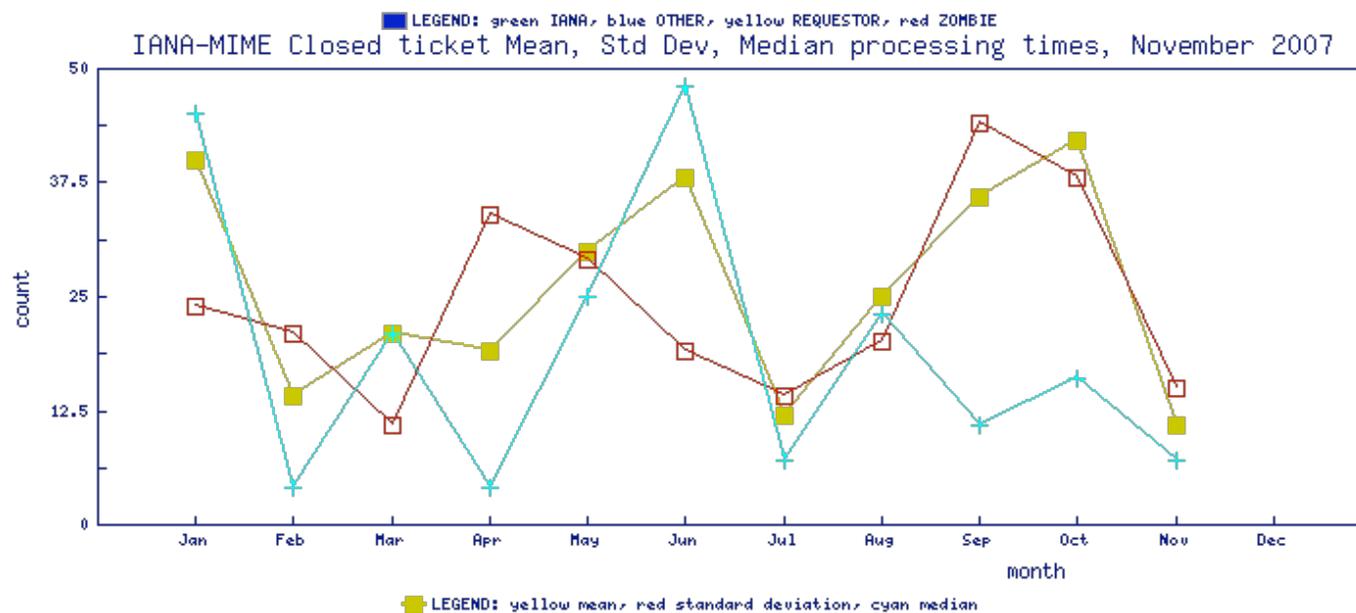
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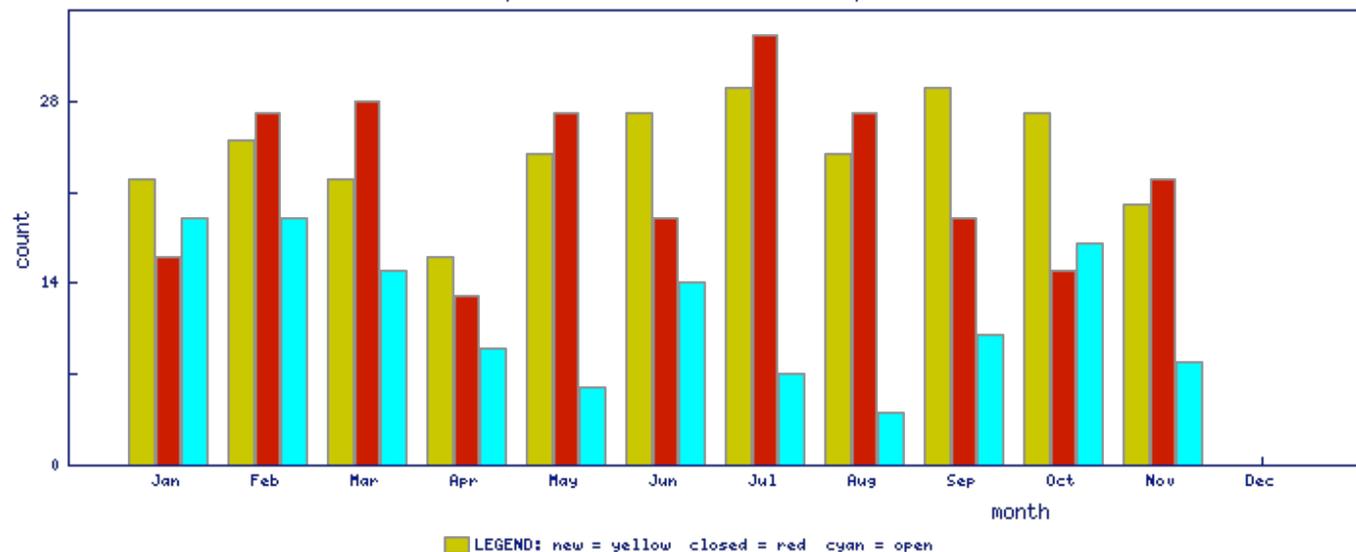
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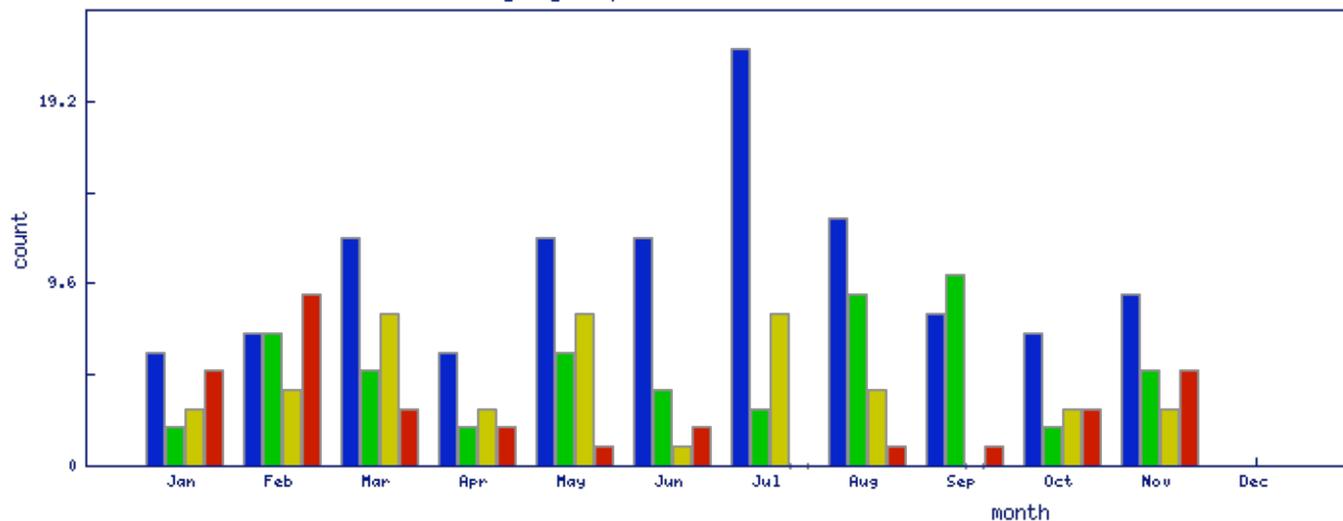
IANA-MIME Closed ticket Mean, Std Dev, Median processing times, November 2007



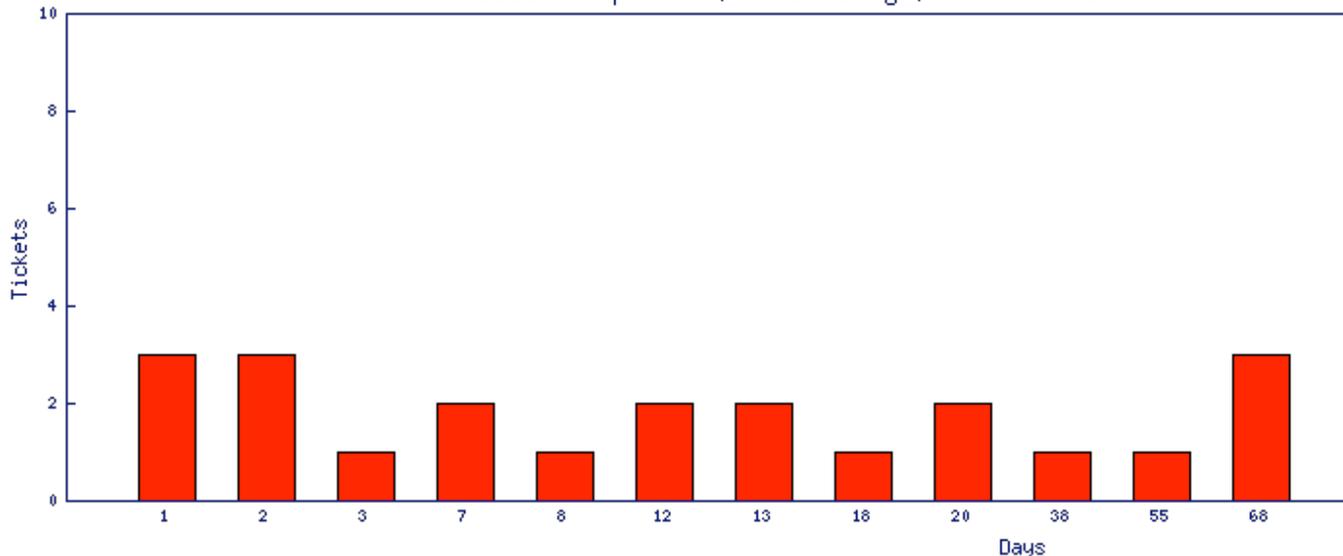
Port Assignments  
IANA-PORTS: Requests Created/Closed/Opened November 2007



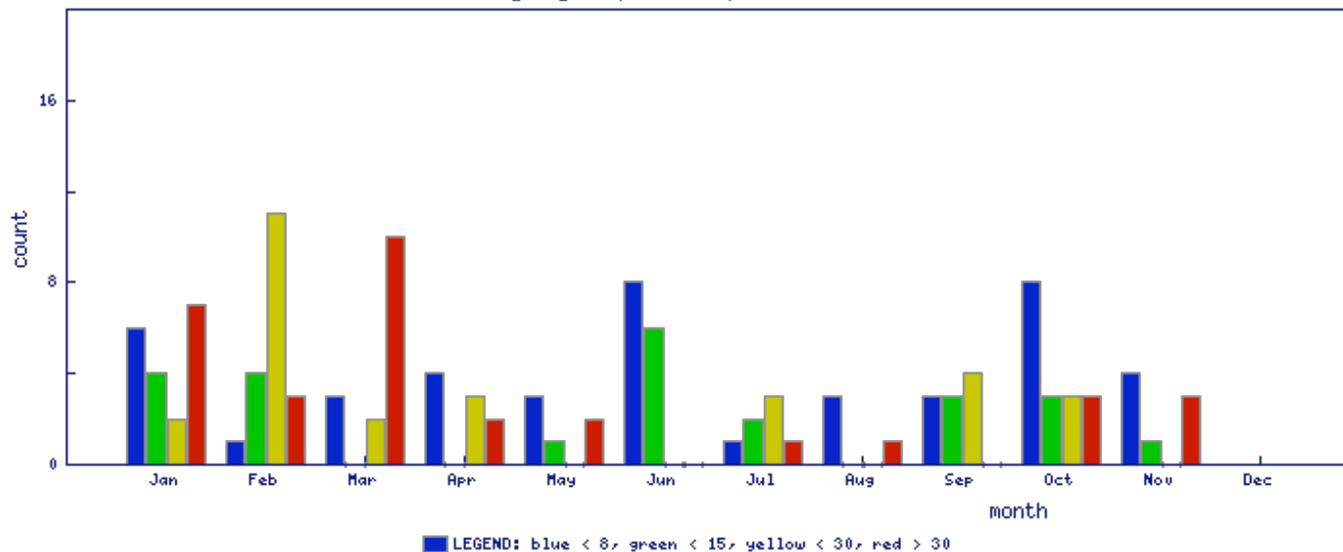
IANA-PORTS: Age groups of closed tickets November 2007



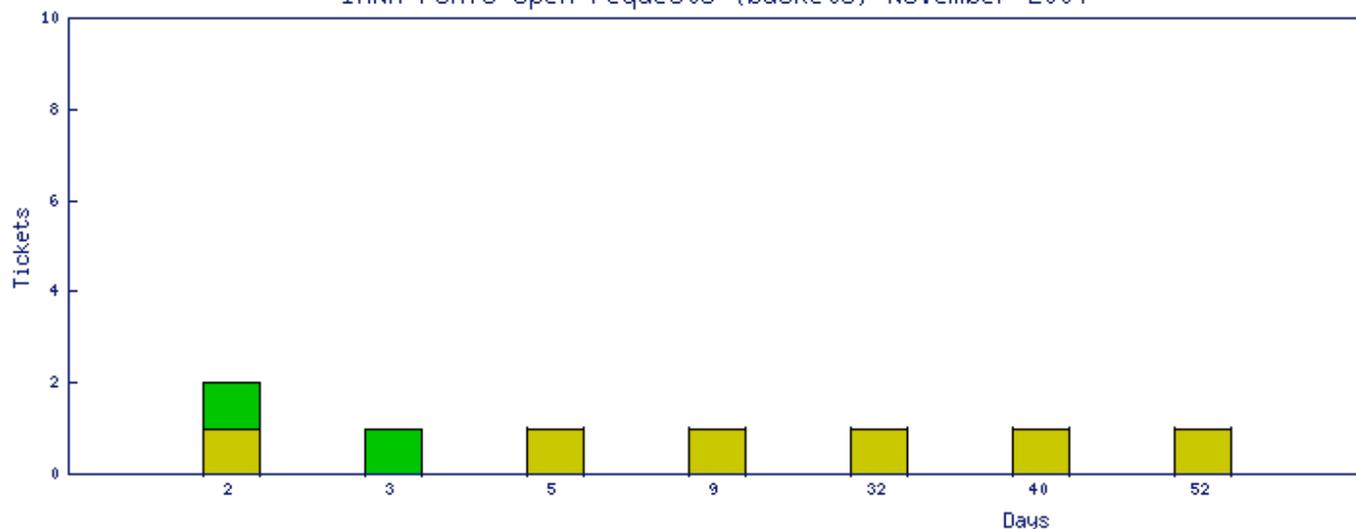
IANA-PORTS: Closed requests (absolute age) November 2007



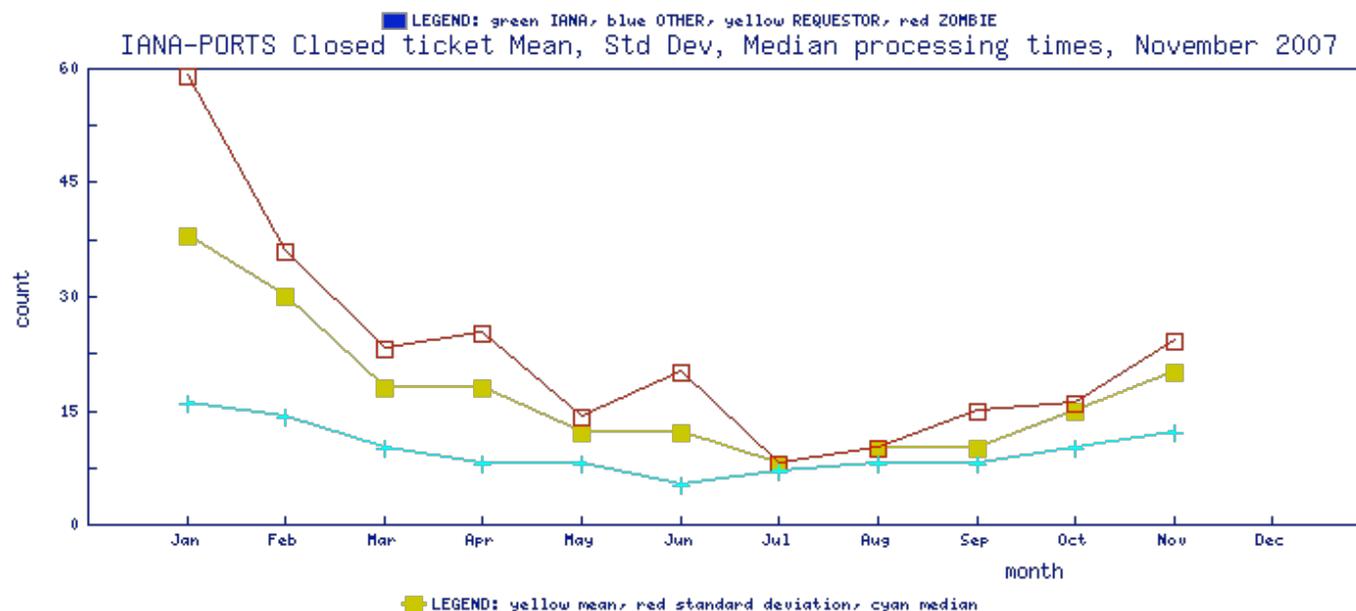
IANA-PORTS: Age groups of open tickets November 2007



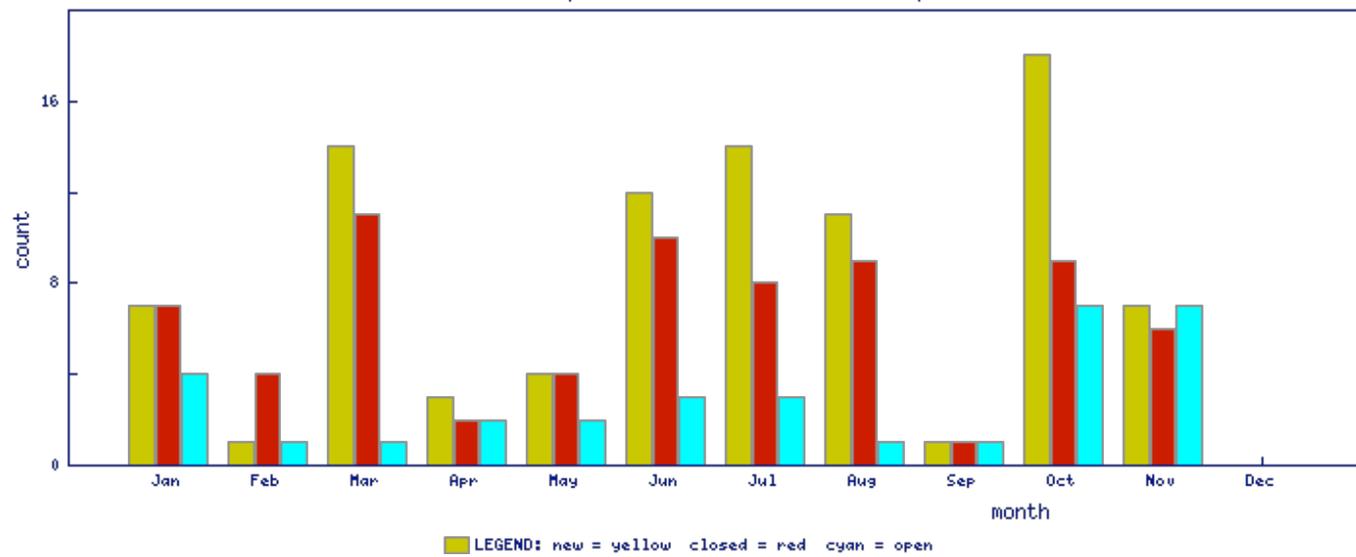
IANA-PORTS Open requests (buckets) November 2007



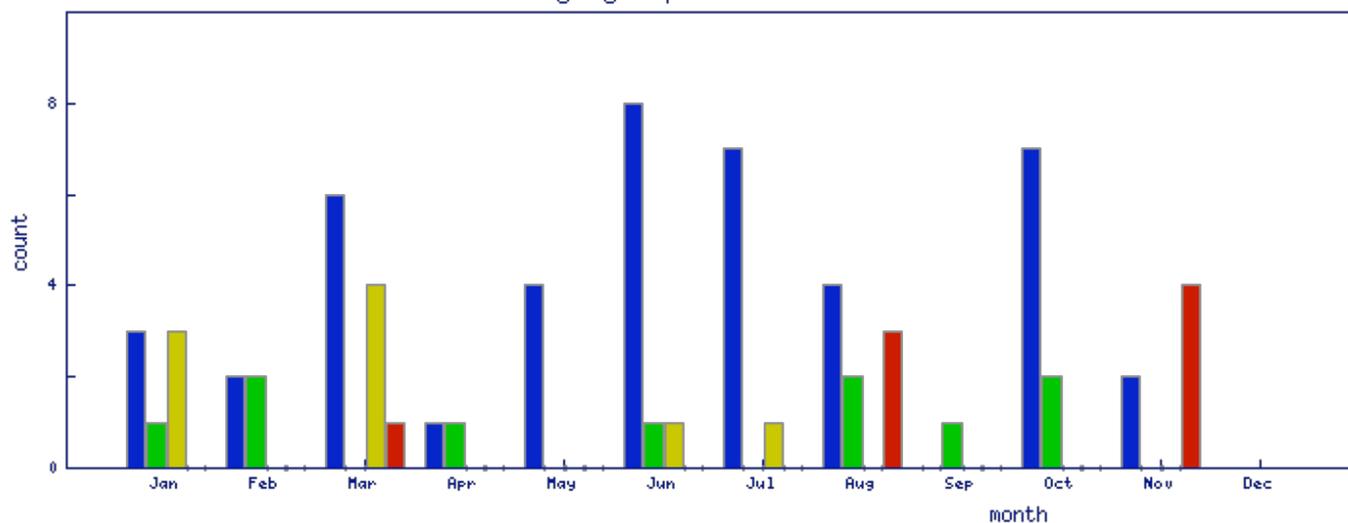
IANA-PORTS Closed ticket Mean, Std Dev, Median processing times, November 2007



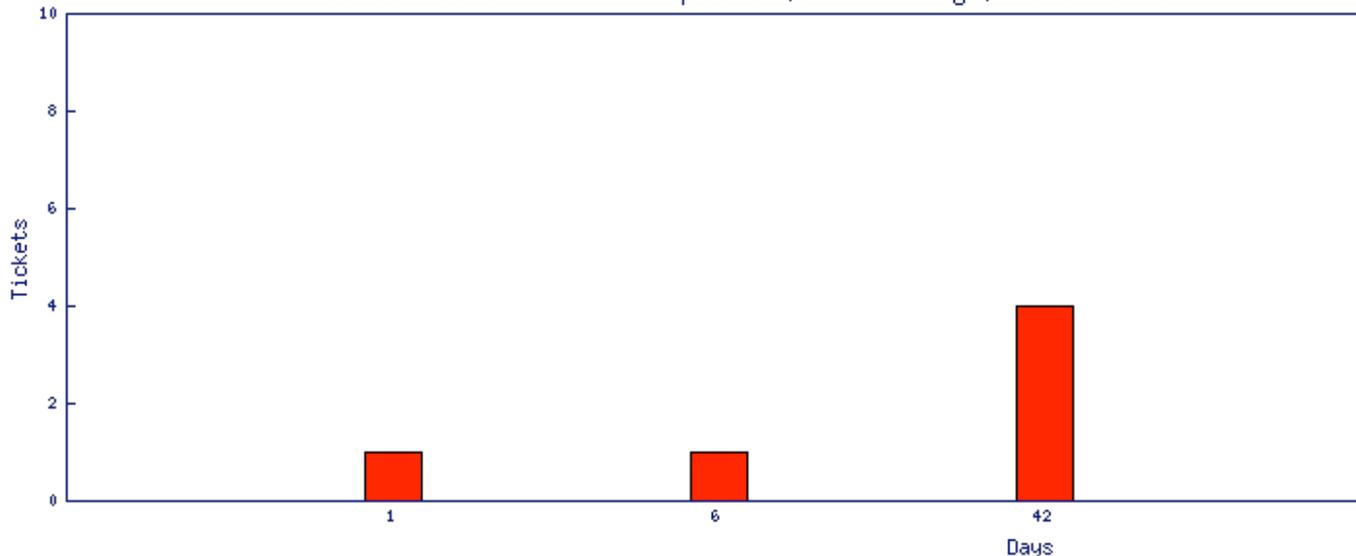
Port Modifications: Requests Created/Closed/Opened November 2007



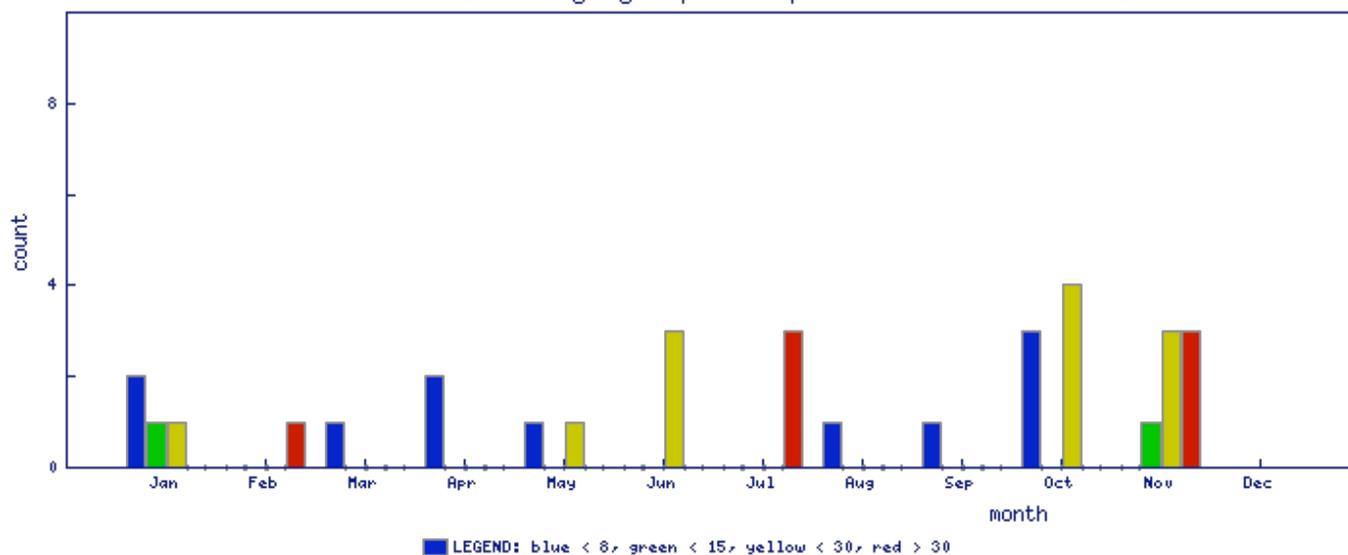
PORT-MODIFICATIONS: Age groups of closed tickets November 2007



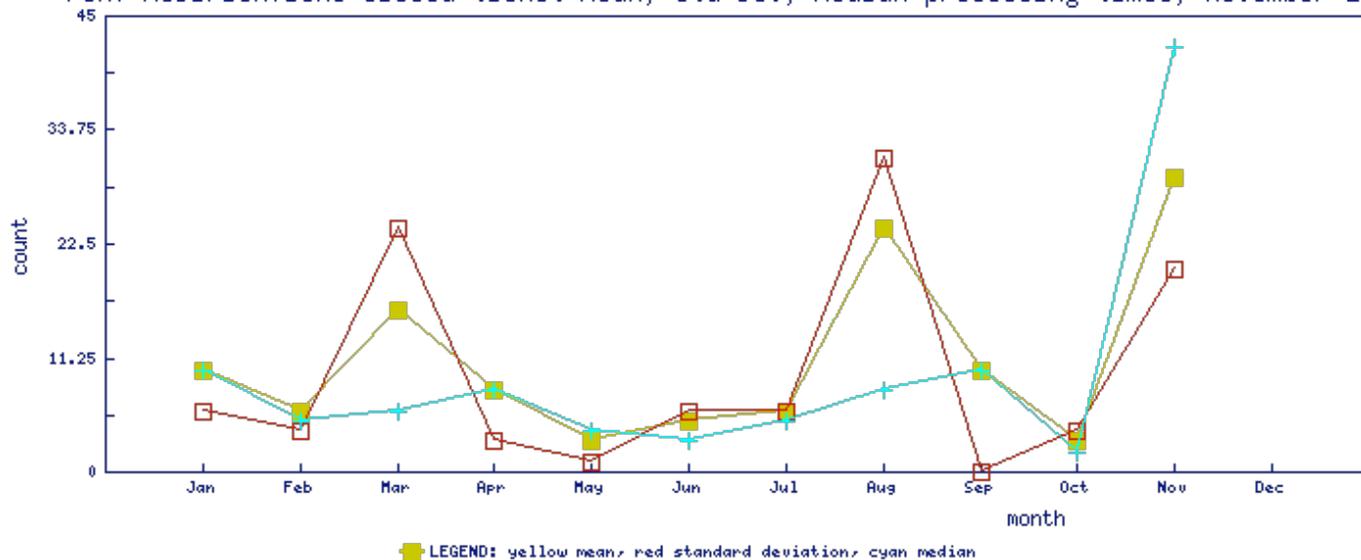
PORT-MODIFICATIONS: Closed requests (absolute age) November 2007



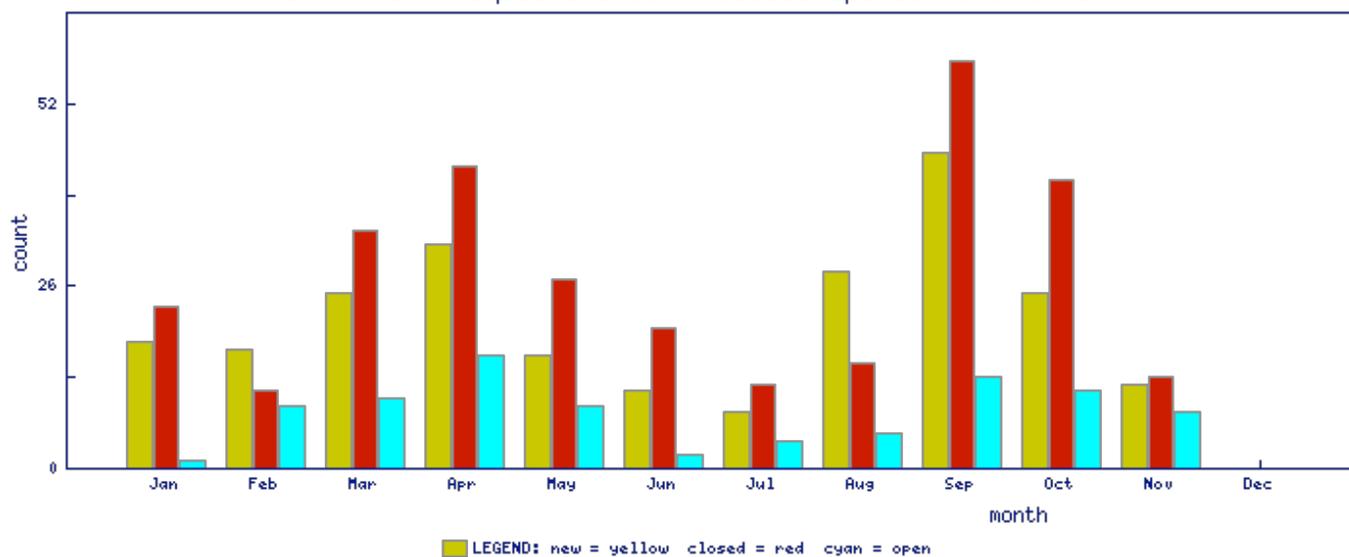
PORT-MODIFICATIONS: Age groups of open tickets November 2007



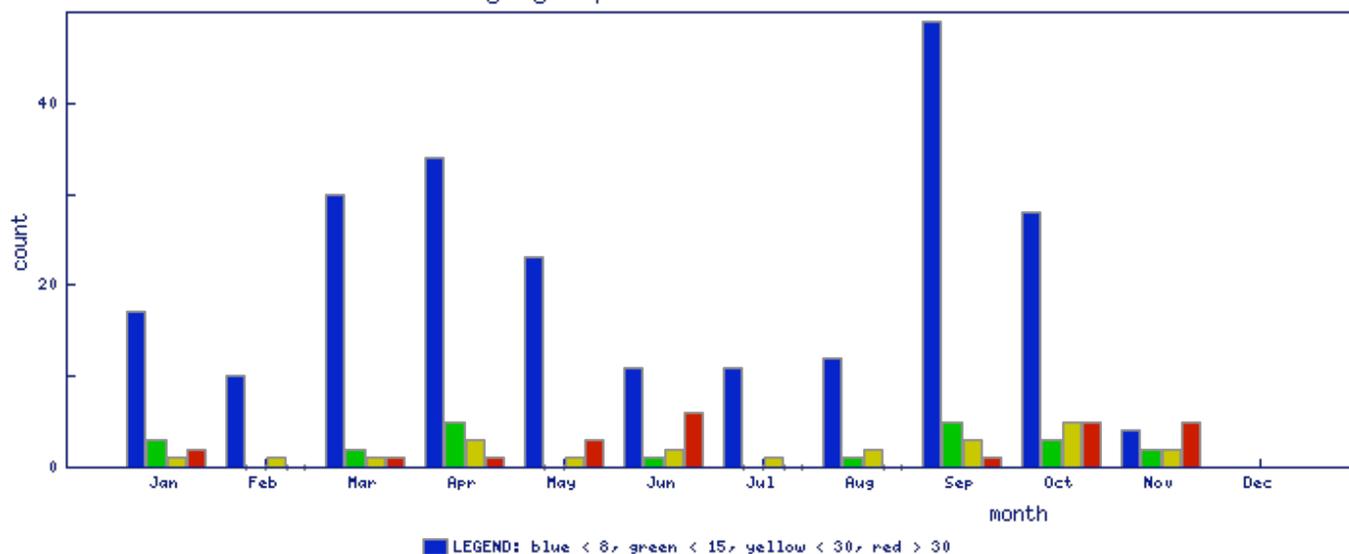
PORT-MODIFICATIONS Closed ticket Mean, Std Dev, Median processing times, November 2007



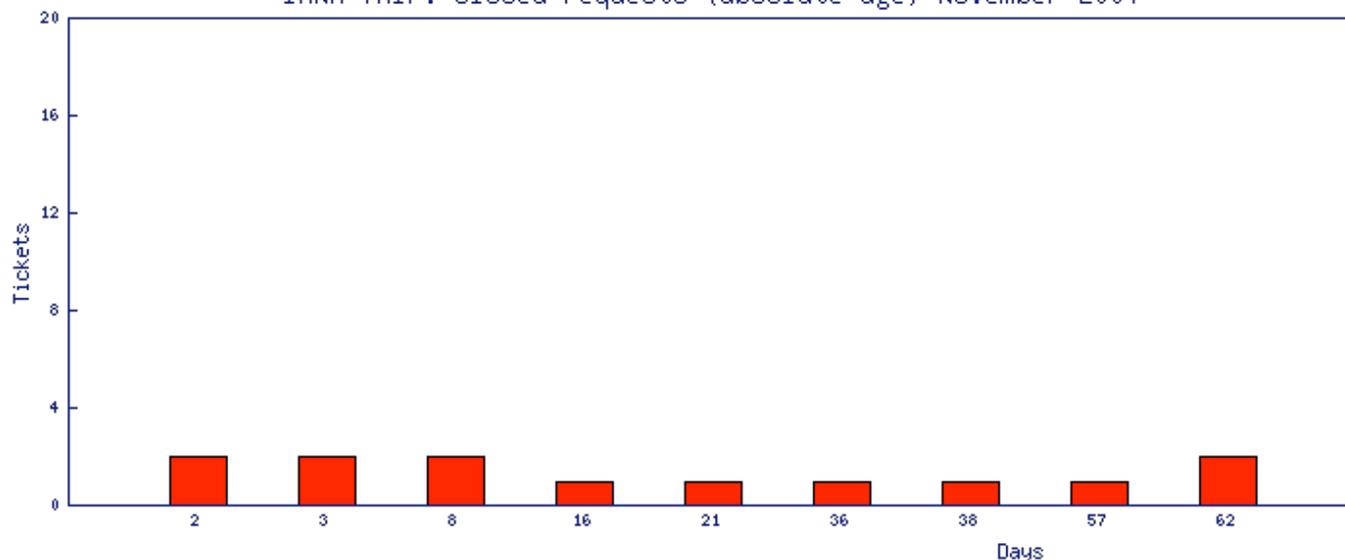
TRIP Registry  
IANA-TRIP: Requests Created/Closed/Opened November 2007



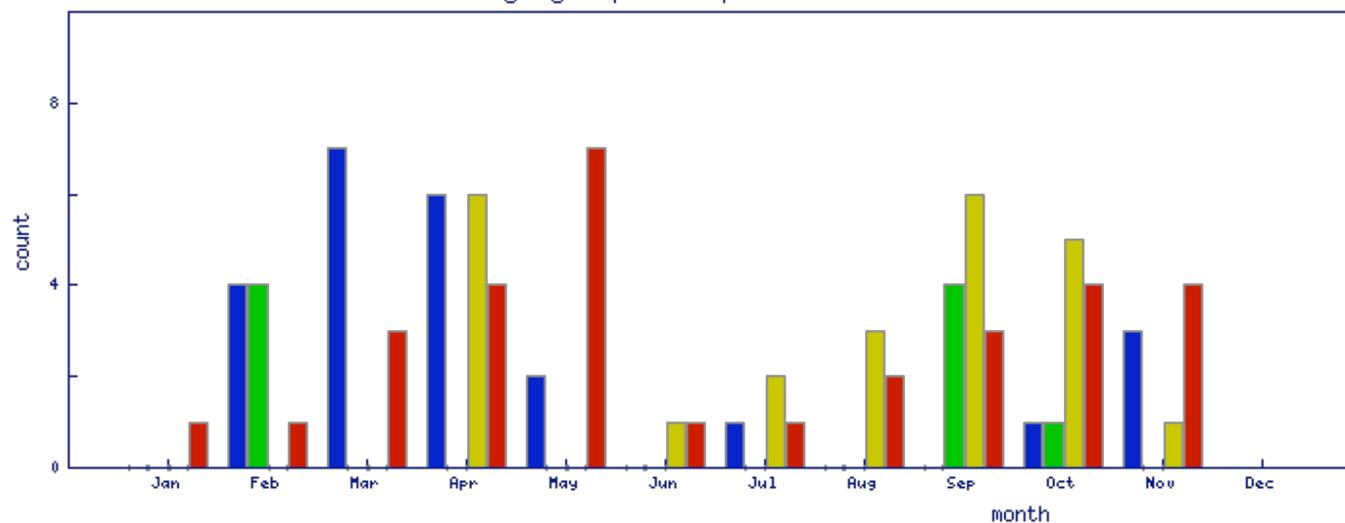
IANA-TRIP: Age groups of closed tickets November 2007



IANA-TRIP: Closed requests (absolute age) November 2007

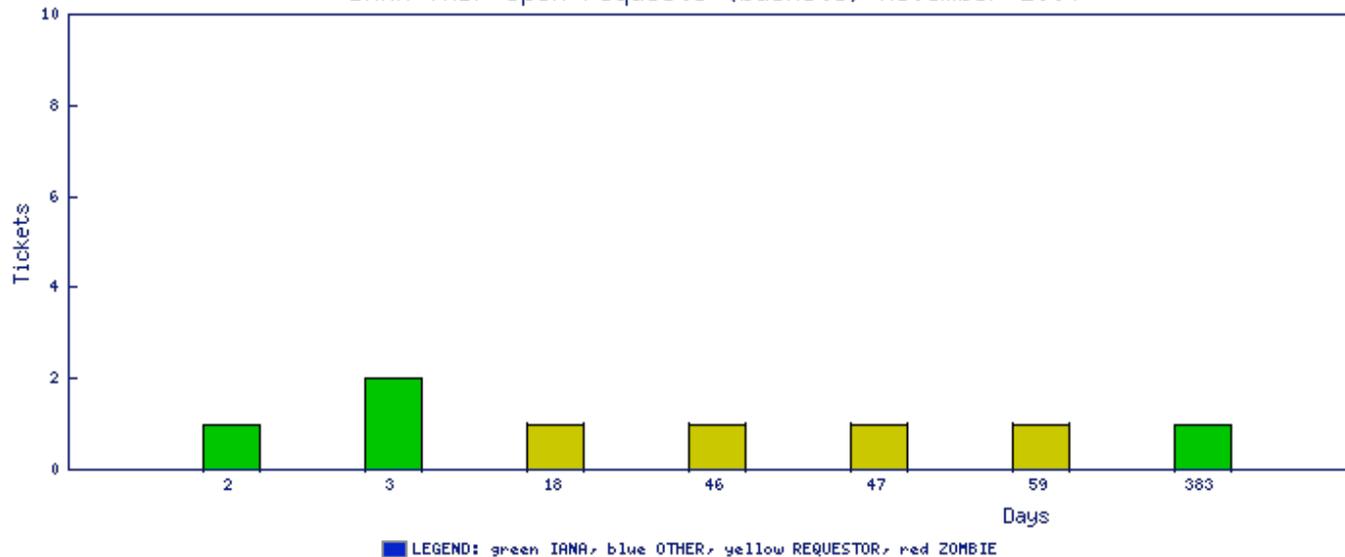


IANA-TRIP: Age groups of open tickets November 2007



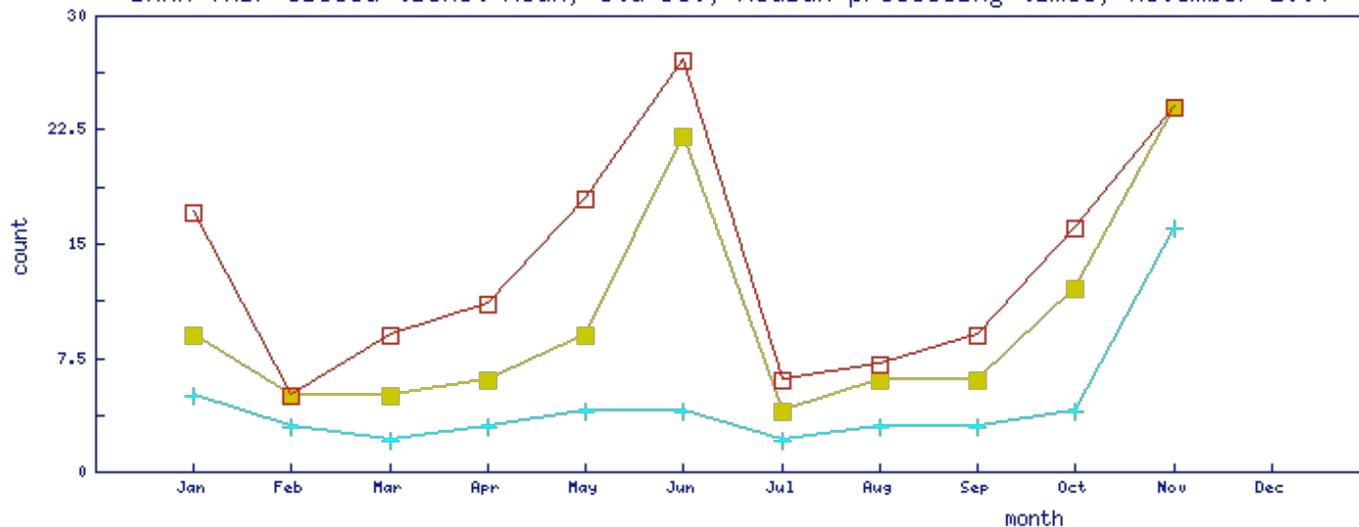
LEGEND: blue < 8, green < 15, yellow < 30, red > 30

IANA-TRIP Open requests (buckets) November 2007



LEGEND: green IANA, blue OTHER, yellow REQUESTOR, red ZOMBIE

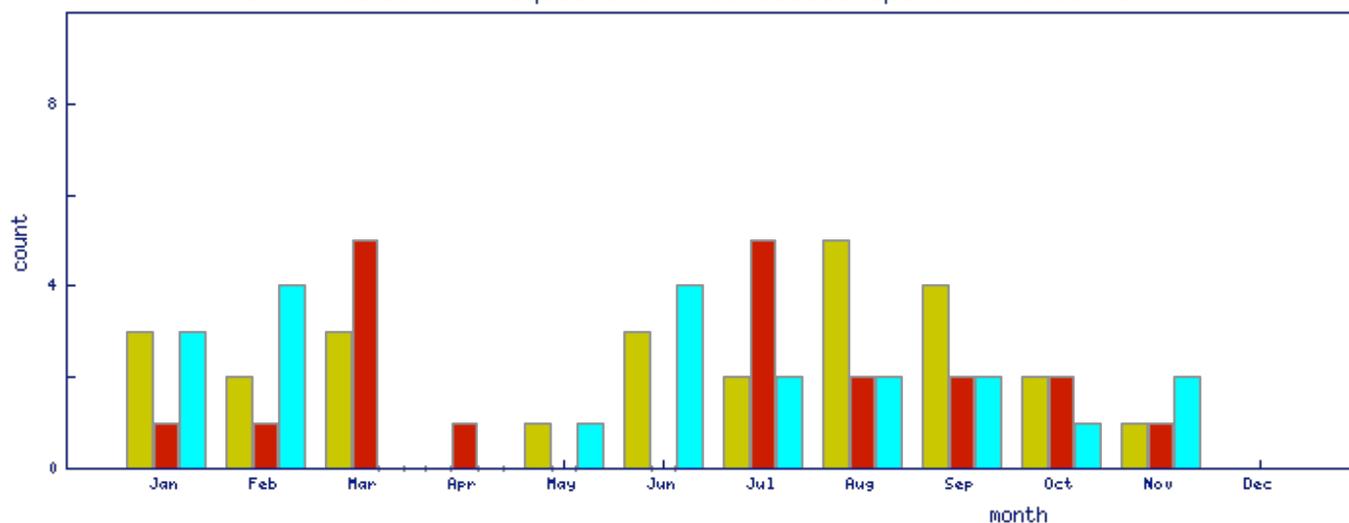
IANA-TRIP Closed ticket Mean, Std Dev, Median processing times, November 2007



LEGEND: yellow mean, red standard deviation, cyan median

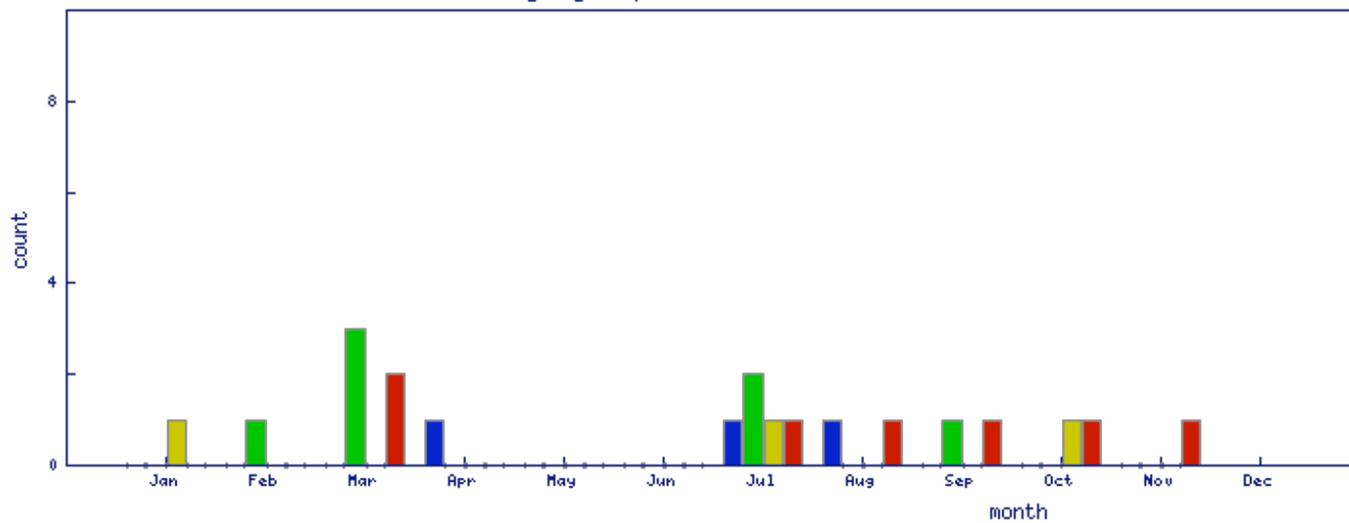
Multicast Assignments

IANA-MULTICAST: Requests Created/Closed/Opened November 2007



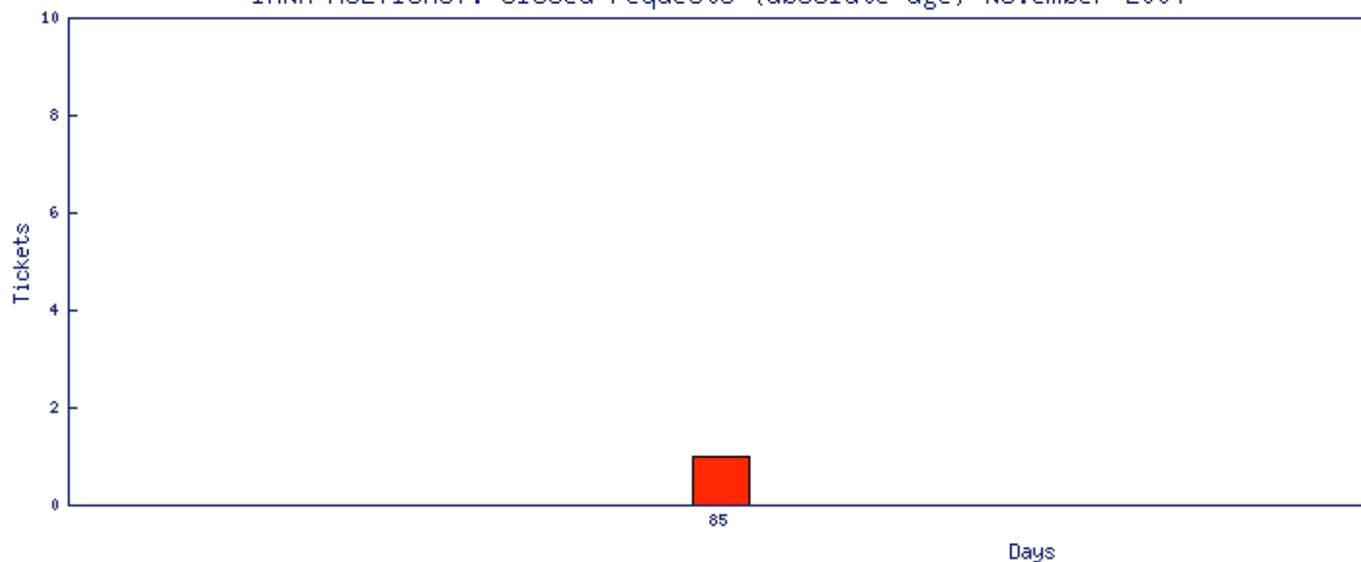
LEGEND: new = yellow closed = red cyan = open

IANA-MULTICAST: Age groups of closed tickets November 2007

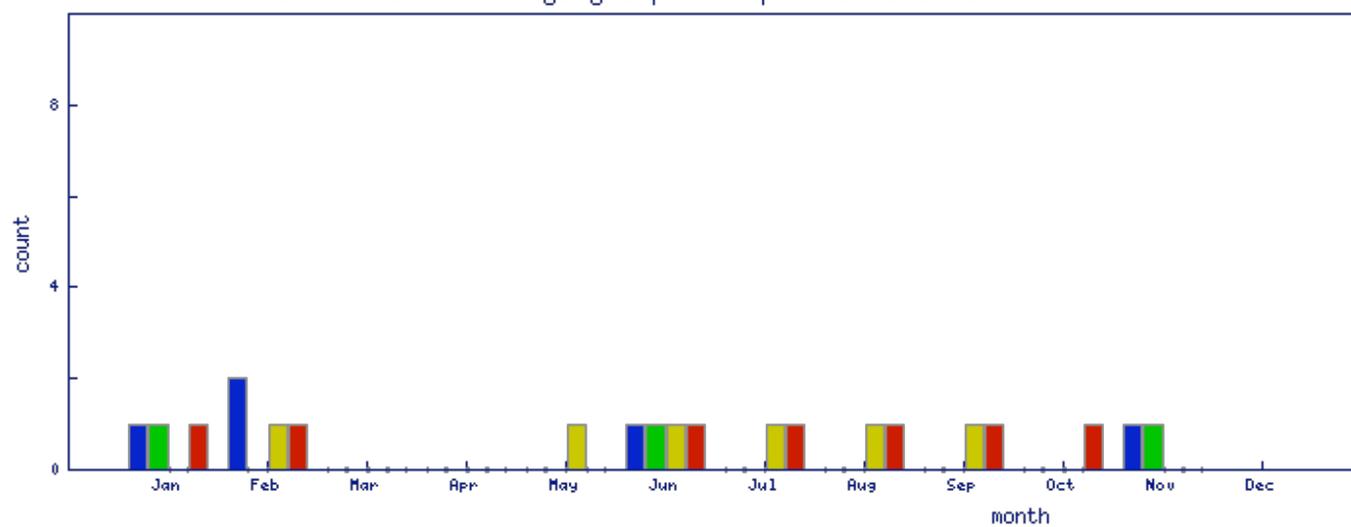


LEGEND: blue < 8, green < 15, yellow < 30, red > 30

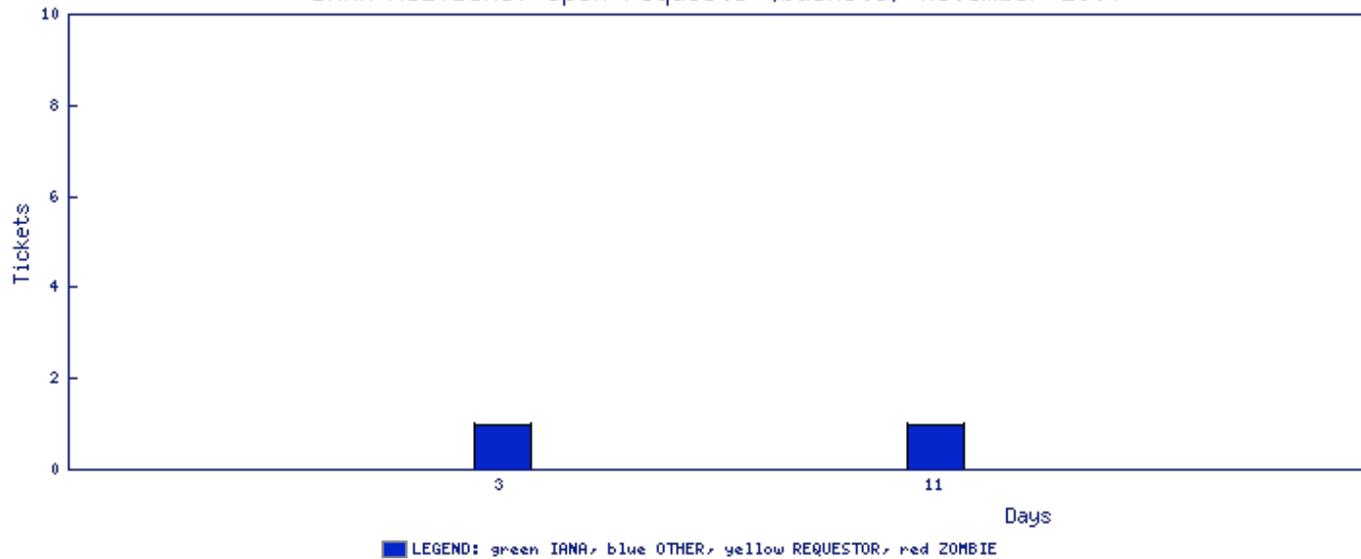
IANA-MULTICAST: Closed requests (absolute age) November 2007

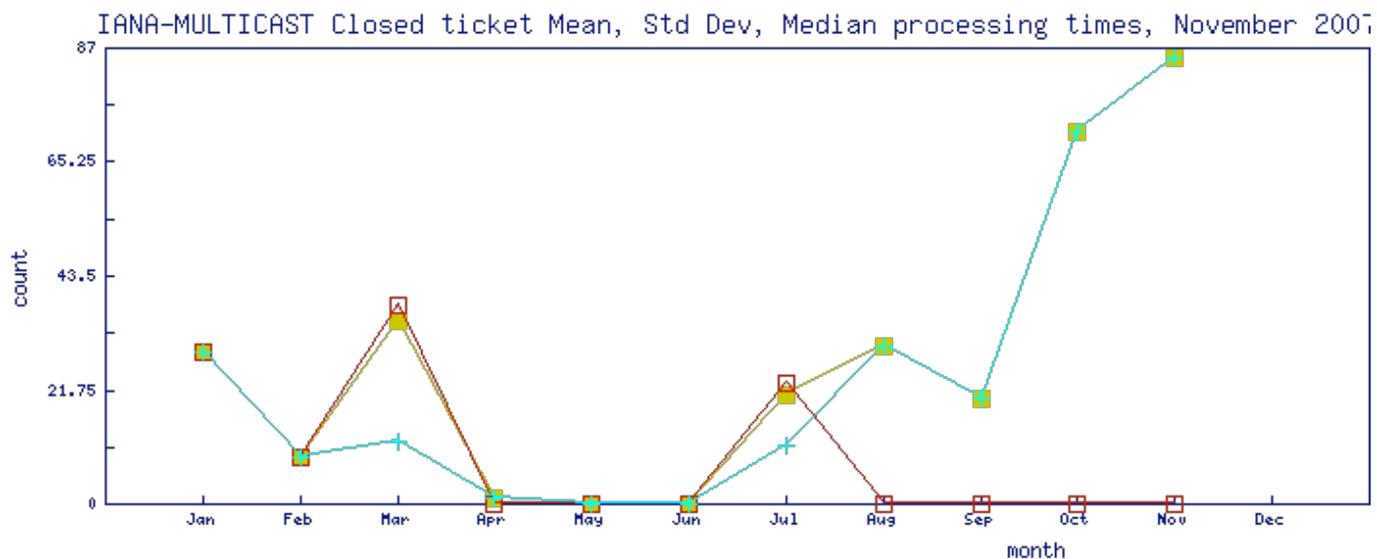


IANA-MULTICAST: Age groups of open tickets November 2007

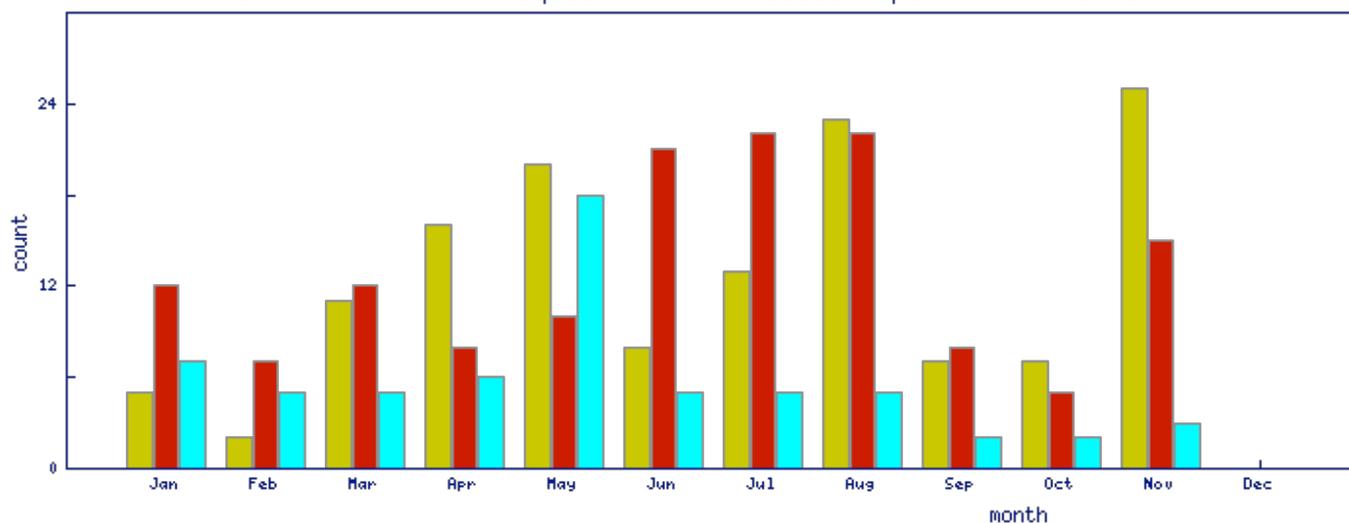


IANA-MULTICAST Open requests (buckets) November 2007

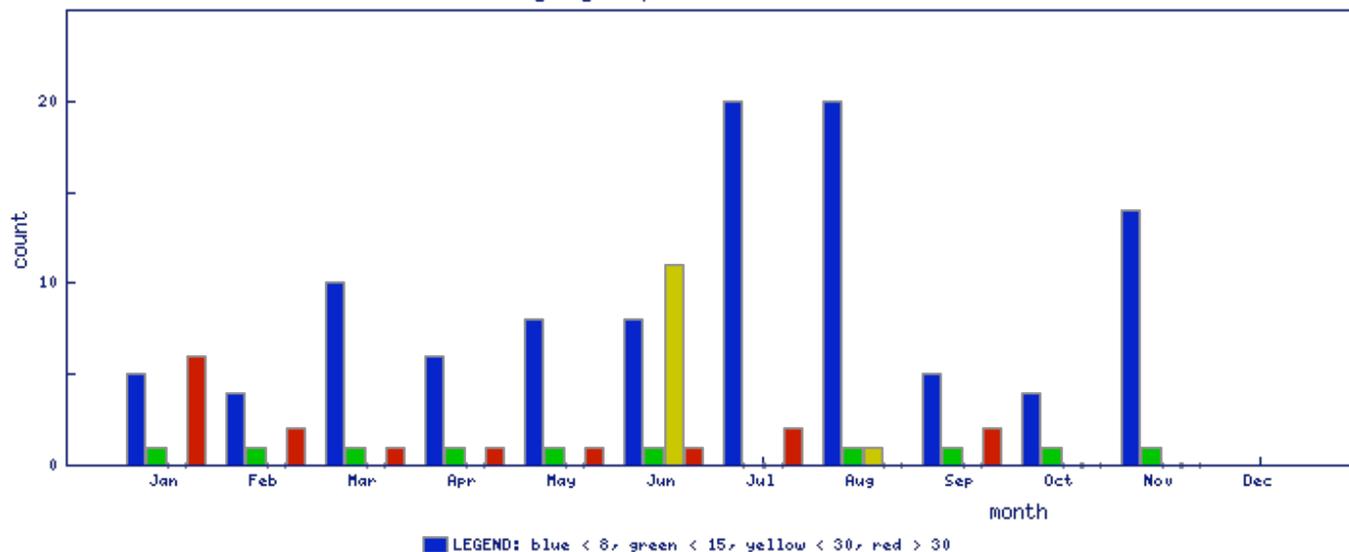




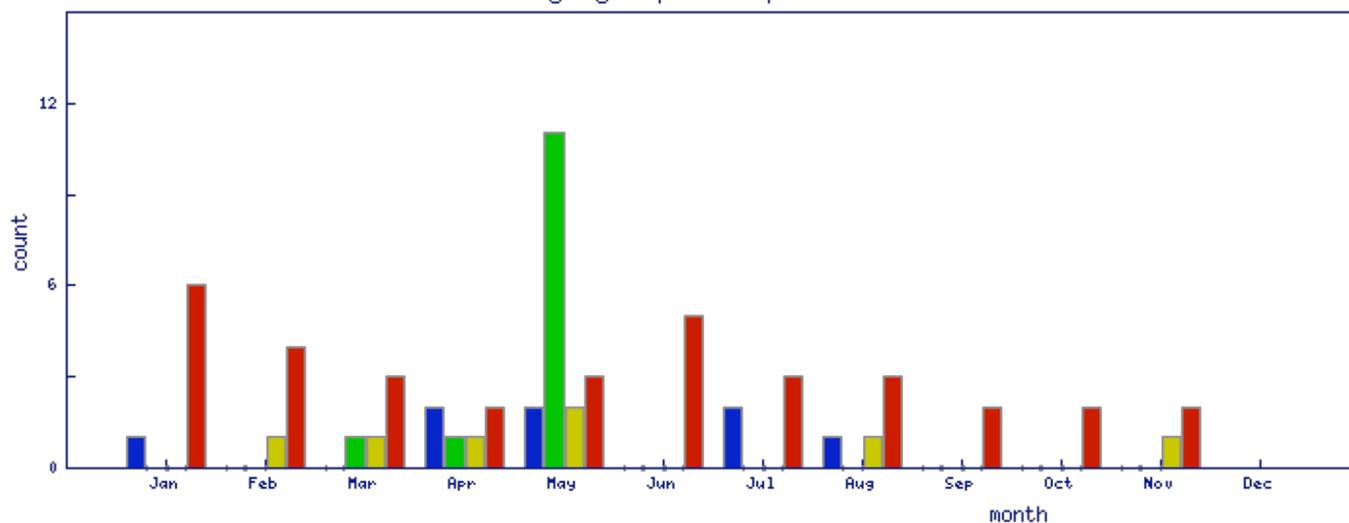
All other Protocol Parameters  
IANA-PROT-PARAM: Requests Created/Closed/Opened November 2007



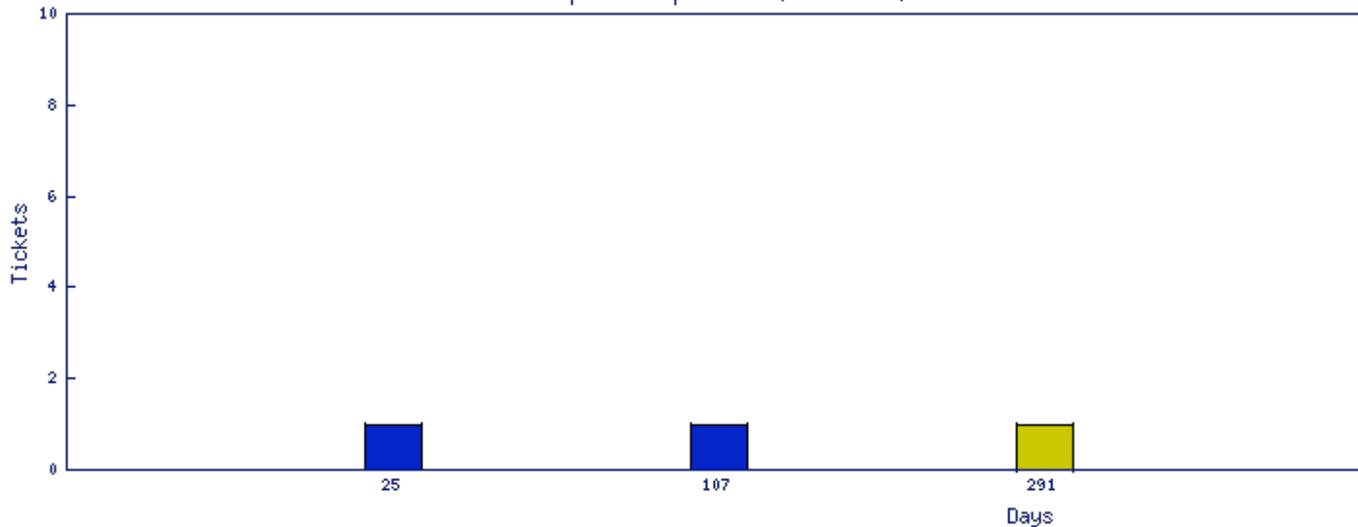
IANA-PROT-PARAM: Age groups of closed tickets November 2007



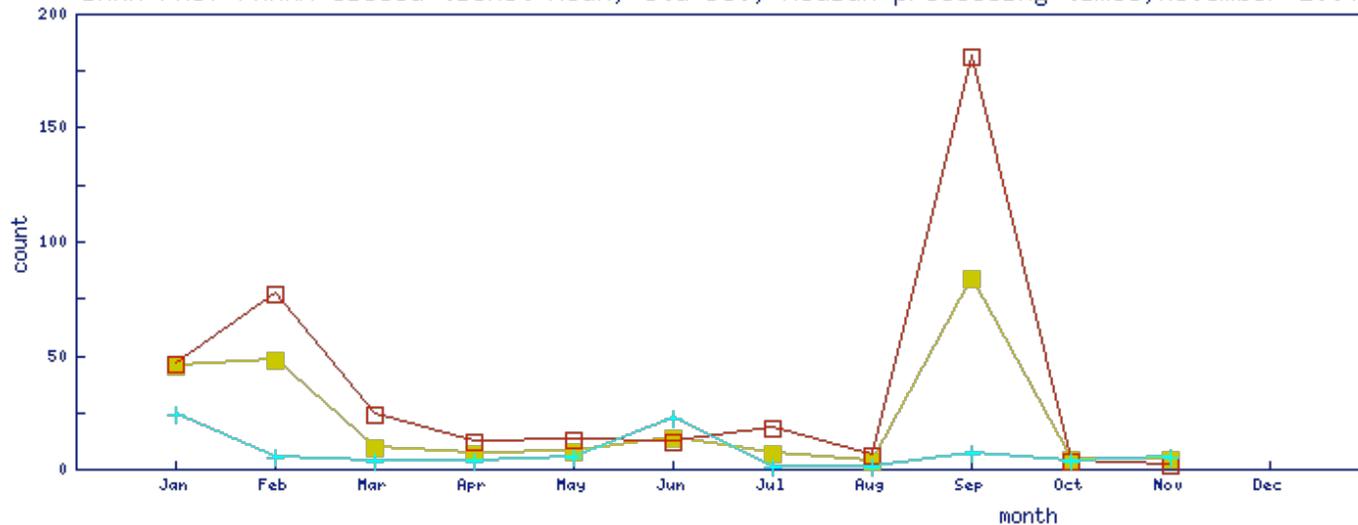
IANA-PROT-PARAM: Age groups of open tickets November 2007



IANA-PROT-PARAM Open requests (buckets) November 2007



IANA-PROT-PARAM Closed ticket Mean, Std Dev, Median processing times, November 2007



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IANA is operated by the  
[Internet Corporation for Assigned Names and Numbers](#)

Provide us your feedback on our new site! If you notice anything broken, or have an opinion, please email us at [iana@iana.org](mailto:iana@iana.org).

## 1.7.1 SSAC Reports and Advisories

<http://www.icann.org/committees/security/ssac-documents.htm>

## SSAC Reports and Advisories

- [SAC023]: Is the WHOIS Service a Source for email Addresses for Spammers? (23 October 2007) [[PDF](#)]
- [SAC022]: Domain Name Front Running (20 October 2007) [[PDF](#)]
- [SAC021]: Survey of IPv6 Support Among Commercial Firewalls (5 October 2007) [[PDF](#)]
- [SAC020]: SSAC Response to IDN Program Director regarding ICANN's proposal for IDN deployment at the root level of the DNS (23 July 2007) [[PDF](#)]
- [SAC019]: SSAC Response to Comment Sought on DNS Root Zone Glue Policy (16 March 2007) [[PDF](#)]
- [SAC018]: Accommodating IP Version 6 Address Resource Records for the Root of the Domain Name System (23 March 2007) [[PDF](#)]
- [SAC017]: Testing Recursive Name Servers for IPv6 and EDNS0 Support (12 February 2007) [[HTML](#)]
- [SAC016]: Testing Firewalls for IPv6 and EDNS0 Support (30 January 2007) [[HTML](#)]
- [SAC015]: Why Top Level Domains Should Not Use Wildcard Resource Records (10 November 2006) [[HTML](#)]
- [SAC014]: Information Gathering Using Domain Name Registration Records (28 September 2006) [[PDF](#)]
- [SAC013]: SSAC Response to ICANN Letter re: Tralliance Proposed New Registry Service (6 September 2006) [[HTML](#)]
- [SAC012]: SSAC Comments to the ICANN Board of Directors on Proposed Global Policy for Allocation of IPv6 Address Space (14 July 2006) [[PDF](#)]
- [SAC011]: Problems caused by the non-renewal of a domain name associated with a DNS Name Server (7 July 2006) [[PDF](#)]
- [SAC010]: Renewal Considerations for Domain Name Registrants (29 June 2006) [[PDF](#)]
- [SAC009]: Alternative TLD Name Systems and Roots: Conflict, Control and Consequences (31 March 2006) [[PDF](#)]
- [SAC008]: DNS Distributed Denial of Service (DDoS) Attacks (31 March 2006) [[PDF](#)]
- [SAC007]: Domain Name Hijacking Report (12 July 2005) [[PDF](#)]
- [SAC006]: Redirection in the COM and NET Domains (9 July 2004) [[PDF](#)]
- [SAC005]: DNS Infrastructure Recommendation (1 November 2003) [[HTML](#)] [[PDF](#)]
- [Comments]: Selection of New Sponsored TLDs [[HTML](#)]
- [SAC004]: Securing The Edge (17 October 2002) [[PDF](#)] [[HTML](#)]
- [SAC003]: WHOIS Recommendation (1 December 2002) [[PDF](#)] [[HTML](#)]
- [SAC002]: ICANN DNS Security Update (4 January 2002) [[HTML](#)]
- [SAC001]: DNS Security Reading List (November 2001) [[HTML](#)]

1.7.2 [SAC014]: Information Gathering  
Using Domain Name Registration Records  
<http://www.icann.org/committees/security/information-gathering-28Sep2006.pdf>

# Information Gathering Using Domain Name Registration Records

David M Piscitello

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Approximate the extent to which personal  
contact information can be extracted from  
Domain Name Registration Records

## *Personal Contact Information?*

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- For this study, personal contact information is *sufficient* attributes to feel confident that
  - The registrant is an individual, or an individual operating a home business, not a "business"
  - It is possible, using the information collected, to speak with or visit the individual at his or her residence, e.g., make personal contact

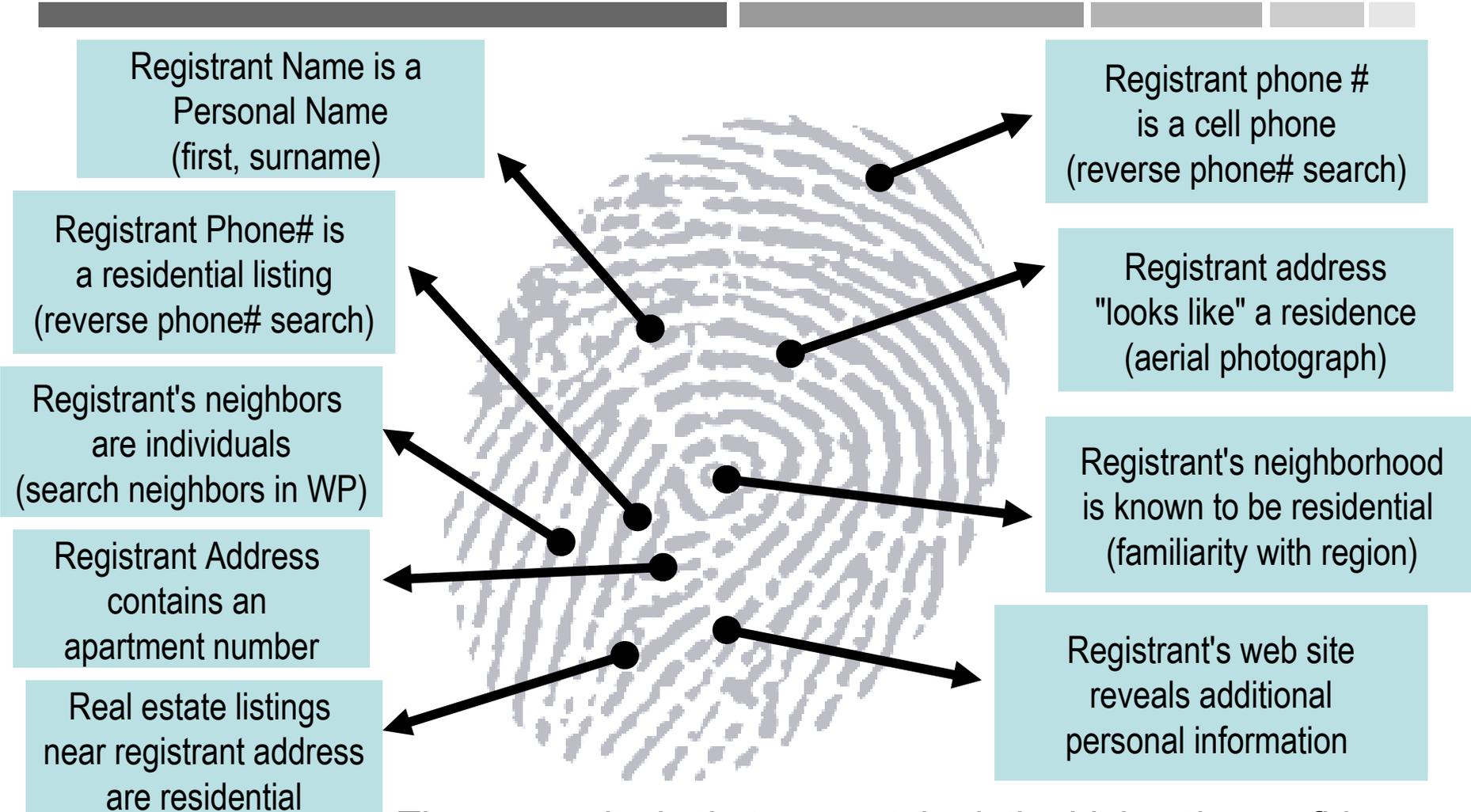
- Apply information gathering techniques used by computer network attackers
  1. Begin with a set of potential targets
    - ~5000 registration records filtered from over 2 million
    - Filter (search argument) was "Philadelphia PA"
  2. Use publicly accessible resources to collect bits and threads of data from registrant and administrative contact information
  3. Piece data together until there is high confidence that a given registration record contains personal contact information
- Similar methods and resources are used by law enforcement agencies

- Domain name registration records acquired in bulk the using Whois protocol
- Real estate database (trulia.com)
- Internet telephone directory (whitepages.com)
- Search engines (Google, Yahoo!)
- Aerial photographs (GoogleEarth)
- E-maps (Map Quest)
- Companies and Industries directory (hoovers.com)
- Personal familiarity with geographic region
- Web site hosted at registered domain name

# Classifying results

- Personal contact
  - Individual: the registrant name is an individual's name and other fields contain personal contact information
  - Home-operated business: the registrant name is not personal name but other fields
- Business contact
  - The registrant name identifies a company and other fields indicate this is a business with many employees
- Domain name business
  - Secondary market, tasting, monetization
- Domain name proxy agent
  - Registrant fields contain service provider information
- Inconclusive data
  - Study of registrant data fail to provide convincing number of matches

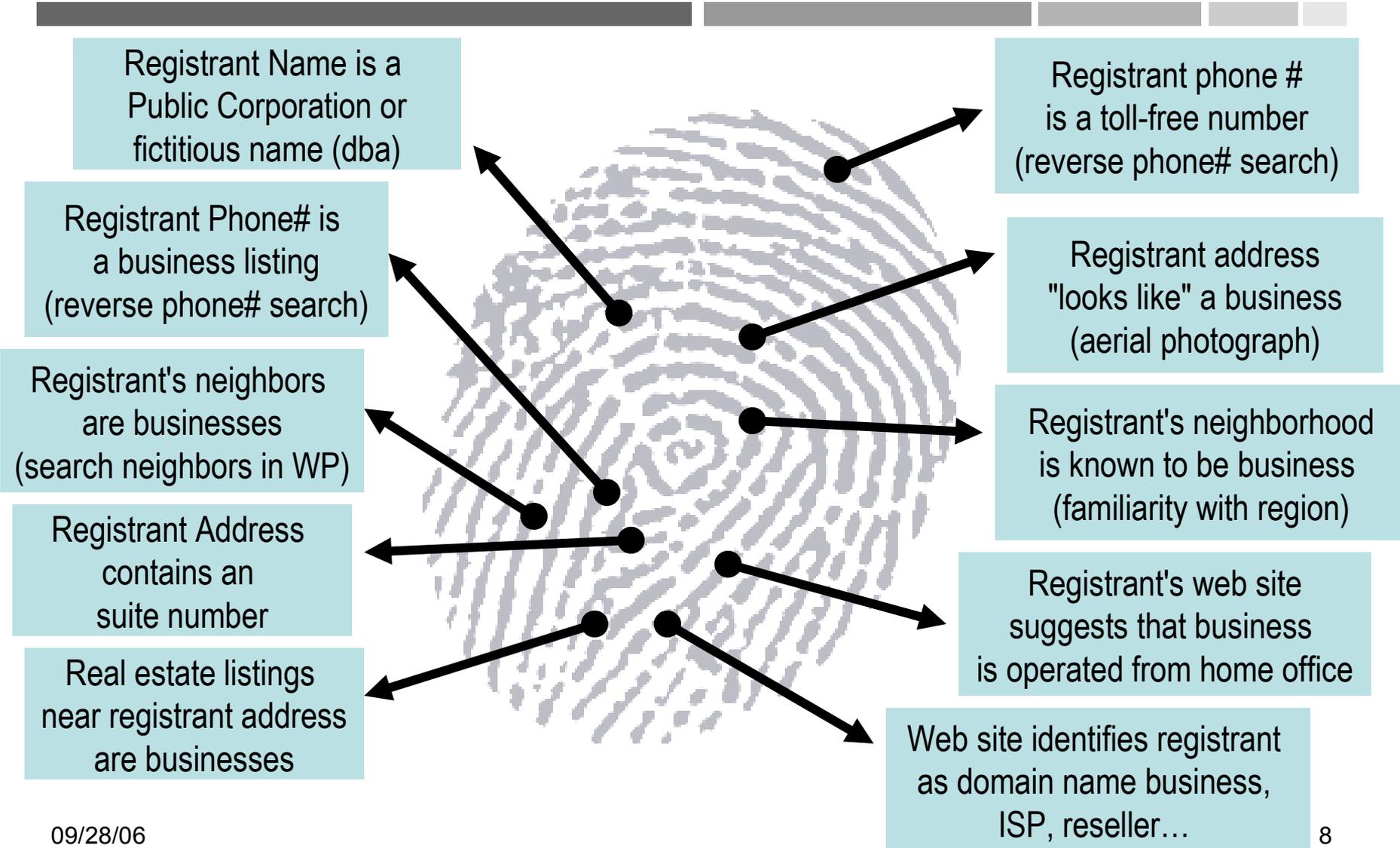
# Classifying a record as "containing a personal contact"



The more criteria that are matched, the higher the confidence that the registrant information identifies an individual

# Classifying a record as

# "containing a (domain) business contact"



# TLDs in Sample

## NET

– 505 domain names

## • COM

– 3334 domain names

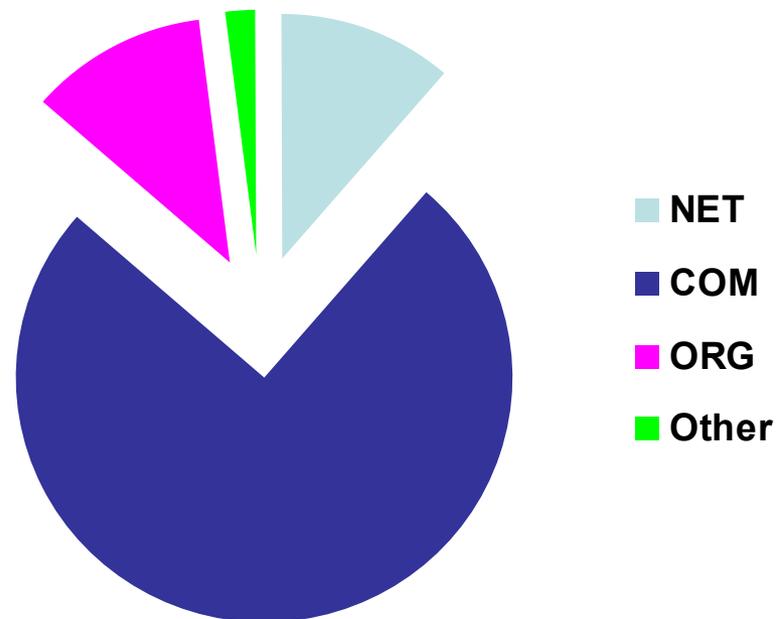
## • ORG

– 520 domain names

## • Other

– 85 domain names

## TLDs in Sample

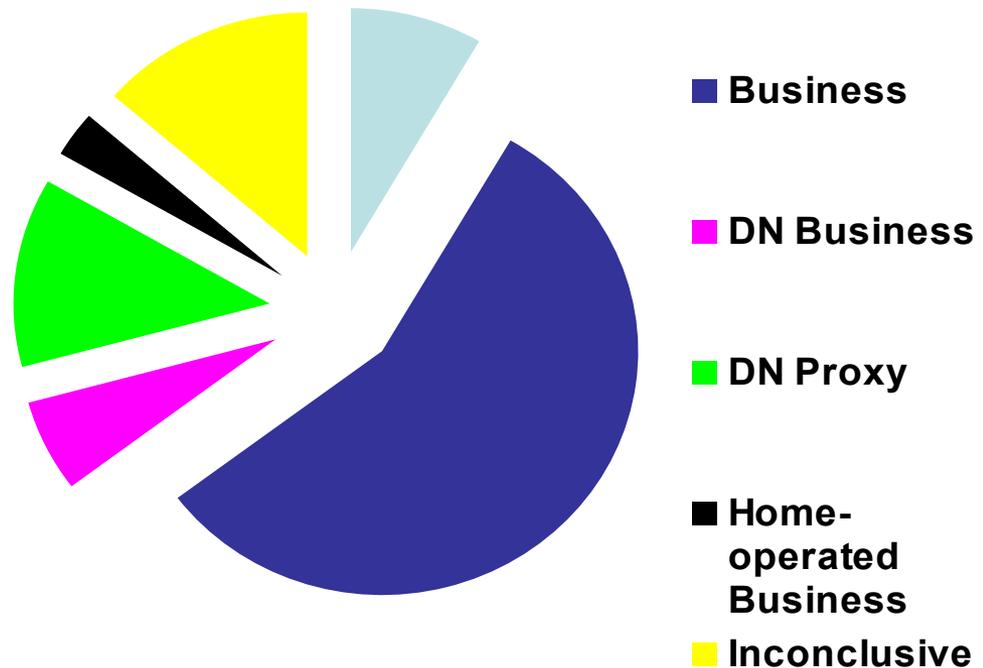


*Approximately 4400 of 5000 filtered records had sufficiently accurate data to be useful in the study*

## (Registrant Contact Fields Only)

- Personal contacts
  - 377 records, 9%
- Business contacts
  - 2501 records, 56%
- Domain name business
  - 269 records, 6%
- Domain name proxy service
  - 562 records, 13%
- Home-operated business
  - 138 records, 3%
- Inconclusive
  - 604 records, 14%

**Type of Contact based on Registrant Contact Fields**



# Simplified Findings (Registration Fields Only)

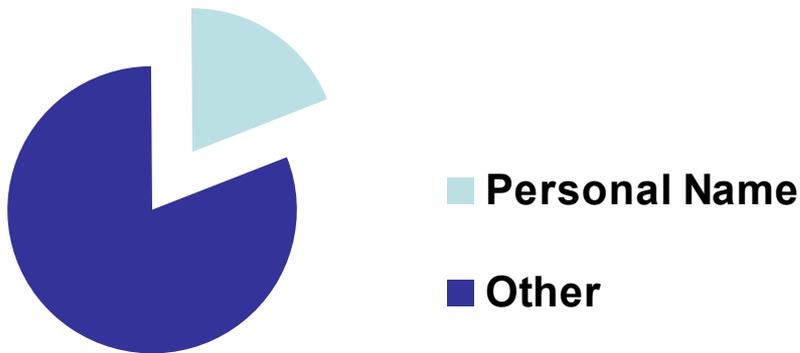
- Remove inconclusive and proxied domain names
  - *Since one cannot deduce whether the contact is business or individual from available data, these records bias the result*

Classification	Per cent of records
Combine personal contacts and home-operated businesses (515 records)	13.4%
Business contacts (2501 records)	65.1%
Domain name businesses (821 records)	21.6%

- *If we look at both the registrant contact information and the administrative contact information, what do we find?*
- Of the 377 records that contain personal contacts
  - 347 contain the same contact information in admin contact fields
  - 13 contain information that identify a different individual
  - 8 contain information that identifies a business contact
  - 9 have inconclusive (incomplete) data
- Of the 138 records that contain home-business contacts
  - 125 contain the same contact information in admin contact fields
  - 3 contain information that identify a different individual
  - 4 contain information that identifies a business contact
  - 5 have inconclusive (incomplete) data

# Individual Names in Contact Fields

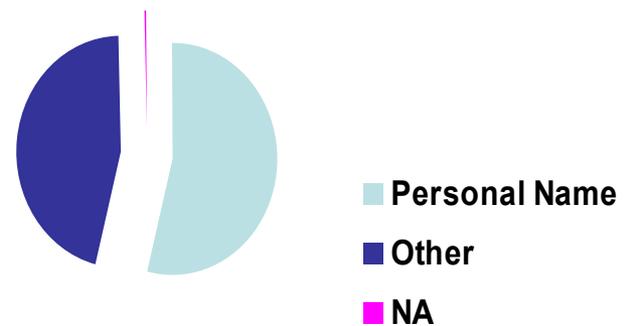
**Registrant Name Contains  
{First Name, Surname}**



**Admin Contact Name  
Contains  
{First Name, Surname}**



**Tech Contact Name Contains  
{First Name, Surname}**



# Incomplete records

- Of the 4444 records used in the study
  - 24% are missing registrant phone # (1039 records)
  - 87% are missing registrant fax # (3867 records)
  - 10% are missing admin contact name (439 records)
  - 11% are missing admin contact email (502 records)
  - 12% are missing admin contact address (514 records)
  - 60% are missing admin contact fax (2647 records)

*Registrant email addresses were removed from data by seller*

- The absence of credible statistics on the extent to which personal contact information can be derived from "whois data" instigated this study
  - This study offers one set of findings to hopefully fill that void
- Study shows that
  - Personal contact information can be extracted from approximately 1 in 7 Domain Name Registration Records
  - Approximately 1 in 7 registration record also contain insufficient information to conclusively distinguish whether contacts are businesses or individuals

- During the examination of the sampling, anecdotal evidence suggests that
  - Causes for - and remedies to reduce - the number of incomplete records merit attention
    - 456 of 5000 originally sampled records were entirely unusable
    - Of the remaining 4444, 600 were missing information used classify a contact
  - Some information collected for registration purposes may not be as useful today as it was in the past

### 1.7.3 [SAC015]: Why Top Level Domains Should Not Use Wildcard Resource Records

<http://www.icann.org/committees/security/sac015.htm>

# Why Top Level Domains Should Not Use Wildcard Resource Records

## SAC 015

10 November 2006

Many PC and Internet users are familiar with the concept of a wildcard operation. The concept is simple to understand. A special character (commonly an asterisk) is reserved by an operating system search operation to mean "return any match in a search". For example, if a user were to search for the string "ma" from an operating system command line (e.g., MS-DOS, or any flavor of LINUX or BSD), the operating system will return a list of files having names that exactly match the string. However, if a wild card were appended, e.g., "ma\*", the operating system will respond by listing all the files that begin with the string "ma" in the current directory, e.g., "map.txt" or "maintenance-budget.xls". Wildcard operations are available in GUI-based operating systems as well. Windows XP users can use "Search" and MAC OS X users can use "Spotlight" to find a single file, or all files that begin with a string of characters: the latter is also an example of an implicit wildcard operation. These wildcard operations share a common trait: if the operating system cannot find any matches to the search "argument", it returns a "not found" error.

Imagine the confusion and potential abuse that might exist if an operating system returned an automatic or "synthesized" response like, "I didn't find the files you wanted, but here's a list of services and software you might want to purchase". Now imagine that any time you attempt to connect to a web site within a given domain, and the domain name you enter as a URL does not exist, and instead of receiving a "server not found" error (HTTP 404), you are instead redirected to a domain name monetization page, or a page offering you the opportunity to purchase the domain name you entered.

The introduction of wildcard or *synthesized response* based services at the Top Level Domain (TLD) or registry level of the DNS does exactly this. Synthesized responses return unanticipated domain name resolution responses to web users. Users may find this annoying but can often recover. However, many Internet applications have not been designed to process such responses and may not behave as intended. For example, think of the effect such a change would have on an application designed to identify broken external hyperlinks on a web site.

### How Wildcards Work

In normal operating circumstances, a name server that receives a query for a non-existent or unregistered name from a client returns a DNS standard error code value of "name error." This error code alerts the name resolver component of the requesting client's application that the name is not *instantiated*. When a synthesized response-based service is implemented by a domain authority, its name server returns a positive response rather than an error code: specifically, the name server associates a seemingly legitimate IP address for a domain name that is not currently registered in DNS. When a single A resource record is used as the synthesized response for all domain names, whether unregistered or non-existent, the service is called a *wildcard service*.

When a registry uses a wildcard service, it never returns the "name error" response. Instead, the TLD's authoritative name server returns a positive response to every query. The effect of this change is easily demonstrated. Imagine that a user mistypes a domain name and enters "exampl.<tld>" rather than "example.<tld>". If the TLD uses a wild card service, its name servers will return a positive response (e.g., one that redirects the user to a web page that offers information or a registration service) rather than a "page not found". A web user may be able to infer that an error has occurred, but Internet applications that rely on the "name error" response from the DNS may fail or not operate as intended since the "no such name" response no longer occurs.

Previous attempts at introducing wildcard resource records at the TLD level have exposed applications that are adversely affected by this change in behavior [See [SAC006](#)]. Email, telnet, SSH, FTP and other servers that receive a synthesized response will attempt to connect to the IP address returned in the response. Email servers are configured to retry connection attempts, so the synthesized responses add delay to mail processing and wastes Internet resources. It's important to appreciate that an email server may try to connect for *days*, so an email administrator may not discover a configuration error or mistyped domain name for an unacceptably long time.

A TLD operator may choose to host an email server at the IP address returned in the synthesized response and have the server automatically return "bounce" responses, as mail servers must deal with additional load

(bounced traffic) and any delays introduced at the TLD operator's server. Alternatively, the TLD operator's email server might be configured to accept the connection and return a response that the addressee does not exist on that machine. This misleads the sender into believing that the domain name is correct but the person's email address is wrong. Significant privacy issues exist if the TLD's email server is configured to store mail messages, even for a short term. Email antispaam measures that attempt to validate the sender's domain will not block bogus senders.

Telnet, SSH, FTP and other applications will also behave differently when they receive a synthesized response. So will administrative processes that perform logging, auditing, accounting and billing also rely on the ability to distinguish positive from negative responses from DNS server, and are adversely affected as well (see [Site Finder Review](#) for details).

### **Wildcards or Application Behavior?**

It's important to note that there other ways to change application behavior when a user or client resolver attempts to resolve a DNS name that isn't instantiated. A wildcard can be added at the registry level, or by a names server closer to the user; for example, any name server that processes a DNS response message on behalf of a client resolver can inspect and modify the response before caching or forwarding it to the requesting user or client resolver.

Similarly, an application such as a web browser or HTTP proxy can be configured to behave in a particular way when receiving a "not found" error from the DNS, such as redirecting the user to a trusted index or search page.

Much of the community's attention focuses on the use of wildcards at the registry level, and this is deliberate. While there are various risks associated with the different mechanisms for handling a "not found" error from the DNS, the consequences of these tend to be more troubling as wildcard use becomes more general. In particular, the strong reservations expressed here against wildcards at the registry or TLD level are due in part to the following observations:

- A registry wildcard is well outside a user's or enterprise domain administrator's scope of control. Neither an individual user or the user's local name service administrator (an ISP or enterprise DNS administrator) have business relationships with registries. These parties may not be able to influence or exercise control over a result returned by name servers under the control of the registry and thus cannot enforce a distinction between instantiated and uninstantiated names.
- A registry level wildcard presumes that the all applications will in general benefit from or at least tolerate responses from the DNS that do not distinguish between instantiated and uninstantiated names. A local user may find it beneficial to have web requests redirected to an index or search page when name resolution is requested for an uninstantiated DNS name; however, this "redirection" behavior can disrupt email service for an entire enterprise.

### **Recommendations and Conclusion**

ICANN's Security and Stability Advisory Committee SSAC issued a report (SAC006) on 9 July 2004 on [Redirection in the COM and NET Domains](#). The report recommends that "Synthesized responses should not be introduced into top-level domains (TLDs) or zones that serve the public, whose contents are primarily delegations and glue, and where delegations cross organizational boundaries over which the operator may have little control or influence.". More recently, the Registry Services Technical Evaluation Panel (RSTEP) published its report on a request by another Top Level Domain registry, (Tralliance) to introduce a wildcard service (see [search.travel Wildcard Report](#)). In the report, RSTEP consider a similar set of issues to those SSAC considered in SAC006, in the context of another top level domain (.travel). They did so quite thoroughly, and concluded that the wildcard service "does create a reasonable risk of a meaningful adverse effect on security and stability." The recommendations in SAC006 remain applicable today. TLDs should refrain from using services that make use of wildcard services and synthesized DNS responses.

## 1.7.4 [SAC016]: Testing Firewalls for IPv6 and EDNS0 Support

<http://www.icann.org/committees/security/sac016.htm>

# Testing Firewalls for IPv6 and EDNS0 Support

## SAC 016

5 January 2007

[Preparation](#) | [Test AAAA support](#) | [Test EDNS0 Support](#) | [Share Your Results](#) | [Results Reported](#)

### Background

The DNS Root Server System Advisory Committee ([RSSAC](#)) and ICANN Security and Stability Advisory ([SSAC](#)) are jointly studying the topic of including the IPv6 addresses at the root level of the DNS. This involves two related actions on the parts of the IANA and the DNS Root Server Operators:

1. **Add resource records of Type AAAA to the hints file. The IANA maintains the authoritative root hints file at <ftp://ftp.internic.net/domain/>.**
2. **Provision the 13 root name servers to return the Type AAAA records when name server resolvers bootstrap, perform what is known as a *priming request*.**

Currently, the operators of five root name servers - B, F, H, K, and M - have assigned IPv6 addresses to their systems. These addresses are not included in the hints file at this time, nor are they returned in DNS priming responses. If the five IPv6 addresses were added to the Additional Section of the DNS Type NS response message root server operators return during the priming exchange, the size of the response message would increase from the current 436 bytes to 576 bytes. Ultimately, when all 13 root name servers are assigned IPv6 addresses, the priming response will increase in size to 800 bytes. This imposes two conditions for the successful completion of a priming exchange that do not exist today. Specifically, resolvers and any intermediate systems that are situated between resolvers and root name servers must be able process DNS messages containing Type AAAA resource records. Additionally,

- Resolvers must use DNS Extensions (EDNS0, [RFC 2671](#)) to notify root name servers that they are able to process DNS response messages larger than the 512 byte maximum DNS message size specified in [RFC 1035](#), and
- Intermediate systems must be configured to forward UDP-encapsulated DNS response messages larger than the 512 byte maximum DNS message size specified in [RFC 1035](#) to resolvers that issued the priming request.

The joint committees are soliciting feedback from the Internet community on whether commercial firewall organizations use to protect name server resolvers will block (silently discard) priming responses because they do not satisfy these conditions.

### Preparing and Testing Firewall Implementations and Versions

Several top level domains return IPv6 addresses in DNS response messages today, and several of these responses are larger than 512 bytes. Using TLD name servers as targets for DNS Type NS queries, organizations can test firewall implementations and versions to determine whether they would be affected when the DNS priming response is extended to include AAAA records for root name servers.

### Test if your Firewall implementation accommodates Type AAAA RRs

To test the action a firewall implementation takes when it encounters Type AAAA resource records, a network or firewall administrator can perform the following DNS lookup using the popular dig program:

**dig hk ns @203.119.2.18**

This command should elicit a 508 bytes response that contains AAAA resource records:

```
; <<>> DiG 9.2.3 <<>> hk ns @203.119.2.18
;; global options: printcmd
;; Got answer:
;; ->>HEADER<<- opcode: QUERY, status: NOERROR, id: 41
;; flags: qr aa rd; QUERY: 1, ANSWER: 15, AUTHORITY: 0, ADDITIONAL: 6

;; QUESTION SECTION:
```

```
;hk.          IN      NS
```

```
:: ANSWER SECTION:
```

```
hk.          604800 IN NS   NS2.HKIRC.NET.hk.
hk.          604800 IN NS   NS3.CUHK.EDU.hk.
hk.          604800 IN NS   SEC3.APNIC.NET.
hk.          604800 IN NS   TLD1.ULTRADNS.NET.
hk.          604800 IN NS   TLD2.ULTRADNS.NET.
hk.          604800 IN NS   TLD3.ULTRADNS.ORG.
hk.          604800 IN NS   TLD4.ULTRADNS.ORG.
hk.          604800 IN NS   TLD5.ULTRADNS.INFO.
hk.          604800 IN NS   TLD6.ULTRADNS.CO.UK.
hk.          604800 IN NS   ADNS1.BERKELEY.EDU.
hk.          604800 IN NS   ADNS2.BERKELEY.EDU.
hk.          604800 IN NS   NS-HK.RIPE.NET.
hk.          604800 IN NS   B.DNS.TW.
hk.          604800 IN NS   NS1.HKIRC.NET.hk.
hk.          604800 IN NS   NS2.CUHK.EDU.hk.
```

```
:: ADDITIONAL SECTION:
```

```
B.DNS.TW.    32446 IN A    210.201.138.58
NS2.CUHK.EDU.hk. 45329 IN A    137.189.6.21
NS2.HKIRC.NET.hk. 6723  IN A    203.119.2.19
NS3.CUHK.EDU.hk. 45329 IN A    202.45.188.19
SEC3.APNIC.NET. 142421 IN A    202.12.28.140
SEC3.APNIC.NET. 142421 IN AAAA 2001:dc0:1:0:4777::140
```

```
:: Query time: 312 msec
:: SERVER: 203.119.2.18#53(203.119.2.18)
:: WHEN: Tue Dec 12 12:18:54 2006
:: MSG SIZE rcvd: 508
```

If no response is received, network and firewall administrators should first determine if a security policy other than the vendor's default processing for DNS messages is blocking the response message. If no policy other than the vendor's default processing is configured, note the implementation and version, and contact your vendor to determine if an upgrade or hot fix is available.

### Test if Your Firewall Implementation Accommodates Large DNS Response Messages

To test the action a firewall implementation takes when it receives a UDP-encapsulated DNS response message larger than 512 bytes, a network or firewall administrator can perform the following DNS lookup using the popular dig program:

```
dig hk ns +bufsize=4096 @203.119.2.18
```

This command should elicit a 747 byte response that contains AAAA resource records:

```
; <<>> DiG 9.2.3 <<>> hk ns +bufsize=4096 @203.119.2.18
;; global options: printcmd
;; Got answer:
;; ->>HEADER<<- opcode: QUERY, status: NOERROR, id: 41
```

```
:: flags: qr aa rd; QUERY: 1, ANSWER: 15, AUTHORITY: 0, ADDITIONAL: 19
```

```
:: OPT PSEUDOSECTION:
; EDNS: version: 0, flags:; udp: 4096
;; QUESTION SECTION:
;hk.                IN      NS
```

```
:: ANSWER SECTION:
```

```
hk.                604800 IN NS   B.DNS.TW.
hk.                604800 IN NS   NS1.HKIRC.NET.hk.
hk.                604800 IN NS   NS2.CUHK.EDU.hk.
hk.                604800 IN NS   NS2.HKIRC.NET.hk.
hk.                604800 IN NS   NS3.CUHK.EDU.hk.
hk.                604800 IN NS   SEC3.APNIC.NET.
hk.                604800 IN NS   TLD1.ULTRADNS.NET.
hk.                604800 IN NS   TLD2.ULTRADNS.NET.
hk.                604800 IN NS   TLD3.ULTRADNS.ORG.
hk.                604800 IN NS   TLD4.ULTRADNS.ORG.
hk.                604800 IN NS   TLD5.ULTRADNS.INFO.
hk.                604800 IN NS   TLD6.ULTRADNS.CO.UK.
hk.                604800 IN NS   ADNS1.BERKELEY.EDU.
hk.                604800 IN NS   ADNS2.BERKELEY.EDU.
hk.                604800 IN NS   NS-HK.RIPE.NET.
```

```
:: ADDITIONAL SECTION:
```

```
B.DNS.TW.          31310  IN A    210.201.138.58
NS2.CUHK.EDU.hk.  44193  IN A    137.189.6.21
NS2.HKIRC.NET.hk. 5587   IN A    203.119.2.19
NS3.CUHK.EDU.hk.  44193  IN A    202.45.188.19
SEC3.APNIC.NET.    141285 IN A    202.12.28.140
SEC3.APNIC.NET.    141285 IN AAAA 2001:dc0:1:0:4777::140
TLD1.ULTRADNS.NET. 31021  IN A    204.74.112.1
TLD1.ULTRADNS.NET. 45     IN AAAA 2001:502:d399::1
TLD2.ULTRADNS.NET. 82715  IN A    204.74.113.1
TLD3.ULTRADNS.ORG. 31021  IN A    199.7.66.1
TLD4.ULTRADNS.ORG. 31310  IN A    199.7.67.1
TLD4.ULTRADNS.ORG. 31310  IN AAAA 2001:502:100e::1
TLD5.ULTRADNS.INFO. 3521   IN A    192.100.59.11
TLD6.ULTRADNS.CO.UK. 364    IN A    198.133.199.11
ADNS1.BERKELEY.EDU. 117756 IN A    128.32.136.3
ADNS2.BERKELEY.EDU. 117756 IN A    128.32.136.14
NS-HK.RIPE.NET.    117756 IN A    193.0.12.100
NS-HK.RIPE.NET.    117756 IN AAAA 2001:610:240:0:53:cc:12:100
```

```
:: Query time: 312 msec
;; SERVER: 203.119.2.18#53(203.119.2.18)
;; WHEN: Tue Dec 12 12:37:50 2006
;; MSG SIZE rcvd: 747
```

If no response is received, network and firewall administrators should first determine if a security policy other than the vendor's default processing for DNS messages is blocking large response messages or large UDP messages. If no policy other than the vendor's default processing is configured, note the implementation and version, and contact your vendor to determine if an upgrade or hot fix is available.

### Share Your Results with the Internet Community

The SSAC and RSSAC committees encourage you to share your test results with the community by sending an email to the [ICANN SSAC Fellow](#) containing the following information:

- Firewall Product Manufacturer
- Firewall Model
- Firewall software/firmware version
- Action when AAAA RR encountered
- (Optional) A copy of the dig input and output (as illustrated above, this can be obtained by directing the output to a file, e.g., "dig hk ns @203.119.2.18 > digAAAA.txt")
- Action when DNS message larger than 512 bytes received
- (Optional) A copy of the dig input and output (as illustrated above, this can be obtained by directing the output to a file, e.g., "dig hk ns +bufsize=4096 @203.119.2.18 > digEDNS0.txt")

### Testing Performed

The following results have been reported to the SSAC fellow as of 5 February 2007:

Product	Version	Action when AAAA RR encountered	Action when large DNS message received	Source
Checkpoint Firewall-1	NG, R55	Allow	Allow	user
Check Point FW-1 NGX R61 HFA 1 on Nokia	IPSO 4.1-BUILD013	Allow	Allow	user
Cisco C2600	IOS 12.2(37)	Allow	Allow	user
Cisco FWSM	2.3(4)	Allow	Allow	user
Cisco PIX	Version 6.2.5	Allow	Deny	vendor
Cisco PIX	Version 6.3.5	Allow	Allow <sup>1</sup>	vendor
Cisco PIX	Version 7.2.1	Allow	Allow	vendor
Clavister	Security Gateway (All models)	Allow	Allow	vendor
Eland Systems SYS-2, SYS-2 SOHO	3.x, 4.x	Allow	Allow	vendor
Fortinet Fortigate 60	Version 3.0.x	Allow	Allow	user
FreeBSD OpenBSD pf	6.2-PRERELEASE	Allow	Allow	user
GajShield Infotech	Securegate version 5.4	Allow	Allow	vendor
Juniper/Netscreen	ScreenOS Versions 5.4r2, 5.30r3, 4.0.3r4.0	Allow	Allow	user
Kobelt Development NetSentron	3.1.0p11-Pro	Allow	Allow	vendor

Linux 2.6 kernel Shoreline Shorewall Firewall	2.4.1-3	Allow	Allow	user
Linux kernel - Debian iptables 2.6.17.1 Firewall	2.6.17.1	Allow	Allow	user
Lucidata Lucigate Firewall	3.14	Allow	Allow	vendor
Mandriva Linux 2006 OpenBSD	4.0 pf	Allow	Allow	user
NetStealth Firewall	StealthOS	Not supported	Not supported	vendor
Secure Computing Sidewinder	Versions 5.2.1, 6.1.2.00	Allow	Allow	user
Shiva/Eicon 3105	v 8.42	Allow	Allow	user
Sonicwall	SonicOS Standard 3.1.0.7-77s	Allow	Allow	user
Sepehr 3400	GOS 3.0	Allow	Allow	vendor
Sepehr 4100	GOS 3.0	Allow	Allow	vendor
Watchguard Firebox X 1000	Fireware v8.2	Allow	Allow	user
Watchguard Firebox X Edge	8.0	Allow	Allow	user
XNet Solutions SN330	Version 1.2.1	Allow	Allow	vendor
XNet Solutions EN400	Version 1.0.0	Allow	Allow	vendor

<sup>1</sup> Firewall configuration includes "fixup protocol dns maximum-length 1500".

1.7.5 [SAC017]: Testing Recursive Name Servers for IPv6 and EDNS0 Support  
<http://www.icann.org/committees/security/sac017.htm>

# Testing Recursive Name Servers for IPv6 and EDNS0 Support

## SAC 017

15 March 2007

[Preparation](#) | [Test AAAA and EDNS0 support](#) | [Share Your Results](#) | [Results Reported](#) | [Testing Period](#)

### Background

The DNS Root Server System Advisory Committee ([RSSAC](#)) and ICANN Security and Stability Advisory Committee ([SSAC](#)) are jointly studying the topic of adding type AAAA resource records for the IPv6 addresses of the root name servers to the "root hints file" and the DNS root zone. (The official root hints file is located at <ftp://ftp.internic.net/domain/>.)

Most recursive name servers perform a bootstrap process called *priming* to determine the current list of root name servers, since information in the local copy of the root hints file could be out of date. To prime, a recursive name server sends a DNS query of type NS for the root (".") to one of the root name servers listed in the local root hints file. The recursive name server uses the list of root name servers in the response returned from a live root name server for resolution purposes. Priming ensures that a recursive name server always starts operation with the most up-to-date list of root name servers.

The operators of five root name servers - B, F, H, K, and M - have assigned IPv6 addresses to their systems. These addresses are not included in the root hints file at this time, nor are they present in the root zone. Thus AAAA resource records are not returned in responses to DNS priming queries sent by recursive name servers.

Adding AAAA records to the root hints file and to the root zone will increase the size of the priming response. Ultimately, when all 13 root name servers assign IPv6 addresses, the priming response will increase in size to 811 bytes. This imposes additional conditions for the successful completion of a priming exchange that do not exist today:

- Resolvers and any intermediate systems that are situated between recursive name servers and root name servers must be able to process DNS messages containing type AAAA resource records.
- Resolvers must use DNS Extensions (EDNS0, [RFC 2671](#)) to notify root name servers that they are able to process DNS response messages larger than the 512 byte maximum UDP-encapsulated DNS message size specified in [RFC 1035](#).
- Intermediate systems must be configured to forward UDP-encapsulated DNS response messages larger than the 512 byte maximum DNS message size specified in [RFC 1035](#) to resolvers that issued the priming request.

[SAC016](#) solicits feedback from the Internet community on whether commercial firewalls organizations use to protect resolvers will block (silently discard) priming responses because they do not satisfy these conditions. Vendor and user reports from this exercise may be found [here](#).

The joint committees are now soliciting feedback from the Internet community on whether DNS servers (software and hardware appliance) organizations use to provide recursive name service will operate correctly when type AAAA resource records are added to the root hints file and root zone.

### Preparing and Testing Recursive Name Server Implementations and Versions

The complete name server bootstrap process must be tested to verify that changes at the root level of DNS service do not adversely affect production name service. Tests must verify that an implementation:

- Use the root name server information in the priming response message without failing when it is configured with a hints file containing type AAAA resource records.
- Perform the priming exchange over UDP, which involves sending a DNS query for type NS for the root (".") to one or more of the root name servers identified in the local copy of the hints file.
- Process the UDP-encapsulated DNS response message from a root name server.
- Use the information in DNS response message to perform iterative name resolution.

Ideally, the test response contains type A and AAAA resource records of the authoritative root name servers and is larger than the 512-byte maximum UDP DNS message size specified in RFC 1035. Several root name server operators have volunteered to operate test name servers for this exercise. These servers have been

configured to be authoritative for "test" root and root-servers.net zones that contain both type A and AAAA resource records for the authoritative root name servers.

## Test your Recursive Name Server

To test whether your recursive name server will operate correctly, perform the following:

1. Determine whether your firewall supports AAAA and EDNS0 by performing the tests described in [SAC016](#).
2. Download and install a copy of the test hints file, `aaaa-test-root-hints` [[DAT, 1K](#)] on the host that provides recursive name service. The contents of `aaaa-test-root-hints` appear below:

```
;
;
; IMPORTANT NOTE: This root hints file is for TESTING ONLY. Use this
; file to test your recursive name server's support of AAAA records
; for the root name servers. Details of this experiment are available
; at http://www.icann.org/committees/security/sac017.htm
;
```

```
.           3600000 IN NS   aaaa.verisignlabs.com.
aaaa.verisignlabs.com. 3600000 A    65.201.175.33
aaaa.verisignlabs.com. 3600000 AAAA 2001:503:39c1::2:26
```

```
.           3600000 IN NS   aaaa.dns.br.
aaaa.dns.br. 3600000 A    200.160.7.135
aaaa.dns.br. 3600000 AAAA 2001:12ff:0:7::135
```

```
.           3600000 IN NS   roto.nlnetlabs.nl.
roto.nlnetlabs.nl. 3600000 A    213.154.224.153
roto.nlnetlabs.nl. 3600000 AAAA 2001:7b8:206:1::153
```

```
.           3600000 IN NS   rs-net.isc.org.
rs-net.isc.org. 3600000 A    204.152.186.62
rs-net.isc.org. 3600000 AAAA 2001:4f8:3:ba::62
```

3. Configure your recursive name server to use the test root hints file, either by specifying the new file in its configuration or by copying the test file over the current root hints file. (We of course suggest making a backup of your current root hints file, though the official file is easily obtained from `ftp://ftp.internic.net/domain/`). Each recursive name server configuration is different, so you may need to consult your server's documentation, a local expert or resources on the Internet if you're not sure how to specify an alternate root hints file.
4. Stop and restart the name server process or service. This should cause your name server to "prime". (In some cases, your operating system or DNS appliance may require a system level restart.)
5. Perform the following DNS lookup using the popular `dig` program to make sure that your recursive resolver sends a priming query, if it hasn't already.

```
dig @IP-of-your-recursive-server icann.org
```

6. Perform the following DNS lookup using the popular `dig` program to obtain the set of type A and AAAA resource records your recursive name server now has:

```
dig +norec +bufsize=1024 @IP-of-your-recursive-server . NS
```

To create a file of the dig output, use

```
dig +norec +bufsize=1024 @IP-of-your-recursive-server . NS > testAAAA.txt
```

If you are able to run `dig` on the recursive server itself, you can send queries to the server's loopback (localhost) address by using an IP address of `127.0.0.1` in the `dig` command above.

7. Compare the output of your `dig` query against the information below (note that this query is performed at a recursive name server's localhost IPv4 address, `127.0.0.1`, and that the TTLs and order of resource records returned in response to your request may be different):

```

$ dig +norec +bufsize=1024 @127.0.0.1 . ns

; <<>> DiG 9.3.2 <<>> +norec +bufsize=1024 @IP-of-your-recursive-server . NS
; (1 server found)
;; global options: printcmd
;; Got answer:
;; ->>HEADER<<- opcode: QUERY, status: NOERROR, id: 48730
;; flags: qr ra; QUERY: 1, ANSWER: 13, AUTHORITY: 13, ADDITIONAL: 19

;; OPT PSEUDOSECTION:
; EDNS: version: 0, flags:; udp: 4096
;; QUESTION SECTION:
;
;           IN      ANY

;; ANSWER SECTION:
.           514104 IN      NS      A.ROOT-SERVERS.NET.
.           514104 IN      NS      B.ROOT-SERVERS.NET.
.           514104 IN      NS      C.ROOT-SERVERS.NET.
.           514104 IN      NS      D.ROOT-SERVERS.NET.
.           514104 IN      NS      E.ROOT-SERVERS.NET.
.           514104 IN      NS      F.ROOT-SERVERS.NET.
.           514104 IN      NS      G.ROOT-SERVERS.NET.
.           514104 IN      NS      H.ROOT-SERVERS.NET.
.           514104 IN      NS      I.ROOT-SERVERS.NET.
.           514104 IN      NS      J.ROOT-SERVERS.NET.
.           514104 IN      NS      K.ROOT-SERVERS.NET.
.           514104 IN      NS      L.ROOT-SERVERS.NET.
.           514104 IN      NS      M.ROOT-SERVERS.NET.

;; AUTHORITY SECTION:
.           514104 IN      NS      M.ROOT-SERVERS.NET.
.           514104 IN      NS      A.ROOT-SERVERS.NET.
.           514104 IN      NS      B.ROOT-SERVERS.NET.
.           514104 IN      NS      C.ROOT-SERVERS.NET.
.           514104 IN      NS      D.ROOT-SERVERS.NET.
.           514104 IN      NS      E.ROOT-SERVERS.NET.
.           514104 IN      NS      F.ROOT-SERVERS.NET.
.           514104 IN      NS      G.ROOT-SERVERS.NET.
.           514104 IN      NS      H.ROOT-SERVERS.NET.
.           514104 IN      NS      I.ROOT-SERVERS.NET.
.           514104 IN      NS      J.ROOT-SERVERS.NET.
.           514104 IN      NS      K.ROOT-SERVERS.NET.
.           514104 IN      NS      L.ROOT-SERVERS.NET.

;; ADDITIONAL SECTION:
A.ROOT-SERVERS.NET. 600504 IN      A      198.41.0.4
B.ROOT-SERVERS.NET. 600504 IN      A      192.228.79.201
B.ROOT-SERVERS.NET. 600504 IN      AAAA   2001:478:65::53
C.ROOT-SERVERS.NET. 600504 IN      A      192.33.4.12
D.ROOT-SERVERS.NET. 600504 IN      A      128.8.10.90
E.ROOT-SERVERS.NET. 600504 IN      A      192.203.230.10
F.ROOT-SERVERS.NET. 600504 IN      A      192.5.5.241
F.ROOT-SERVERS.NET. 600504 IN      AAAA   2001:500::1035
G.ROOT-SERVERS.NET. 600504 IN      A      192.112.36.4
H.ROOT-SERVERS.NET. 600504 IN      A      128.63.2.53
H.ROOT-SERVERS.NET. 600504 IN      AAAA   2001:500:1::803f:235
I.ROOT-SERVERS.NET. 600504 IN      A      192.36.148.17
J.ROOT-SERVERS.NET. 600504 IN      A      192.58.128.30
K.ROOT-SERVERS.NET. 600504 IN      A      193.0.14.129
K.ROOT-SERVERS.NET. 600504 IN      AAAA   2001:7fd::1
L.ROOT-SERVERS.NET. 600504 IN      A      198.32.64.12

```

```

M.ROOT-SERVERS.NET. 600504 IN A 202.12.27.33
M.ROOT-SERVERS.NET. 600504 IN AAAA 2001:dc3::35

;; Query time: 2 msec
;; SERVER: 127.0.0.1#53(127.0.0.1)
;; WHEN: Tue Jan 30 08:50:55 2007
;; MSG SIZE rcvd: 756

```

If your recursive server successfully used the test root hints file and processed a priming response from one of the test name servers, you may see AAAA resource records for some of the root name servers in the dig output as in the example above. Note, however, that the absence of these records doesn't necessarily mean something is wrong: your server may have received the proper response and but does not return the records when queried for them. (You may be able to confirm this by examining DNS server or system event logs.)

#### 8. Use your name server. Does it resolve queries and operate normally?

**Your recursive name server passes the test if it starts normally, continues to run and resolves queries as usual when configured to use the test root hints file.**

We are most interested to find servers that fail the test by refusing to start when presented with the test root hints file containing AAAA resource records, or that don't operate normally or resolve queries properly after receiving AAAA resource records in the priming response from the test root name servers. The scope of this test is not limited to resolvers that have IPv6 transport. We are interested in results for resolvers that have IPv4 transport only as well.

#### 9. When you have concluded your testing, remove the test file

(aaaa-test-root-hints)

and restore the official hints file.

### Share Your Results with the Internet Community

The SSAC and RSSAC committees encourage you to share your test results with the community by sending an email to the [ICANN SSAC Fellow](#) containing the following information:

- DNS Name Server (hardware or software) product & manufacturer
  - Hardware model (if applicable)
  - Operating System and DNS server versions (for BIND version, "dig @nameserver version.bind txt chaos")
  - Did the name server implementation succeed or fail to bootstrap when configured with a hints file containing type AAAA resource records? I.e., did your name server issue an error and/or stop running after being restarted with the test root hints file in place?
  - If your name server failed to bootstrap over IPv4 transport
    - Can you provide a description of the failure or an error code?
    - Were you able to resolve the failure condition by making a configuration change? If Yes, please describe any changes to your name server configuration that resolved the failure condition.
  - If your name server successfully bootstraps over IPv4 transport,
    - Does it support EDNS0?
    - Is it able to parse AAAA resource records?
    - Does your name server retain a local copy of the type AAAA records for the root name servers?
- Please provide a copy of the dig input and output (as illustrated above, this can be obtained by directing the output to a file, e.g., "dig +noredc @IP-of-your-recursive-server . NS > testAAAA.txt"); alternatively, indicate success or failure. If failure, please provide the [Domain System Response Code](#) reported.
- Does the name server continue to function correctly following a priming exchange with a test root name server? (The root and root-servers.net zones used for testing purposes will contain the IPv4 and IPv6 addresses of operational, authoritative root name servers.)

### Testing Performed

The following results have been reported to the SSAC fellow:

DNS Software	Operating System	Bootstraps when AAAA RRs present in hints file	Primes using IPv4 transport	Supports EDNS0	Parses AAAA RRs	Functions properly following a priming exchange with a test root name server	Source
BIND 4.9.3-REL	Redhat Fedora Core 6 Linux	YES [5]	YES	NO	NO	YES	User
BIND 4.9.11-REL	Redhat Fedora Core 6 Linux	YES		NO	YES	YES	User
BIND 8.2.2-P5	SunOS Blakey 5.8	YES	YES	NO	NO	YES	User
BIND 9.2.4	Debian GNU/Linux	YES	YES	YES	YES	YES	User
BIND 9.3.2	Mac OS X version 10.4.8, Ubuntu Dapper (Linux 2.6.15-27)	YES	YES	YES	YES	YES	User
BIND 9.3.4	FreeBSD 6.2	YES	YES	YES	YES	YES	User
BIND 9.4.0 rc2	FreeBSD 6.2, Suse Linux 10.1	YES	YES	YES	YES	YES	User
djbdns (dnscache 1.05)	Fedora 6 Core	YES	YES	YES	NO	YES	User
DNS Commander [4]	Windows NT/XP, Linux, Solaris	YES	N/A	YES	YES	N/A	Vendor
DNSJava	Java (any OS with Java support)	N/A	N/A	YES	YES	N/A	Developer
JDNSS [1]	Java (any OS with Java support)	N/A	N/A	NO		N/A	Developer
MaraDNS 1.2.12.04 [2]	BSD, Linux, Windows	NO	NO	NO	YES	N/A	Developer
Men & Mice Suite 5.x with current BIND 8 or BIND 9	Windows 2000/Windows 2003/Linux/FreeBSD/MacOSX/Solaris	YES	YES	YES	YES	YES	Vendor
Mice & Men QuickDNS v1.0 - 3.0	Apple MacOS Classic (System 7 to MacOS 9)	NO	YES	NO	NO	NO	Vendor
Microsoft DNS Server	Windows 2000 5.00.2195 SP4	YES	YES	NO	NO	YES	User
Microsoft DNS Server	Windows 2003	YES	YES	YES	YES	YES	User
Nominum CNS 1.6.5.0	Solaris 10	YES	YES	YES	YES	YES	Vendor
Posadis DNS version 6	Windows XP SP2	YES	NO	NO	YES	YES	User
PowerDNS Recursor 3.1.4	Debian GNU/Linux	YES	YES	YES	YES	YES	User

QuickDNS 3.5 to 4.6 with current BIND 8 or BIND 9	Windows 2000/Windows 2003/Linux/FreeBSD/ MacOSX/ Solaris	YES	YES	YES	YES	YES	Vendor
SimpleDNS version 4.00.06 [3]	Windows XP SP2	YES	YES	NO	YES	YES	User, Vendor

[1] Used as a leaf or stub resolver. Does not perform recursive lookups and does not prime.

[2] Recursive resolver does not have IPv6 support; recursion must be disabled to bind to IPv6 address.

[3] Priming is performed according to a preconfigured time interval (default once every 7 days).

[4] This product does not perform a priming query and relies on root hints configured for the name server.

[5] Server operates despite error messages recorded to syslog ("Unknown type: AAAA", "database format error (AAAA)", and "cache zone '.' rejected due to errors")

### Testing Period

Name servers will be available for testing from 01 February 2007 through 01 May 2007.

Published 08 Feb 2007

1.7.6 [SAC018]: Accommodating IP  
Version 6 Address Resource Records for  
the Root of the Domain Name System  
<http://www.icann.org/committees/security/sac018.pdf>

# Accommodating IP Version 6 Address Resource Records for the Root of the Domain Name System



A Joint Report from the ICANN  
Security and Stability Advisory and  
Root Server System Advisory Committees

SAC018 2007

Version 1.0

## **About the Security and Stability Advisory Committee**

The Security and Stability Advisory Committee (SSAC) is an advisory committee to the Internet Corporation for Assigned Names and Numbers (ICANN). The Committee's purpose is to offer independent advice to the ICANN board, the ICANN staff and the various ICANN supporting organizations, councils and committees as well as to the technical community at large on matters relating to the security and integrity of the Internet's naming and address allocation systems. The Committee has no official authority to regulate, enforce or adjudicate. Those functions belong to others. The advice offered by the Committee should be evaluated on its merits, not on the status of the Committee or its members.

## **About the Root Server System Advisory Committee**

The Root Server System Advisory Committee (RSSAC) is an advisory committee to ICANN. The Committee's purpose to advise the Board about the operation of the root name servers of the domain name system. Specifically, the committee provides advice on the operational requirements of root name servers, including host hardware capacities, operating systems and name server software versions, network connectivity and physical environment. The Committee also examines and advises on the security aspects of the root name server system, and reviews the number, location, and distribution of root name servers considering the total system performance, robustness, and reliability.

## **About this Report**

This report was prepared by the SSAC Fellow, Dave Piscitello, under the direction of the joint committees and represents output from the committees as a whole. The Appendix contains the current list of members and contributors to this report.

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## Executive Summary

This Report considers the issues related to the inclusion of the IPv6 addresses for the root level of the DNS. IPv6 addresses are already included for Top Level Domain Name Servers in the root zone file, and the operators of a number of root name servers have assigned IPv6 addresses to their servers. These addresses are not included in the root hints file and the root zone at this time. Thus IPv6 addresses of root name servers are not returned in responses to DNS queries sent by recursive name servers.

To enable name resolution, resolvers are pre-configured with the addresses of at least one root name server. Commonly called "hints", recursive name servers initially rely on these addresses to provide recursive name service. Many recursive name servers also perform a bootstrap process called *priming*. Priming ensures that a recursive name server always starts operation with the most up-to-date list of root name servers.

The User Datagram Protocol (UDP) serves as the transport for priming messages. RFC 1035, Domain Names Implementation and Specification, specifies a 512 byte maximum UDP-encapsulated DNS message size. Adding the IPv6 address information for more than two root name servers to the root hints file and to the root zone will increase the size of the DNS priming response so that it exceeds this maximum. Ultimately, when all 13 root name servers assign IPv6 addresses, the priming response will increase in size to 811 bytes. This imposes additional conditions for the successful completion of a priming exchange that do not exist today:

- Intermediate systems that are situated between recursive name servers and root name servers must be able to process DNS messages containing IPv6 addresses.
- Resolvers must use DNS Extensions to notify root name servers that they are able to process DNS response messages larger than the 512 byte maximum UDP-encapsulated DNS message size specified in RFC 1035.
- Intermediate systems must be configured to forward UDP-encapsulated DNS responses that exceed the 512 byte maximum DNS message size specified in RFC 1035.

In this report, the ICANN Root Server System Advisory and Security and Stability Advisory Committees examine the problems that might arise if IP Version 6 (IPv6) host address resource records of root name servers were added to the root hints and root zone file for the DNS. We describe and report the results of testing performed by committee members and the community at large, including recursive name server operators as well as commercial vendors of security systems and DNS name server products, to determine the extent to which these problems are likely to be encountered. The test results figure prominently in the recommendations we propose to ICANN and IANA.

We conclude the Report with a roadmap the community can follow to assure that the inclusion of AAAA records in the root hints file and DNS priming responses from root name servers has minimum impact and maximum benefit.



# 1. Introduction

Many TLD name servers have IP version 6 (IPv6) addresses and provide domain name service for IPv6 today. A number of root name server operators have assigned IPv6 addresses to their systems as well. To date, however, the IPv6 addresses of root name servers are not included in the IANA-maintained root hints and root zone files. A lack of a clear understanding of how the inclusion of these addresses might affect name service has to date prevented IANA from including these addresses in two critical root-level resources: the root hints file and the root zone. As a result, root name servers do not return IPv6 addresses of root name servers in response to DNS queries they receive from recursive name servers.

In this report, the ICANN Root Server System Advisory and Security and Stability Advisory Committees examine the problems that might arise if IPv6 host address resource records of root name servers were added to the root hints and root zone files for the DNS. We report the results of testing performed by committee members and the community at large to determine the extent to which these problems are likely to be encountered. The test results figure prominently in the recommendations we propose to ICANN and IANA. We conclude the report with a recommended course of action for ICANN and IANA to include IPv6 addresses of root name servers in the root level of the DNS.

The report is organized as follows:

**Section 2** describes how adding IPv6 addresses at the root of the DNS affects the root hints file and the priming exchange

**Section 3** considers the strengths, weaknesses and issues of the alternatives proposed in Section 2.

In **Section 4**, SSAC and RSSAC present their findings.

In **Section 5**, SSAC and RSSAC provide a roadmap the community can follow to assure that the inclusion of IPv6 address records in the root hints file and DNS priming responses from root name servers has minimum impact and maximum benefit.

This report discusses the operation of the DNS in considerable technical detail. Appendix A provides background material covering the terminology, nomenclature, and operation of the Domain Name System. In particular, this appendix provides detailed descriptions of the composition, use and administration of the root hints and root zone files, and of DNS protocol exchanges between root name servers and recursive name servers that are essential to assuring accurate name resolution. Readers who are unfamiliar with these concepts are strongly encouraged to read Appendix A and complementing Appendices before proceeding to Section 2.

## 2. Inclusion of IPv6 addresses at the Root of the DNS

In this section, we describe how adding IPv6 addresses at the root of the DNS affects the root hints file and the priming exchange.

### ***Adding AAAA Records to Root Hints***

A recursive name server's iterative resolver must know the IP address of at least one root name server to function properly. Commonly, name server software provides sufficient configuration information during installation to assure that a host connected to the Internet can query a root name server by including a *hints* file. The IANA maintains the authoritative root hints file.

The existing procedures for publishing root hints need not be changed to add AAAA addresses of root name servers in the files published at <ftp://ftp.internic.net/domain/>.

When the root hints file is changed, it is expected that all resolvers and name servers will use one of the update methods identified in Appendix A in the section entitled *Updating and Maintaining Root Hints Files*.

### ***Adding AAAA Records to Priming Exchange***

Before adding AAAA records to the priming exchange, we consider ways to avoid or minimize the impact or adverse affects such changes may have on deployed systems:

- For performance and resiliency purposes, it is desirable that root name servers continue to include the A records for all thirteen root name servers.
- Root name servers should return the same DNS priming response irrespective of which IP transport is used (v4 or v6).
- Situations where a large DNS response message forces root name servers to mark the message as truncated and thereby cause a resolver to resend the priming query using TCP should be avoided. Root name servers should not be burdened with the additional processing associated with establishing TCP connections for priming exchanges.

Thus, the committees considered the following options:

- 1) Include as many AAAA records of root name server addresses as will fit into the Additional Section of a UDP-encapsulated DNS message of 512 bytes in priming responses. Each AAAA record will occupy 28 bytes in the Additional section. Thus a DNS Priming Response would be composed in the following manner:

<b>DNS Priming Response Message (IPv4 and IPv6)</b>	<b># Bytes</b>
Required Headers: <ul style="list-style-type: none"> <li>Transaction ID, Flags, Questions, Answer RR count, Authority RR count, Additional RR count</li> </ul>	12
Query <ul style="list-style-type: none"> <li>Name ".", Type NS, Class INET</li> </ul>	5
Answers: <ul style="list-style-type: none"> <li>First answer contains name, type, class, TTL and Data length (value 20), plus the Fully Qualified Domain Name (FQDN) of a root name server (e.g., H.ROOT-SERVERS.NET)</li> </ul>	31
<ul style="list-style-type: none"> <li>Second through 13<sup>th</sup> answers contain name, type, class, TTL and Data length (value 4), plus the label of a root name server (e.g., G, F, E...)</li> </ul>	180
Additional Records <ul style="list-style-type: none"> <li>Each of the 13 A records in the Additional section contains name, type, class, TTL and Data length (value 4) and an 4-byte IPv4 address and occupies 16 bytes (13 records times 16 bytes per record equals 208 bytes)</li> </ul>	208
Additional Records <ul style="list-style-type: none"> <li>Two AAAA records in the Additional section contain name, type, class, TTL and Data length (value 16) and a 16-byte IPv6 address and occupies 28 bytes (2 records times 28 bytes per record equals 56 bytes)</li> </ul>	56
<b>Total length</b>	<b>492</b>

- 2) Plan for the eventual inclusion of AAAA records of all thirteen root name servers in the Additional Section of priming response messages. Again, each AAAA record is 28 bytes. An options (type OPT) section of 11 bytes must be present to indicate that EDNS0 has been offered by the querying name server. The DNS Priming Response is thus composed in the following manner:

<b>DNS Priming Response Message (IPv4 and IPv6)</b>	<b># Bytes</b>
Required Headers: <ul style="list-style-type: none"> <li>Transaction ID, Flags, Questions, Answer RR count, Authority RR count, Additional RR count</li> </ul>	12
Query <ul style="list-style-type: none"> <li>Name ".", Type NS, Class INET</li> </ul>	5
Answers: <ul style="list-style-type: none"> <li>First answer contains name, type, class, TTL and Data length (value 20), plus the Fully Qualified Domain Name (FQDN) of a root name server (e.g., H.ROOT-SERVERS.NET)</li> </ul>	31
<ul style="list-style-type: none"> <li>Second through 13<sup>th</sup> answers contain name, type, class, TTL and Data length (value 4), plus the label of a root name server (e.g., G, F, E...)</li> </ul>	180
Additional Records <ul style="list-style-type: none"> <li>Each of the 13 A records in the Additional section contains name, type, class, TTL and Data length (value 4) and an 4-byte IPv4 address and occupies 16 bytes (13 records x 16 bytes/record)</li> </ul>	208
Additional Records <ul style="list-style-type: none"> <li>13 AAAA records in the Additional section contain name, type, class, TTL and Data length (value 16) and a 16-byte IPv6 address and occupies 28 bytes (13 records x 28 bytes/record)</li> </ul>	364
EDNSO Option (OPT)	11
<b>Total length</b>	<b>811</b>

### 3. Discussion

In this section, SSAC and RSSAC consider the strengths, weaknesses and issues of each alternative proposed in Section 2, *Inclusion of IPv6 addresses at the Root of the DNS*.

#### **Root Name Server Considerations**

Under alternative (1), root name servers return sufficient AAAA information in a DNS priming response message to bootstrap IPv6 name service. The advantage to this alternative is that implementations that have not yet implemented EDNS0 will continue to operate without the possibility of DNS response message truncation, providing they are able to process DNS response messages containing AAAA records correctly.

Alternative (1) has certain disadvantages:

- The priming response only identifies two of thirteen root name servers and thus provides minimal resiliency for all users who need to prime name servers with IPv6 addresses.
- Two of the thirteen root name servers to be included in the DNS priming response would need to be chosen.

Alternative (2) has no such disadvantages. Root name servers can eventually include the A and AAAA records of all root name servers that are currently assigned IPv6 addresses. Since this is the desired end state, this Report will focus on the issues in achieving this objective.

Currently, root name servers use the BIND 8, BIND 9, and NSD name server software packages. Root name servers currently running BIND 9 and NSD can be configured to build a DNS priming response message as illustrated for alternative (2). BIND version 8 composes the Additional section in a slightly different manner. Specifically, BIND 8 will return an A record of a root name server, followed by an AAAA record of that same name server. Simply put, the DNS priming response returned by a BIND 8 implementation would return more AAAA records than a BIND 9 or NSD implementation and fewer A records but a sufficient number of both to allow the bootstrapping of IPv4 and IPv6 name service to complete.

#### **Resolver Considerations**

In this section, we consider several issues related to choosing alternative (2).

*Is EDNS0 support among resolvers in production networks prevalent enough to choose a priming response alternative that cannot fit within the maximum DNS message size specified in RFC 1035?*

The priming response exceeds the maximum DNS message size recommended in RFC 1035 when more than two type AAAA resource records are added to the Additional section. To achieve the desired end condition of having all root name servers return the A and AAAA records of all root name servers in the priming response message,

- 1) Resolvers must be able to process DNS priming message responses containing AAAA records and must be able to reassemble IP packets.
- 2) Resolvers that do not support EDNS0 and resolvers that support EDNS0 but advertise a receive buffer of less than 811 bytes should use whatever AAAA information root name servers return to bootstrap IPv6 name service. See Appendix A, *DNS Message Composition and Size Considerations*.
- 3) Resolvers that support EDNS0 should advertise a receive buffer of at least 800 bytes. (Note: data collected by RIPE-NCC suggest that 99% of EDNS0-capable resolver installations advertise 1024 or larger receive buffers, See Table 2 and Figure 2 of [1]).
- 4) Resolvers should retry the priming response without advertising EDNS0 if they do not receive a DNS response message within a timeout period.
- 5) If resolvers do not receive a priming response message, they use whatever "hints" they have.

To approximate the potential impact, members of the committee informally tested several resolver implementations by composing and issuing Type NS queries to Top Level Domains that currently return A and AAAA records. In this case, the queries used the EDNS0 option to advertise a buffer size of 4096 bytes. The sizes of the responses ranged from 521 bytes to 730 bytes. We observed that resolvers provided with popular operating systems (Windows Server 2000/2003, Mac OSX, various Linux builds including Fedora and Red Hat) are able to process UDP-encapsulated DNS response messages that are longer than 512 bytes.

*Will the presence of AAAA records in the DNS priming response adversely affect resolver implementations used today in IPv4-only production networks?*

For resolvers, three adverse conditions may result from this action:

1. A resolver that is not IPv6-aware may not operate correctly when it receives a priming response that contains AAAA records from a root name server.
2. A resolver that is not IPv6-aware may ignore AAAA records in a priming response but otherwise behave properly.
3. A resolver that is IPv6-aware but has not been configured to use IPv6 will ignore priming messages containing AAAA records but otherwise process a priming response correctly.

To approximate the potential impact, members of the committee informally tested several resolver implementations by composing and issuing type NS queries that currently return A and AAAA records of TLD name servers (UA, FR, JP). The size of the response messages ranged from 208 to 439 bytes. From the results, we observe that resolvers provided with commonly used operating systems (Windows Server 2000/2003, Mac OSX, various Linux builds including Fedora and Red Hat) are able to process DNS priming responses, and use and cache the AAAA records. [Note: we assume that the same logic used to process a type NS response is used to process a priming response.]

*Is the sequencing of records in the Additional data in the DNS priming response important? Specifically, is it necessary to put all Type A records before any Type AAAA records in the Additional section of the priming response?*

Members of the joint committees speculate that some DNS implementations may be sensitive to the order that Type A and AAAA records are encoded in the Additional Section; specifically, some implementations may expect Type A resource records to be encoded immediately following the Answers Section (as illustrated in Section 2, *Inclusion of IPv6 addresses at the Root of the DNS*). It seems appropriate to accommodate for this possibility by specifying that all Additional records containing Type A resource records precede Additional records containing Type AAAA resource records.

The informal tests of resolver implementations imitate part of the resolver bootstrap process. These informal tests were valuable, but the committees sought broader and more formal testing from DNS server vendors, developers and the user community at large. These are described in the following section.

## **Testing Iterative Resolvers for AAAA and EDNS0 Support**

The complete name server bootstrap process must be tested to verify that changes at the root level of DNS service do not adversely affect production name service. Tests must verify that an implementation:

- Use the root name server information in the DNS response message without failing when it is configured with a hints file containing type AAAA resource records.
- Perform the priming exchange over UDP, which involves sending a DNS query for type NS for the root (".") to one or more of the root name servers identified in the local copy of the hints file.
- Process the UDP-encapsulated DNS response message from a root name server.
- Use the information in DNS response message to perform iterative name resolution.

Ideally, the test response contains type A and AAAA resource records of the authoritative root name servers and is larger than the 512-byte maximum UDP DNS message size specified in RFC 1035. Several root name server operators have volunteered to operate test name servers for this exercise. These servers have been configured to be authoritative for "test" root and root-servers.net zones that contain both type A and AAAA resource records for the authoritative root name servers.

RSSAC and SSAC have solicited Internet community participation to test whether iterative resolvers can be configured with a hints file containing both type A and AAAA resource records and also whether iterative resolvers are able to process priming responses containing IPv6 (AAAA) resource records and priming responses greater than 512 bytes (See SAC017, [12]). The results reported to the ICANN SSAC Fellow when this report was published are reproduced in Appendix D.

The results indicate that "modern day" (post 2000) DNS products used as recursive name servers are able to bootstrap when AAAA resource records are present in the root hints or equivalent configuration data and that these name servers will function properly if they receive a priming response greater than 512 bytes containing AAAA resource records. We conclude that very few recursive name servers used in production today will be adversely affected by the inclusion of IPv6 addresses for root name servers in the root hints and root zone files.

### ***Intermediate System Considerations***

Anecdotal reports suggest that certain intermediate devices used in production networks (e.g., security systems such as an Internet firewall) inspect DNS messages for security purposes may be adversely affected by the inclusion of AAAA records in the DNS priming response messages. Again, three adverse conditions may result from this action:

1. The security system is not IPv6-aware and by default blocks DNS messages that contain resource records that do not conform to RFC 1034/1035.
2. The security system is IPv6-aware but the default configuration setting of the system is to block DNS messages that contain resource records that do not strictly conform to RFC 1034/1035.
3. The security policy enforced by an organization currently blocks DNS messages that contain resource records that do not conform to RFC 1034/1035.

To better understand these situations, first consider the behavior of a security system, e.g., an Internet firewall or software firewall executing on a host that has not implemented IPv6. When this security system receives an IPv6 datagram used to transport a priming message over an Ethernet segment, it will inspect the EtherType field of Ethernet header, extract the value encoded (for IPv6, 0x86DD), and compare this value against the set of "allowed EtherTypes" in its security policy database. Since IPv6 is not implemented, it is classified as unwanted traffic, so the security system will discard this packet.

Now consider an application layer gateway that is implemented or configured to enforce a policy that only allows RFC 1035 compliant DNS protocol elements. The application layer gateway will inspect the Additional Section in the expanded DNS priming request, parse and process type A resource records as "allowed" but it will reject a DNS priming response if it encounters AAAA records because these are "not defined" in RFC 1035 and thus treated as potentially malicious (hostile).

We thus consider the following issues with respect to choosing alternative (2).

*Will the presence of AAAA records in the DNS priming response influence the way intermediate devices enforce security policy on DNS messages?*

Using the same tests performed against TLD name servers that return AAAA records, members of the committee were able to demonstrate that DNS response messages containing AAAA records will pass through a number of commercial firewalls that are commonly used by large organizations and commonly interposed between an organization's internal name servers and external name servers (e.g., TLD and root name servers).

*Is EDNS0 support among intermediate systems in production networks prevalent enough to choose a priming response alternative that cannot fit within the maximum DNS message size specified in RFC 1035?*

Some intermediate systems and application layer gateways may not support EDNS0 extension mechanisms or may be configured to reject DNS messages containing the OPT parameter resolvers use to indicate they are capable of receiving UDP-encapsulated messages larger than 512 bytes. Other intermediate systems may be capable of processing EDNS0 extension mechanisms but may have been configured to block them. For some systems, this may be the default behavior, as in the case of the Cisco PIX version 6.2.5 and earlier. In some cases, organizations may have configured a security policy at a firewall to protect against attacks that use large DNS responses as a means to exploit vulnerabilities in certain name server implementations [3].

Members of the committee informally tested intermediate (security) systems by composing and issuing Type NS queries to Top Level Domains that currently return A and AAAA records from hosts behind the security system. In this case, the queries used the EDNS0 option to advertise a buffer size of 4096 bytes. The sizes of the responses ranged from 521 bytes to 730 bytes. Members of the committee were able to demonstrate that a number of commercial firewalls will allow UDP-encapsulated DNS responses larger than 512 bytes to pass unless a security policy is specifically configured to block such traffic. These informal tests were again valuable, but the committees sought broader and more formal testing from DNS server vendors, developers and the user community at large. These are described in the following section.

## **Testing Firewalls for IPv6 and EDNS0 Support**

Any party, vendor or user, can test the action an intermediate system takes when it encounters type AAAA resource records by composing and issuing Type NS queries that currently return A and AAAA records of certain TLD name servers (e.g., UA, FR, JP, and HK). By advertising a receive buffer of at least 811 bytes, any party can also test the action an intermediate system takes when it receives a UDP-encapsulated DNS response message larger than 512 bytes by composing from TLD name servers such as FR and HK. These tests are sufficient to verify that an intermediate system implementation and policy configuration will allow priming response messages to pass without modification or interference.

RRSAC and SSAC have solicited Internet community participation to test how intermediate systems react when DNS response messages contain AAAA RRs and when UDP-encapsulated DNS response messages are greater than 512 bytes (See SAC016, [4]). The results reported to the ICANN SSAC Fellow when this report was published are reproduced in Appendix E

## ***IP Reassembly and Security Policy Issues***

The issue we consider here is related to EDNS0 support and the use of DNS messages larger than 512 bytes. All implementations and intermediate systems ought to be capable of reassembling IP packets that have been fragmented in transit [5]; however, security administrators may configure security systems to intentionally block DNS messages that exceed 512 octets to thwart forms of DDoS attacks that make use of IP fragmentation.

SSAC Advisory SAC008 does in fact recommend that TLD name servers block IP packets carrying UDP messages exceeding the standard 512 bytes, with the caveat that "TLD name server operators should recognize that future protocol extensions and enhancements may result in changes to this filtering rule" [6]. One possible change is for TLD operators to allow UDP-encapsulated DNS response messages exceeding 512 bytes from root name servers only (e.g., a list of trusted IP addresses). While these addresses could be used in spoofing attacks, the amplification factor is not quite the same as it would be if TLD operators removed the filter entirely.

## 4. Findings

The SSAC and RSSAC offer the following findings for consideration:

1. Adding IPv6 addresses at the root of the DNS affects the root hints file and the priming exchange.
2. The existing procedures for publishing root hints need not be changed to add AAAA addresses of root name servers in the files made available at <ftp://ftp.internic.net/domain/>, however making a version of root hints that includes AAAA records for the root name servers configured with IPv6 addresses may be appropriate.
3. DNS implementations used by all thirteen root name server operators are capable of including IPv6 records.
4. Changes to include IPv6 addresses affect the DNS priming response in two respects:
  - a. Adding IPv6 addresses adds a resource record type (AAAA) that many implementations have never seen returned in a DNS priming response.
  - b. No more than two (2) AAAA resource records can be included in the response if the overall message size is to fit within the 512 byte maximum UDP-encapsulated DNS message size specified by RFC 1035.
  - c. A DNS priming response containing the names, type A records and type AAAA records for all thirteen root name servers will result in a response message of 811 bytes. Resolvers that use EDNS0 and advertise a receive buffer of at least 811 bytes will receive the entirety of the message. Resolvers that use EDNS0 but advertise a receive buffer less than 800 bytes and resolvers that do not use EDNS0 will receive DNS response message containing an *abbreviated* Additional section which will contain at least two type AAAA records (see *Root Name Server Considerations* in Section 3).
5. Testing conducted by members of the committee and the community at large indicate that:
  - a. Resolvers commonly used in production networks today are able to process IPv6 address records returned in response to type NS queries by TLD name servers without incident.
  - b. Intermediate systems commonly used in production networks today allow DNS messages containing IPv6 addresses to pass without incident (either as a default

- policy or by user configuration).
- c. Resolvers commonly used in production networks today are EDNS0 capable. Statistics from RIPE suggest that the majority of these resolver installations advertise receive buffers greater than the 811 bytes that root name servers would require to return a DNS priming response message containing the IPv4 and IPv6 address records for all 13 root name servers.
  - d. Many intermediate systems commonly used in production networks today allow UDP-encapsulated DNS messages that exceed 512 bytes to pass without incident. Some systems block longer messages by default. Other systems are intentionally configured to block such messages to protect against IP-level fragmentation attacks. ICANN and IANA should give the community ample time to test security policy configuration at intermediate systems before making changes to the root hints and root zone file that would increase the size of UDP-encapsulated DNS response messages beyond 512 bytes.

On the basis of the above findings, the committees conclude that changing the DNS priming response to include IPv6 address records will have minimal impact on name server implementations and intermediate systems used in production networks.

Additional study and testing is encouraged to continue to assess the impact of including AAAA records in the DNS priming response. Testing should be part of an overall strategy or "road map" for deployment that would ultimately result in the inclusion of the names, type A records and type AAAA records for all thirteen root name servers in the priming response. Root name server operators should continue to offer a public test facility for a reasonable time frame that can be used by product implementers as well as DNS, network, and security administrators to verify that their name service will not be interrupted on the cutover date.

Providing advanced notice of this change in a variety of venues – ICANN and supporting organization web sites, trade publications, and other technology news venues and forums – is an important element of the overall strategy. Advanced notice will give sufficient time to test well in advance of the date when root name servers will begin returning a "full" priming response.

## 5. Recommendations

ICANN SSAC and RRSAC recommend that type AAAA records for all root name servers so addressed should be included in the root hints and root zone files and that they be returned in priming responses from root name servers as soon as practically possible. The committees jointly conclude that the most expedient way to proceed is for ICANN, IANA and the root name server operators to coordinate a phased deployment.

1. ICANN and IANA should provide advanced public notice and identify a date on which DNS priming responses from root name servers will include names, type A records and type AAAA.
2. ICANN should continue to solicit testing and report how recursive name server and intermediate system implementations behave when they receive the larger priming response to the community at large. Currently SAC 016 [4] and SAC 017 [2] serve this purpose. These documents should continue to identify software, versions, and (where appropriate) special configuration settings that will permit systems to behave correctly when root hints and DNS priming responses contain AAAA addresses and when the priming response exceeds the RFC 1035 maximum message size.
3. After the specified date, IANA should publish a root hints file containing all thirteen A resource records of root name servers plus the AAAA resource records of all root name servers so addressed at <ftp://ftp.internic.net/domain/>. On the specified date, IANA should add the AAAA records for the root name servers so addressed to the root and root-servers.net zones. Once all root name servers load these updated zones, DNS priming responses will return names, type A records for all root name servers, and type AAAA records for root name servers that are assigned IPv6 addresses.
4. IANA should add AAAA resource records for other root name servers *as they are assigned* and in accordance with existing update policy and practice so that ultimately, the priming response will return both A and AAAA resource records for all thirteen root name servers.

## Appendix A. Background Information

### *The Domain Name System*

The Internet Domain Name Service ([7, 8] is modeled as a distributed database, organized as a tree structure. In the structure, each node in the name space and all its descendents are called a **domain**. A domain is thus a subtree of the Internet name space. Domains have names. Each domain is named after its topmost node, and each descendent (node) of a domain has a **label** assigned or registered within the domain. A node's **domain name** is the list of the labels on the path from the node to the root of the tree. The labels of sibling nodes must be unique.

There is a single, authoritative **root** for the DNS and it is commonly referred to as "dot" or "." Labels assigned to nodes directly subordinate to the root identify Top Level Domains (TLDs). The registration of labels within TLDs is delegated to Registry operators. Organizations and individuals who register labels within TLDs are called domain name **registrants**.

The label relationships between the root, TLD operators, and domain name registrants who register second level labels within TLDs is depicted in Figure A-1:

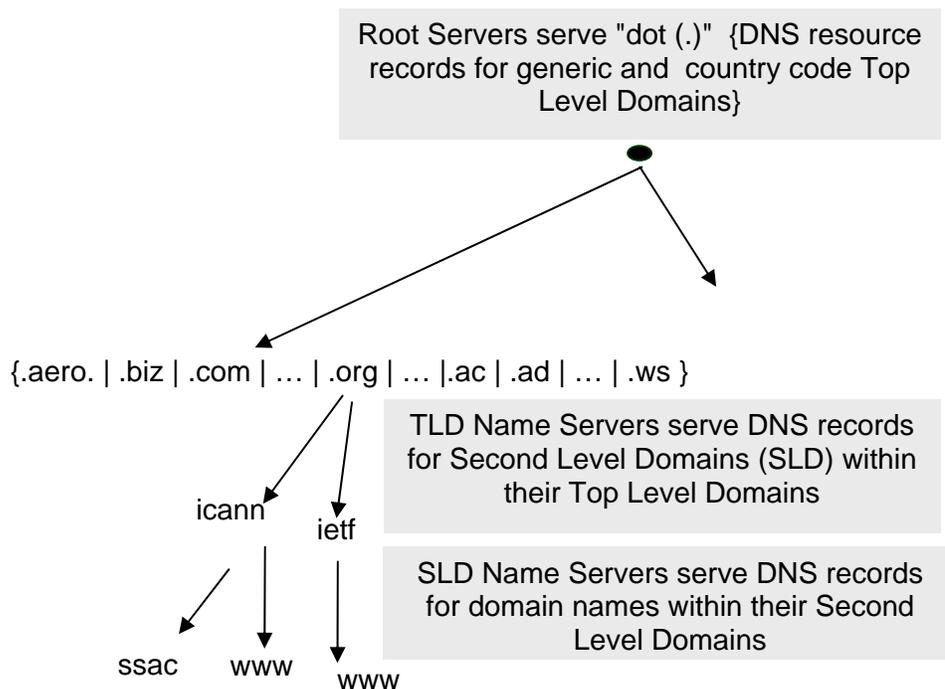


Figure A-1. Label Relationships in the Domain Name System

Domain name records are commonly stored in master files distributed throughout the Internet. Master files are hosted on **name servers**. Name servers are key components of the DNS. They store complete information for some part of the domain tree over which they have administrative control. In particular, name servers that host the complete

database or **zone** for a particular sub-tree of the domain space are said to be **authoritative** for that sub-tree.

## Root Name Servers

The **root name servers** host a critically important master file. The **root zone file** contains authoritative data for the top most level of the DNS. The root zone file contains several classes of resource records, as illustrated in Table 1-1. (Note: the symbol ✂ is used to indicate that some data have been trimmed from the example.)

```

;File start: 15052
✂
. IN SOA A.ROOT-SERVERS.NET. NSTLD.VERISIGN-GRS.COM.
(
    2005100205 ;serial
    1800 ;refresh 30 min
    900 ;retry every 15 min
    604800 ;expire 1 week
    86400 ;minimum of a day
)
$TTL 518400
. NS A.ROOT-SERVERS.NET.
. NS B.ROOT-SERVERS.NET.
. NS C.ROOT-SERVERS.NET.
✂
. NS L.ROOT-SERVERS.NET.
. NS M.ROOT-SERVERS.NET.

A.ROOT-SERVERS.NET. A 198.41.0.4
B.ROOT-SERVERS.NET. A 192.228.79.201
C.ROOT-SERVERS.NET. A 192.33.4.12
✂
L.ROOT-SERVERS.NET. A 198.32.64.12
M.ROOT-SERVERS.NET. A 202.12.27.33
✂

$TTL 172800
✂
JE. NS NSO.JA.NET.
✂
SE. NS A.NS.SE.
SE. NS B.NS.SE.
✂
BIZ. NS G.GTLD.BIZ.
✂
INFO. NS TLD1.ULTRADNS.NET.
✂
JOBS. NS M3.NSTLD.COM.
JOBS. NS H3.NSTLD.COM.
A.NS.SE. A 192.36.144.107
A.NS.SE. AAAA 2001:698:9:301:0:0:0:53
✂
MUNNARI.OZ.AU. A 128.250.1.21
MUNNARI.OZ.AU. A 128.250.22.2
✂
NSO.JA.NET. A 128.86.1.20
NSO.JA.NET. A 193.63.94.20
NSO.JA.NET. AAAA 2001:630:0:8:0:0:0:14
NSO.JA.NET. AAAA 2001:630:0:9:0:0:0:14

```

### Start of Authority information

**Root name server names.** By convention, the 13 authoritative root name servers are assigned a single alphabetic character label (A through M) in the domain root-servers.net.

**Root name server IP addresses.** Each root name server has a record listing the IPv4 address used to query it. Several root name servers support IPv6 *but these addresses are not yet included in the root zone file.*

**Name records for the Top Level Domain name servers** (gTLDs, ccTLDs). Each TLD identifies at least two name servers that host its zone file.

### TLD name server IP addresses.

TLD name servers may have multiple IPv4 and multiple IPv6 addresses.

Figure A-2. Label Relationships in the Domain Name System

## Resolver and Name Servers

A **resolver** asks questions about domain names, e.g., it queries the DNS. In the client-server model used by many Internet applications, the resolver is the DNS client. Typically, a user application determines the IP address associated with a domain name by issuing a (remote) procedure call to a name resolution process called a **stub resolver**. A second type of DNS client, the **iterative resolver**, is typically an element of a recursive name server. Both stub and iterative resolvers direct queries to **name servers**, which provide the server element of DNS.

Authoritative name servers answer queries using the zone data over which they exercise authority. A **recursive name server** performs name server and iterative resolver functions, as follows. When a recursive name server receives a DNS query from a user application that it cannot answer using DNS information at hand, the iterative resolver composes a DNS query message requesting the address record associated with the domain name and forwards the request to a root name server. If the root name server knows the answer, it returns the requested information in a DNS response message. If the root name server does not know the answer, it provides the resolver with the names and addresses of the top level domain name servers in which the queried domain name is registered. This is called a **referral**. The recursive name server will then query one of the TLD name servers serving the top level domain of the name being resolved. If the TLD name server knows the answer, it returns the requested information. If it does not, the TLD name server provides the recursive name server with the names and addresses of the second level domain name servers. The process continues (iterates) until the name is resolved or determined not to exist. Figure A-3 illustrates the role of a recursive name server.

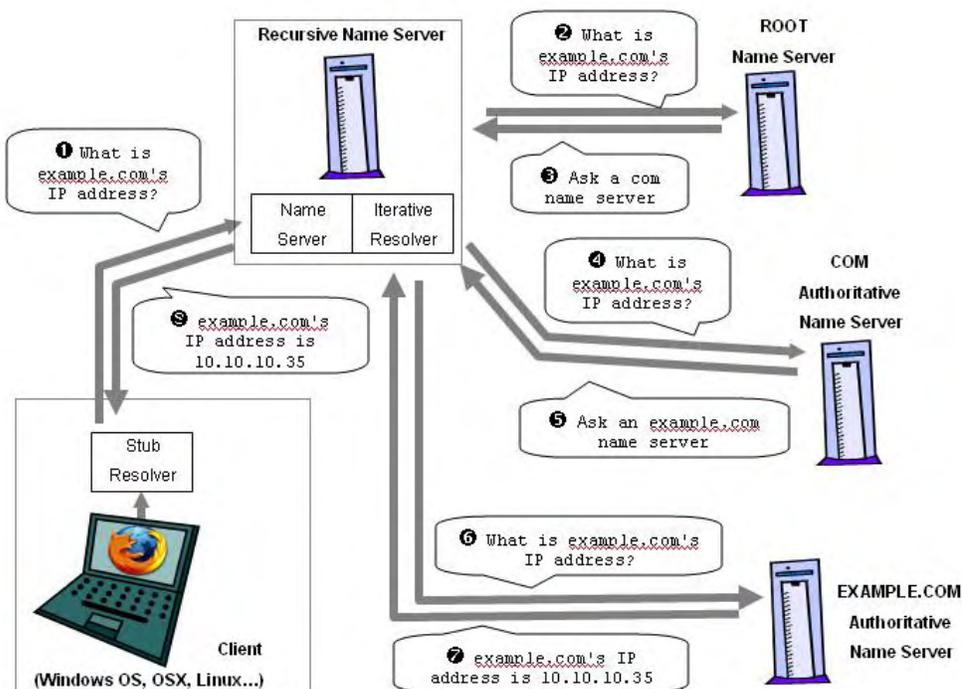


Figure A-3. Name Resolution via a Recursive Name Server

In practice, a resolver on a client host is configured to query (local) recursive name servers that *cache* DNS response information for frequently queried domain names. When caching is used and a recursive name server receives a domain name resolution request from a resolver, the recursive name server examines its cache to determine if the requested name information has already been stored locally *before* it iterates the request as described earlier. If the information is locally available, the recursive name server immediately returns a response to the requesting resolver (and does not query the root name servers).

Caching implies that not every query is referred to a root name server, but caching depends on referrals from the root. Caching is important, however, because it reduces DNS traffic and message processing loads on root as well as TLD name servers.

Cached information is not authoritative, but the DNS uses timeouts to purge potentially stale information. As DNS Security (DNSSEC, [9]) becomes more widely deployed, a resolver will be able to verify the integrity of DNS data returned in a DNS response message irrespective of the name server it has queried.

### ***DNS Traffic and Intermediate Systems***

In practice, the communication paths between client hosts, name servers, and root name servers comprise many types of intermediate systems. While many of these perform network level routing and switching operations, others may inspect or process application traffic for a variety of (security) policy enforcement purposes. Such systems include network and application firewalls, in-line intrusion prevention systems, and application layer gateways, also known as security proxies. Many such intermediate devices process and inspect DNS messages for security purposes, e.g., to ensure proper protocol behavior and to detect and block:

- malformed or maliciously composed messages that can be used to probe for and exploit vulnerabilities in specific DNS implementations
- traffic flooding attacks (e.g., DNS DDoS amplification attacks [6])
- traffic that violates a security policy; for example, an organization may wish to control DNS traffic by
  - Destination and source IP address,
  - Query type (e.g., to prevent zone transfers), and
  - Protocol operation type.
  - Protocol composition (e.g., to block DNS messages exceeding the maximum message size specified in RFC 1035)

It is also worthwhile to note that host intrusion detection software may be installed on name servers. Such security software may process and inspect DNS messages for security purposes as well, and may detect and block traffic in the same manner as intermediate devices.

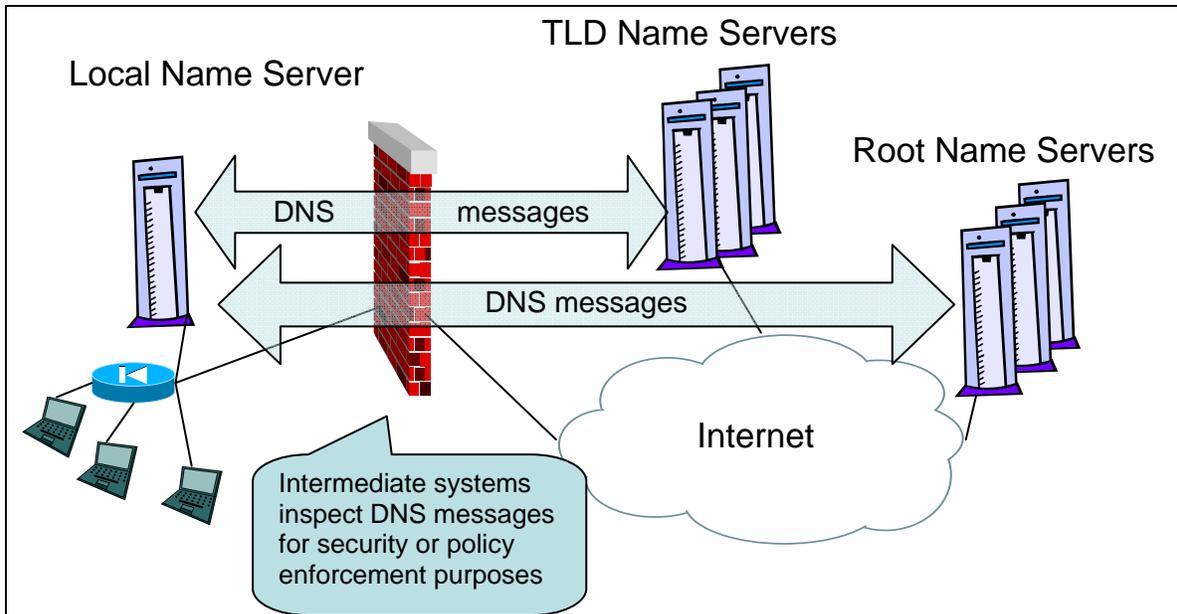


Figure A-5: Communications Paths between Name Servers (conceptual)

## The Root Hints File

A recursive name server's iterative resolver must know the IP address of at least one root name server to function properly. Commonly, name server software provides sufficient configuration information during installation to assure that a host connected to the Internet can query a root name server by including a *hints* file. (Note: Some implementations, including BIND version 9, include root hints in the binary distribution. Such implementations may use a hints file if one is present.)

The hints file contains the name of one or more root name servers and the IP address(es) assigned to the root name server(s). For example, the `cache.dns` file in the folder `C:\winnt\System32\DNS` contains the root hints information for the DNS service of Microsoft Windows Server 2003 [10]. For the BIND DNS server, LINUX and BSD distributions include root hints information in a file typically in the directory `/var/named`. The file name varies across distributions but is commonly one of `named.cache`, `named.root`, or `db.cache`.

## Creation and Maintenance of the Root Hints File

By convention, root name server domain names are assigned single letter labels within the domain `ROOT-SERVERS.NET`; specifically, the root name servers are assigned third-level labels A through M. Root name server operators [11] are responsible for assigning IP addresses to root name servers. Only thirteen root named server names can serve the root zone. The number thirteen was imposed as an upper limit to allow a specific DNS message response called the *priming response* to fit within the maximum DNS message size specified in RFC 1035. Note that the number thirteen relates to the number of domain names assigned to root name servers. In several cases, a single root server name represents multiple actual name servers using a technique called anycast addressing, where one IP address can be bound to many geographically diverse network endpoints.

All the root name servers have IPv4 addresses. Some root name server operators have assigned IPv6 addresses as well. These addresses do not yet appear in the root hints file.

Root name server operators are responsible for notifying IANA when they add or change the addresses of the name servers they administer. The IANA maintains the authoritative root hints file. Changes to root hints information are made at the explicit request of root name server operators and are reflected in root hints by mutual agreement between ICANN and the U.S. Department of Commerce.

The root hints are published at `ftp://ftp.internic.net/domain/` [12] under the popular names `named.cache`, `named.root`, and `db.cache` to facilitate this method. VeriSign, the company that hosts the `ftp.internic.net` server, hashes and signs these files for integrity protection and authentication purposes using PGP encryption software (the signature files can be found at `ftp://ftp.internic.net/domain/`, as well), thus automated methods can be used with some confidence by programming to verify both the hash and digital signature prior to replacing the local file. The root hints file is reproduced in Appendix C.

### ***Maintaining Accurate Root Hints Information***

Iterative resolvers must have accurate information about root name servers to operate properly. Maintaining the accuracy of root hints information on a resolver or a recursive name server has two dimensions. The first – maintaining the accuracy of any pre-configured information regarding the names and IP addresses of root name servers – is a configuration matter. The second – verifying the accuracy of pre- or statically configured root hints information – is a bootstrap procedure performed by many resolvers when name service is initialized (or according to a pre-defined time interval) and involves a DNS protocol exchange called **priming**. Strictly speaking, recursive name servers are not required to perform a priming exchange, but the practice is very common and is thus worth discussing.

### **Updating and Maintaining Root Hints Files**

Historically, name server administrators were responsible for updating root hints information on their respective servers. Today, administrators continue to perform this in several ways:

- 1) **Manual process.** An administrator can manually replace the local copy of the root hints file with one he downloads from `ftp://ftp.internic.net/domain/`.
- 2) **Scripted process.** An administrator can schedule a program to periodically check the accuracy of the local copy of the root hints file [13]. If the local copy is incorrect, the program can automatically replace it with one it can download from `ftp://ftp.internic.net/domain/`.
- 3) **Commercial OS vendor updates.** Administrators can rely on software updates by commercial vendors to update root hints files. Microsoft, for example, updates

the `cache.dns` file in a service pack distribution [14].

- 4) **DNS software updates.** A new installation or an upgrade of existing DNS software obtained from the vendor will often include the `root.hints` file current when the distribution was packaged [15].

## ***DNS Priming Exchange***

Name server administrators perform the actions described in the previous section to keep static configuration current. Since there are margins for error in all the common practices described above, many resolver implementations attempt to verify the root hints information at hand. This verification process is called a priming exchange.

The priming exchange makes use of standard DNS query and response messages. A DNS query may be represented as a 3-tuple of {QNAME, QTYPE, QCLASS}. QNAME is the domain name about which we are interested in obtaining information: for the priming query, this is ".", meaning the root. QTYPE specifies the type of resource record we seek, e.g., a name server resource record (NS). QCLASS specifies the class of resource record, typically IN.

The priming query is for (QNAME=".", QTYPE="NS", QCLASS="IN"). The answer contains NS records in the authority section and the corresponding A records in the additional section. All DNS messages share a common format, as follows:

Header Section	Protocol parameters
Question Section	The question or query from the client (what is being asked)
Answer Section	Resource records that answer the question
Authority Section	Resource records identifying the domain authority
Additional Section	Resource records containing additional information that complement the answer, these are answer-dependent

A name server begins the priming exchange by sending a **DNS query message for a resource record of type NS** to one or more of the root name servers identified in the root hints file.

## DNS Priming Query

In the case of the priming exchange, the name queried is "." and the class is "IN". Figure A-6 provides a screen snapshot of how a packet capture utility would decode and display the priming exchange, and thus illustrates the exact composition of the priming query as hosts transmit it today:

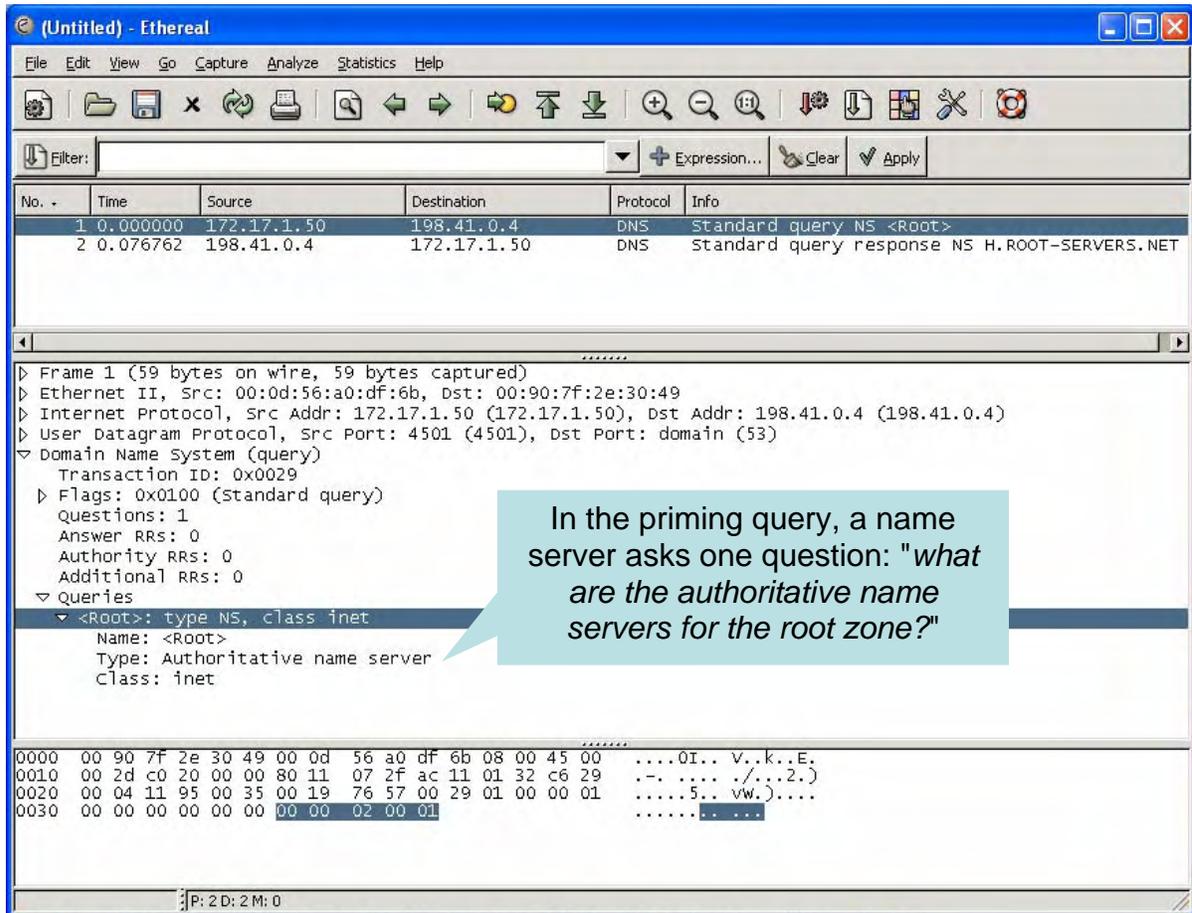


Figure A-6. DNS Priming Query

The priming query is sent to at least one root name server. Commercial and open source operating systems and name server resolver implementations behave differently with respect to which and how many root name servers they will query during this bootstrap process [13, 15]. A name server administrator can also influence this behavior using scripts or by modifying the default configuration of name service on a host he administers.

If the DNS priming exchange fails to complete, name servers will use locally available "hints" information.

## DNS Priming Response

A root name server responds to the DNS priming query message (type NS) with a response message listing the **NS resource records for the root**. The priming response message conveys important information in the Answers and Additional Sections.

### The Answer Section

The **Answer** Section contains the name, type, class, and TTL (time to live) of all the root name servers. Figure A-7 illustrates the DNS priming response message with the Answer section expanded for closer examination:

The screenshot shows the Wireshark interface for a DNS priming response. The packet list pane displays the following data:

No.	Time	Source	Destination	Protocol	Info
1	0.000000	172.17.1.50	172.17.0.7	DNS	Standard query A a.root-servers.net
2	0.002173	172.17.0.7	172.17.1.50	DNS	Standard query response A 198.41.0.4
3	0.009747	172.17.1.50	198.41.0.4	DNS	Standard query NS <Root>
4	0.048408	172.17.1.50	255.255.255.255	UDP	Source port: 1492 Destination port: 7447
5	0.048619	172.17.1.1	172.17.1.50	TCP	43639 > 4115 [SYN] Seq=0 Ack=0 Win=5840 Len=0 M
6	0.086802	198.41.0.4	172.17.1.50	DNS	Standard query response NS E.ROOT-SERVERS.NET N

The packet details pane shows the expanded Answer section:

```
Additional RRS: 13
Queries
Answers
  <Root>: type NS, class inet, ns E.ROOT-SERVERS.NET
    Name: <Root>
    Type: Authoritative name server
    Class: inet
    Time to live: 6 days
    Data length: 20
    Name server: E.ROOT-SERVERS.NET
  <Root>: type NS, class inet, ns D.ROOT-SERVERS.NET
    Name: <Root>
    Type: Authoritative name server
    Class: inet
    Time to live: 6 days
    Data length: 4
    Name server: D.ROOT-SERVERS.NET
  <Root>: type NS, class inet, ns A.ROOT-SERVERS.NET
  <Root>: type NS, class inet, ns H.ROOT-SERVERS.NET
  <Root>: type NS, class inet, ns C.ROOT-SERVERS.NET
  <Root>: type NS, class inet, ns G.ROOT-SERVERS.NET
  <Root>: type NS, class inet, ns F.ROOT-SERVERS.NET
  <Root>: type NS, class inet, ns B.ROOT-SERVERS.NET
  <Root>: type NS, class inet, ns I.ROOT-SERVERS.NET
```

In the priming response, the root name server queried returns the NS records for all 13 root name servers in the Answer Section

The first answer record contains a Fully Qualified Domain Name (31 bytes); the remaining twelve only contain the 3<sup>rd</sup> level single letter label (15 bytes)

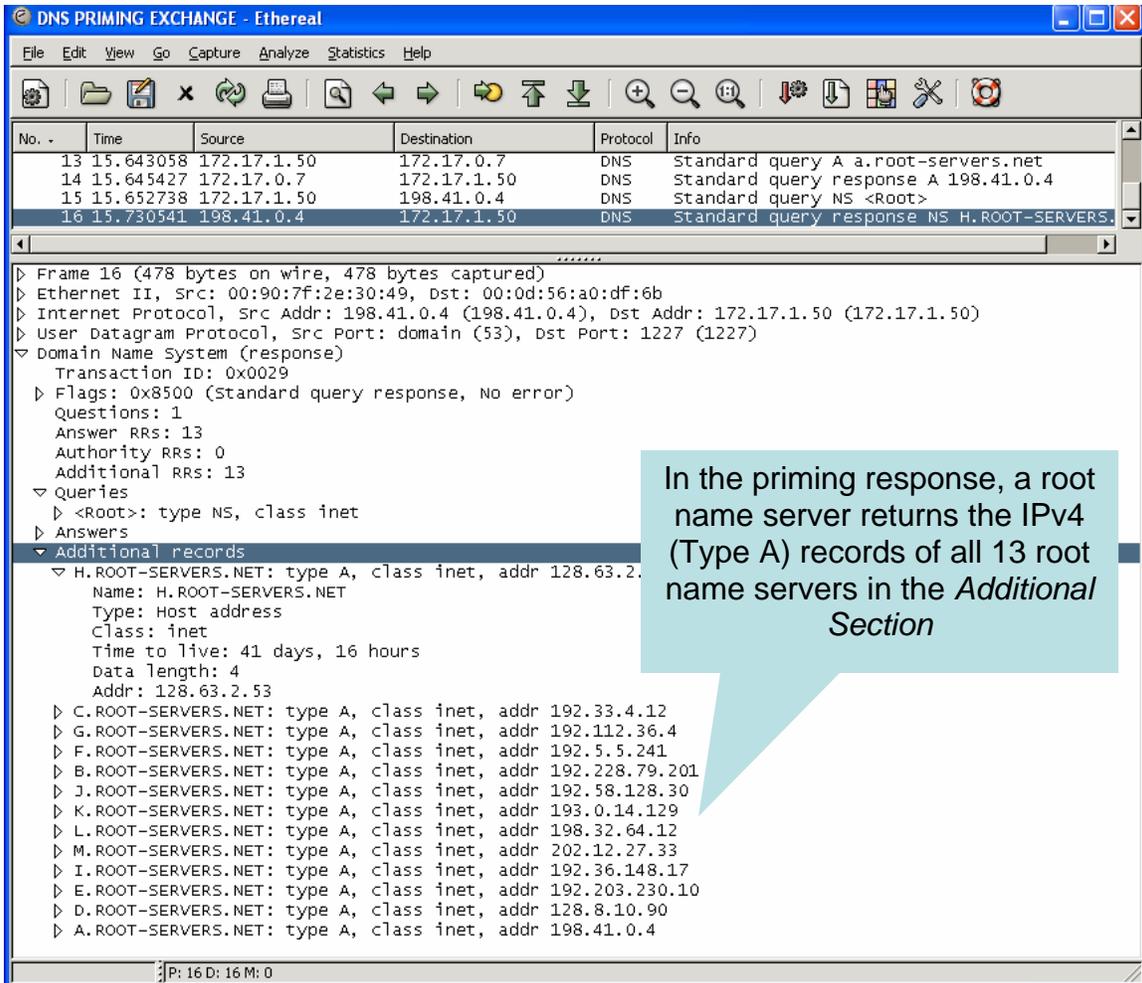
Figure A-7. DNS Priming Response (Answers expanded)

A root name server returns a fully qualified domain name in the first NS resource record, which occupies 31 bytes of the message. To conserve space, the root name server only returns the third level label in the second through thirteenth NS resource records in the Answer Section of the priming responses (using name compression, only four bytes are required instead of the twenty required for the fully qualified domain name). Each compressed NS resource record occupies 15 bytes of the message.

## Additional Section

In addition to the Answer section, the DNS priming response message will contain data in the **Additional Section**. Each record in the Additional Section provides the name, type, class, TTL, and IPv4 address (resource record type A) of a root name server identified in the Answer Section:

Figure A-8 illustrates the DNS priming response message with the Additional Section expanded for closer examination:



The screenshot shows the Wireshark interface for a DNS priming exchange. The packet list pane at the top shows four packets:

No.	Time	Source	Destination	Protocol	Info
13	15.643058	172.17.1.50	172.17.0.7	DNS	Standard query A a.root-servers.net
14	15.645427	172.17.0.7	172.17.1.50	DNS	Standard query response A 198.41.0.4
15	15.652738	172.17.1.50	198.41.0.4	DNS	Standard query NS <Root>
16	15.730541	198.41.0.4	172.17.1.50	DNS	Standard query response NS H.ROOT-SERVERS.

The packet details pane for packet 16 is expanded to show the Domain Name System (response) section. The Additional records section is expanded to show 13 root name servers:

- H.ROOT-SERVERS.NET: type A, class inet, addr 128.63.2.53
- C.ROOT-SERVERS.NET: type A, class inet, addr 192.33.4.12
- G.ROOT-SERVERS.NET: type A, class inet, addr 192.112.36.4
- F.ROOT-SERVERS.NET: type A, class inet, addr 192.5.5.241
- B.ROOT-SERVERS.NET: type A, class inet, addr 192.228.79.201
- J.ROOT-SERVERS.NET: type A, class inet, addr 192.58.128.30
- K.ROOT-SERVERS.NET: type A, class inet, addr 193.0.14.129
- L.ROOT-SERVERS.NET: type A, class inet, addr 198.32.64.12
- M.ROOT-SERVERS.NET: type A, class inet, addr 202.12.27.33
- I.ROOT-SERVERS.NET: type A, class inet, addr 192.36.148.17
- E.ROOT-SERVERS.NET: type A, class inet, addr 192.203.230.10
- D.ROOT-SERVERS.NET: type A, class inet, addr 128.8.10.90
- A.ROOT-SERVERS.NET: type A, class inet, addr 198.41.0.4

A callout box points to the Additional records section with the text: "In the priming response, a root name server returns the IPv4 (Type A) records of all 13 root name servers in the *Additional Section*".

**Figure A-8. DNS Priming Response (Additional Records expanded)**

The DNS priming response message illustrated in both Figures A-7 and A-8 only returns IPv4 addresses of root name servers.

## DNS Priming Response Message Size

A DNS priming response message is encapsulated in a UDP datagram that is transmitted in an IP datagram having a total length of 464 bytes. Subtracting the IPv4 and UDP headers (20 bytes and 8 bytes, respectively), the length of the DNS message (e.g., the UDP payload) is 436 bytes, allocated as illustrated in Table A-1:

DNS Priming Response Message (IPv4 only)	# Bytes
Required Headers: <ul style="list-style-type: none"><li>Transaction ID, Flags, Questions, Answer RR count, Authority RR count, Additional RR count</li></ul>	12
Query <ul style="list-style-type: none"><li>Name "." Type NS, Class INET</li></ul>	5
Answers: <ul style="list-style-type: none"><li>First answer contains name, type, class, time-to-live (TTL) and Data length (value 20), plus the Fully Qualified Domain Name (FQDN) of a root name server (e.g., H.ROOT-SERVERS.NET)</li><li>Second through 13<sup>th</sup> answers contain only name, type, class, TTL and Data length (value 4) plus the Relative Domain Name (RDN) of a root name server (e.g., the single letter G, F, E...) and occupy 15 bytes (Thus, we have 12 answers and each is 15 bytes long).</li></ul>	31  180
Additional: <ul style="list-style-type: none"><li>Each of the 13 A records in the Additional contains name, type, class, TTL and Data length (value 4) and an 4-byte IPv4 address and occupies 16 bytes (13 records times 16 bytes per record equals 208 bytes)</li></ul>	208
Total length	436 bytes

**Table A-1 DNS Priming Response Message (IPv4 only)**

Note that root name servers use *name compression* in the DNS protocol to reduce the number of bytes required to return the domain names of all 13 root name servers. This allows the overall length of the DNS priming response message to fit within the 512 byte maximum UDP-encapsulated DNS message size specified in RFC 1035, and assures that a UDP-encapsulated response will not be fragmented over any link that supports the default IP maximum datagram size of 576 bytes (see RFC 879, [16]).

## IPv6 Addressing

IPv6 addresses are 128 bits long and, like IPv4 addresses, are assigned to network interfaces of Internet hosts [17, 18]. IPv6 addresses are represented as eight groups of sixteen bits. Each group of sixteen bits is represented as four hexadecimal digits, separated by colons, e.g., FEDC:BA98:7654:3210:FEDC:BA98:7654:3210. For readability, leading zeroes in any subfield may be omitted, thus, writing 1080:0:0:0:8:800:200C:417A is equivalent to writing the IPv6 address as 1080:0000:0000:0000:0008:0800:200C:417A. One can further compress IPv6 addresses when writing them by using "::" to indicate multiple groups of 16-bits of zeros (Note: this convention may only be used once in an address).

The introduction of IPv6 into the Internet affects the DNS and several extensions to DNS standards are defined [19] to accommodate IPv6. A new resource record type for IPv6, the AAAA RR, maps domain names to IPv6 addresses, and a new domain, IP6.ARPA, is defined for reverse lookups using IPv6 addresses. Modern DNS servers can now process Additional Sections containing both IPv4 and IPv6 addresses record types (A and AAAA, respectively).

### ***DNS Message Composition and Size Considerations***

RFC 2181, Clarifications to the DNS Specification [20], describes how name servers should compose UDP-encapsulated DNS messages in the event that a response will not fit within the maximum message size of 512 bytes specified in RFC 1035:

- If a name server cannot fit a complete resource record set (RRset) that is *required* in the Answer or Authority Section without exceeding the maximum UDP payload, the name server marks the response as *truncated* by setting the Truncation bit (TC) in the header of the DNS response message. This would apply, for example, to a name server record in the Answer section of a type NS response message.
- Upon receipt of a DNS message response that is marked as truncated, the resolver ignores the contents of this response. The resolver can retry the DNS query using TCP to accommodate the larger sized message.
- In the event that all the RRsets required for the response will fit but the entirety of the additional data a name server could return will not fit within the 512 byte maximum DNS message size specified in RFC 1035, the name server may return *abbreviated* additional data. In this case, the truncation bit is *not* set.
- Upon receipt of abbreviated data, and if the resolver needs missing data, the querying resolver can issue an additional DNS query using UDP to explicitly request the additional data that the name server was unable to include in the original query.

These guidelines clarify existing DNS protocol requirements. In addition, to accommodate longer DNS messages for both IP version 6 and DNS Security extensions, the DNS protocol was augmented by Extension Mechanisms for DNS (EDNS0, [21]). EDNS0 defines a method a host may use when it composes a DNS query message to indicate that the querying host is capable of receiving and processing UDP-encapsulated DNS messages greater than the maximum message size of 512 bytes specified in RFC 1035.

The extensions allow the host to indicate exactly how large a DNS response message it is prepared to handle. Hosts that have indicated they are able to use EDNS0 in a DNS query message but do not receive a DNS response message within a timeout period often retry the query without advertising EDNS0. This is useful in topologies where intermediate systems block DNS messages that exceed 512 bytes to thwart forms of DDoS attacks that make use of IP fragmentation. Iterative resolvers also retry without EDNS0 when the queried name server doesn't support EDNS0.

## Appendix B. References

- [1] Measuring the Resource Requirements of DNSSEC
- [2] Testing Recursive Name Servers for IPv6 and EDNS0 Support  
<http://www.icann.org/committees/security/sac017.htm>
- [3] US-CERT Vulnerability #738331, Domain Name System (DNS) resolver libraries vulnerable to read buffer overflow  
<http://www.kb.cert.org/vuls/id/738331>
- [4] Testing Firewalls for IPv6 and EDNS0 Support  
<http://www.icann.org/committees/security/sac016.htm>
- [5] Requirements for Internet Hosts – Communications Layers  
<http://www.ietf.org/rfc/rfc1122.txt>
- [6] DNS Distributed Denial of Service (DDoS) Attacks  
<http://www.icann.org/committees/security/dns-ddos-advisory-31mar06.pdf>
- [7] RFC 1034, Domain Names – Concepts and Facilities  
<http://www.ietf.org/rfc/rfc1034.txt>
- [8] RFC 1035, Domain Names – Implementation and Specification  
<http://www.ietf.org/rfc/rfc1035.txt>
- [9] DNS Security – Introduction and Requirements  
<http://www.ietf.org/rfc/rfc4033.txt>
- [10] Updating Root Hints (Microsoft Windows Server 2003 Technical Library)  
<http://technet2.microsoft.com/WindowsServer/en/library/7b69b6f9-f25e-4594-a04b-f08f3effa2031033.msp?mfr=true>
- [11] Root Servers Operators web site, <http://www.root-servers.org/>
- [12] Official Root Hints File, <ftp://ftp.internic.net/domain/>
- [13] Configuring a BIND DNS Server  
<http://www.digitalpeer.com/id/configuringa>
- [14] List of Directory Services Fixes in Windows 2000 Service Pack 4  
<http://support.microsoft.com/default.aspx?scid=kb;en-us;815024>
- [15] Windows 2000 DNS: New Features of Windows 2000 DNS  
<http://www.microsoft.com/technet/prodtechnol/windows2000serv/plan/w2kdns2.msx#ENJAC>
- [16] TCP Maximum Segment Size and Related Topics  
<http://www.ietf.org/rfc879.txt>
- [17] Internet Protocol Version 6 (IPv6) Addressing Architecture  
<http://www.ietf.org/rfc/rfc3513.txt>
- [18] IPv6 Global Unicast Address Format  
<http://www.ietf.org/rfc/rfc3587.txt>
- [19] DNS Extensions to Support IPv6 Address Aggregation and Renumbering  
<http://www.ietf.org/rfc/rfc2874.txt>
- [20] Clarifications to the DNS Specification  
<http://www.ietf.org/rfc2181.txt>
- [21] Extension Mechanisms for DNS (EDNS0)  
<http://www.ietf.org/rfc/rfc2671.txt>

## Appendix C. Root Name Server Hints File

```
;
;   This file is made available by InterNIC under anonymous FTP as
;   file /domain/db.cache
;   on server FTP.INTERNIC.NET
;   -OR- RS.INTERNIC.NET
;
;   last update: Jan 29, 2004
;   related version of root zone: 2004012900
;
;
; formerly NS.INTERNIC.NET
;
.           3600000 IN NS A.ROOT-SERVERS.NET.
A.ROOT-SERVERS.NET. 3600000 A 198.41.0.4
;
; formerly NS1.ISI.EDU
;
.           3600000 NS B.ROOT-SERVERS.NET.
B.ROOT-SERVERS.NET. 3600000 A 192.228.79.201
;
; formerly C.PSI.NET
;
.           3600000 NS C.ROOT-SERVERS.NET.
C.ROOT-SERVERS.NET. 3600000 A 192.33.4.12
;
; formerly TERP.UMD.EDU
;
.           3600000 NS D.ROOT-SERVERS.NET.
D.ROOT-SERVERS.NET. 3600000 A 128.8.10.90
;
; formerly NS.NASA.GOV
;
.           3600000 NS E.ROOT-SERVERS.NET.
E.ROOT-SERVERS.NET. 3600000 A 192.203.230.10
;
; formerly NS.ISC.ORG
;
.           3600000 NS F.ROOT-SERVERS.NET.
F.ROOT-SERVERS.NET. 3600000 A 192.5.5.241
;
; formerly NS.NIC.DDN.MIL
;
.           3600000 NS G.ROOT-SERVERS.NET.
G.ROOT-SERVERS.NET. 3600000 A 192.112.36.4
;
; formerly AOS.ARL.ARMY.MIL
;
.           3600000 NS H.ROOT-SERVERS.NET.
H.ROOT-SERVERS.NET. 3600000 A 128.63.2.53
;
; formerly NIC.NORDU.NET
;
.           3600000 NS I.ROOT-SERVERS.NET.
I.ROOT-SERVERS.NET. 3600000 A 192.36.148.17
;
; operated by VeriSign, Inc.
;
.           3600000 NS J.ROOT-SERVERS.NET.
J.ROOT-SERVERS.NET. 3600000 A 192.58.128.30
;
; operated by RIPE NCC
;
.           3600000 NS K.ROOT-SERVERS.NET.
K.ROOT-SERVERS.NET. 3600000 A 193.0.14.129
;
; operated by ICANN
;
.           3600000 NS L.ROOT-SERVERS.NET.
L.ROOT-SERVERS.NET. 3600000 A 198.32.64.12
;
; operated by WIDE
;
.           3600000 NS M.ROOT-SERVERS.NET.
M.ROOT-SERVERS.NET. 3600000 A 202.12.27.33
; End of File
```

## Appendix D. Emulating a DNS Priming Exchange Using the dig program

Microsoft Windows XP [Version 5.1.2600]  
C:\dig>dig @a.root-servers.net ns

```
; <<>> DiG 9.2.3 <<>> @a.root-servers.net ns
;; global options: printcmd
;; Got answer:
;; ->>HEADER<<- opcode: QUERY, status: NOERROR, id: 41
;; flags: qr aa rd; QUERY: 1, ANSWER: 13, AUTHORITY: 0, ADDITIONAL: 13
;; QUESTION SECTION:
;
;          IN      NS
;; ANSWER SECTION:
.          518400 IN      NS      B.ROOT-SERVERS.NET.
.          518400 IN      NS      J.ROOT-SERVERS.NET.
.          518400 IN      NS      K.ROOT-SERVERS.NET.
.          518400 IN      NS      L.ROOT-SERVERS.NET.
.          518400 IN      NS      M.ROOT-SERVERS.NET.
.          518400 IN      NS      I.ROOT-SERVERS.NET.
.          518400 IN      NS      E.ROOT-SERVERS.NET.
.          518400 IN      NS      D.ROOT-SERVERS.NET.
.          518400 IN      NS      A.ROOT-SERVERS.NET.
.          518400 IN      NS      H.ROOT-SERVERS.NET.
.          518400 IN      NS      C.ROOT-SERVERS.NET.
.          518400 IN      NS      G.ROOT-SERVERS.NET.
.          518400 IN      NS      F.ROOT-SERVERS.NET.
;; ADDITIONAL SECTION:
B.ROOT-SERVERS.NET. 3600000 IN      A       192.228.79.201
J.ROOT-SERVERS.NET. 3600000 IN      A       192.58.128.30
K.ROOT-SERVERS.NET. 3600000 IN      A       193.0.14.129
L.ROOT-SERVERS.NET. 3600000 IN      A       198.32.64.12
M.ROOT-SERVERS.NET. 3600000 IN      A       202.12.27.33
I.ROOT-SERVERS.NET. 3600000 IN      A       192.36.148.17
E.ROOT-SERVERS.NET. 3600000 IN      A       192.203.230.10
D.ROOT-SERVERS.NET. 3600000 IN      A       128.8.10.90
A.ROOT-SERVERS.NET. 3600000 IN      A       198.41.0.4
H.ROOT-SERVERS.NET. 3600000 IN      A       128.63.2.53
C.ROOT-SERVERS.NET. 3600000 IN      A       192.33.4.12
G.ROOT-SERVERS.NET. 3600000 IN      A       192.112.36.4
F.ROOT-SERVERS.NET. 3600000 IN      A       192.5.5.241
;; Query time: 125 msec
;; SERVER: 198.41.0.4#53(a.root-servers.net)
;; WHEN: Tue Aug 29 09:06:25 2006
;; MSG SIZE rcvd: 436
```

## Appendix E. Results Reported: Testing Recursive Name Servers for IPv6 and EDNS0 Support

The following results have been reported to the SSAC fellow:

DNS Software	Operating System	Bootstraps when AAAA RRs present in hints file	Primes using IPv4 transport	Supports EDNS0	Parses AAAA RRs	Functions properly following a priming exchange with a test root name server	Source
BIND 4.9.3-REL [5]	Redhat Fedora Core 6 Linux	YES	YES	NO	NO	YES	User
BIND 4.9.11-REL	Redhat Fedora Core 6 Linux	YES	YES	NO	YES	YES	User
BIND 8.2.2-P5	SunOS Blakey 5.8	YES	YES	NO	NO	YES	User
BIND 9.2.4	Debian GNU/Linux	YES	YES	YES	YES	YES	User
BIND 9.3.2	Mac OS X version 10.4.8	YES	YES	YES	YES	YES	User
BIND 9.3.4	FreeBSD 6.2	YES	YES	YES	YES	YES	User
BIND 9.4.0 rc2	FreeBSD 6.2, Suse Linux 10.1	YES	YES	YES	YES	YES	User
djbdns dnscache 1.05	Redhat Fedora Core 6 Linux	YES	YES	YES	NO	YES	User
DNS Commander [4]	Windows NT/XP, Linux, Solaris	YES	N/A	YES	YES	N/A	Vendor
DNSJava	Java (any OS with Java support)	N/A	N/A	YES	YES	N/A	Developer
JDNSS [1]	Java (any OS with Java support)	N/A	N/A	NO		N/A	Developer
MaraDNS 1.2.12.04 [2]	BSD, Linux, Windows	NO	NO	NO	YES	N/A	Developer
Men & Mice Suite 5.x with current BIND 8 or BIND 9	Windows 2000/Windows 2003/Linux/FreeBSD/MacOSX/Solaris	YES	YES	YES	YES	YES	Vendor
Mice & Men QuickDNS v1.0 - 3.0	Apple MacOS Classic (System 7 to MacOS 9)	NO	YES	NO	NO	NO	Vendor
Microsoft DNS Server	Windows 2000 5.00.2195 SP4	YES	YES	NO	NO	YES	User
Microsoft DNS	Windows 2003	YES	YES	YES	YES	YES	User

Server							
Nominum CNS 1.6.5.0	Solaris 10	YES	YES	YES	YES	YES	Vendor
Posadis DNS version 6	Windows XP SP2	YES	NO	NO	YES	YES	User
PowerDNS Recursor 3.1.4	Debian GNU/Linux	YES	YES	YES	YES	YES	User
QuickDNS 3.5 to 4.6 with current BIND 8 or BIND 9	Windows 2000/Windows 2003/Linux/FreeBSD/ MacOSX/ Solaris	YES	YES	YES	YES	YES	Vendor
SimpleDNS version 4.00.06 [3]	Windows XP SP2	YES	YES	NO	YES	YES	User, Vendor

[1] Used as a leaf or stub resolver. Does not perform recursive lookups and does not prime.

[2] Recursive resolver does not have IPv6 support; recursion must be disabled to bind to IPv6 address.

[3] Priming is performed according to a preconfigured time interval (default once every 7 days).

[4] This product does not perform a priming query and relies on root hints configured for the name server.

[5] Server operates correctly despite error messages recorded in syslog.

## Appendix F. Results Reported: Testing Firewalls for IPv6 and EDNS0 Support

The following results have been reported to the SSAC fellow:

Product	Version	Action when AAAA RR encountered	Action when large DNS message received	Source
ARKOON Fast360	3.0/1 to 3.0/22	Allow	Deny	vendor
ARKOON Fast360	3.0/23 and above, 4.x	Allow	Allow	vendor
Checkpoint Firewall-1	NG, R55	Allow	Allow	user
Check Point FW-1 NGX R61 HFA 1 on Nokia	IPSO 4.1-BUILD013	Allow	Allow	user
Cisco C2600	IOS 12.2(37)	Allow	Allow	user
Cisco FWSM	2.3(4)	Allow	Allow	user
Cisco PIX	Version 6.2.5	Allow	Deny	vendor
Cisco PIX	Version 6.3.5	Allow	Allow <sup>1</sup>	vendor
Cisco PIX	Version 7.2.1	Allow	Allow	vendor
Clavister	Security Gateway (All models)	Allow	Allow	vendor
Eland Systems SYS-2, SYS-2 SOHO	3.x, 4.x	Allow	Allow	vendor
Fortinet Fortigate 60	Version 3.0.x	Allow	Allow	user
FreeBSD OpenBSD pf	6.2-PRERELEASE	Allow	Allow	user
GajShield Infotech	Securegate version 5.4	Allow	Allow	vendor
Juniper/Netscreen	ScreenOS Versions 5.4r2, 5.30r3, 4.0.3r4.0	Allow	Allow	user
Kobelt Development NetSentron	3.1.0p11-Pro	Allow	Allow	vendor
Linux 2.6 kernel Shoreline Shorewall Firewall	2.4.1-3	Allow	Allow	user
Linux kernel - Debian iptables 2.6.17.1 Firewall	2.6.17.1	Allow	Allow	user
Lucidata Lucigate Firewall	3.14	Allow	Allow	vendor
Mandriva Linux 2006 OpenBSD	4.0 pf	Allow	Allow	user
NetStealth Firewall	StealthOS	Not supported	Not supported	vendor
Secure Computing Sidewinder	Versions 5.2.1, 6.1.2.00	Allow	Allow	user
Shiva/Eicon 3105	v 8.42	Allow	Allow	user

Sonicwall	SonicOS Standard 3.1.0.7-77s	Allow	Allow	user
Sepehr 3400	GOS 3.0	Allow	Allow	vendor
Sepehr 4100	GOS 3.0	Allow	Allow	vendor
Watchguard Firebox X 1000	Fireware v8.2	Allow	Allow	user
Watchguard Firebox X Edge	8.0	Allow	Allow	user
XNet Solutions SN330	Version 1.2.1	Allow	Allow	vendor
XNet Solutions EN400	Version 1.0.0	Allow	Allow	vendor

## Appendix G. Members of the SSAC and RSSAC committees

SSAC	RSSAC
<p>Alain Aina, Consultant            Jaap Akkerhuis, NLnet Labs            KC Claffy, CAIDA            Steve Crocker, Shinkuro (Chairman)            Daniel Karrenberg, RIPE/NCC            Johan Ihrén, Autonomica            Rodney Joffe, Centergate            Mark Kusters, Verisign            Ram Mohan, Afiliias            Russ Mundy, SPARTA, Inc            Frederico Neves, Registro Brazil            Jon Peterson, NeuStar            David Piscitello, ICANN SSAC Fellow            Ray Plzak, ARIN, Vice Chairman            Mike St. Johns, Nominum            Doron Shikmoni, ForeScout, ISOC-IL            Bruce Tonkin, Melbourne IT;            Paul Vixie, ISC            Suzanne Woolf, ISC</p>	<p>Rob Austein, IAB            Piet Barber, VeriSign            Brett Carr, RIPE            K. C. Claffy, CAIDA            Kenjiro Cho, WIDE Project            David Conrad, ICANN            Steve Conte, ICANN            Brian Coppola, VeriSign            John Crain, ICANN            Joao Damas, ISC            Thomas de Haan, GAC Liaison            Cathy Handley, US Dept of Commerce            Geoff Huston, Telstra            Johan Ihrén, Autonomica            Daniel Karrenberg, RIPE            Akira Kato, WIDE Project            Mark Kusters, VeriSign Labs            Matt Larson, VeriSign            Bill Manning, EP.NET            George Michaelson, APNIC            Jun Murai, Keio University, WIDE Project            Catherine Murphy, ARIN            Evi Nemeth, CAIDA            Frederico A C Neves, LACNIC            Axel Pawlik, RIPE            Ray Plzak, ARIN            Karl Reuss, University of Maryland            Andrei Robachevsky, RIPE            Yuji Sekiya, WIDE Project            Gerry Sneeringer, University of Maryland            Dave Swager, NASA            Paul Twomey , ICANN            Paul Vixie, ISC            Paul Wilson, APNIC            Suzanne Woolf, ISC            Chris Yarnell, ISC</p>

1.7.7 [SAC019]: SSAC Response to  
Comment Sought on DNS Root Zone Glue  
Policy

<http://www.icann.org/committees/security/sac019.pdf>



16 March 2007

SAC019: SSAC Response to *Comment Sought on DNS Root Zone Glue Policy*

SSAC welcomes the opportunity to assist IANA as it reviews practices associated with maintaining IP address information in the root zone, commonly known as “glue”.

SSAC offers the following principles to guide IANA's glue policy.

1. Whenever a TLD operator adds a name server, the root zone should be changed to include a name server (NS) record for that name server. Whenever a TLD operator ceases to host its TLD zone on that name server, the NS should be removed from the root zone.
2. Address records (A or AAAA) for name servers that host TLD zones must be included in cases where they are required for correct operation. IANA is free to employ a minimum or maximum glue strategy, so long as the address records always reflect the current, correct address(es) of the name servers hosting TLD zones. When TLD name server addresses change, the change should be reflected promptly and accurately in the root zone.
3. If a name server has been used by multiple TLDs to host zones and is no longer used by any TLD operator, IANA should remove all resource records (NS, A and AAAA) associated with that name server from the root zone.
4. Name server operators provide network and system administration for TLD operators and assign addresses to name servers as part of this service. Whenever a name server operator changes the address of a name server, the root zone should be changed to reflect the new address. TLD operators should provide advisory information to IANA and then IANA should verify address information directly, preferably in an automated fashion.

Some name servers provide service to multiple TLDs. IANA should seek to inform all of the TLD operators about an impending change of address for a name server, but it need not require approval from any of them.

In some cases, two TLD operators may host zone files at the same name server, and they may assign different host names to the same host (and hence same IP address). In such cases, the root zone contains multiple NS and glue records as illustrated in the following example.

se.	IN	NS	a.ns.se.
fr.	IN	NS	a.ns.fr.
a.ns.se.	IN	A	1.2.3.4
a.ns.fr.	IN	A	1.2.3.4

In situations where an IP address change is requested by one TLD operator (e.g., where the IP address of a.ns.se. changes), IANA should verify whether the requested action is a "split" operation (only the name service for SE is to be affected by the change) or "move" operation (both SE and FR are affected by the change, i.e., the IP address of the name server that hosts both zones is changing). IANA should add addresses quickly but take care in deleting addresses. TLD operators and name server operators occasionally mistakenly delete NS, A or AAAA records for operational name servers. IANA should verify that deletions are intentional to avoid compounding the effects of a mistake.

IANA should be careful to make the procedures timely enough for operational purposes. If third parties need to be consulted anywhere, proper timeouts must be part of the procedure. In case conflicting requests from a TLD administrator and a name server operator cannot be resolved, the wish of the TLD administrator shall be executed.

IANA should consider some method of providing notices of pending NS and glue record changes to (all) TLD, name server, and root name server operators. These parties are invested in maintaining correct name service and are in the best position to provide an additional and early error detection.

5. To the maximum extent possible, IANA should automate the process of maintaining the glue records. The automated process should be completely visible to the community.

1.7.8 [SAC021]: Survey of IPv6 Support  
Among Commercial Firewalls  
<http://www.icann.org/committees/security/sac021.pdf>

**SAC 021**  
**Survey of IPv6 Support in Commercial Firewalls**



A Report from the ICANN  
Security and Stability  
Advisory Committee  
(SSAC)  
October 2007

## **About the Security and Stability Advisory Committee**

The Security and Stability Advisory Committee (SSAC) is an advisory committee to the Internet Corporation for Assigned Names and Numbers (ICANN). The Committee's purpose is to offer independent advice to the ICANN board, the ICANN staff and the various ICANN supporting organizations, councils and committees as well as to the technical community at large on matters relating to the security and integrity of the Internet's naming and address allocation systems. The Committee has no official authority to regulate, enforce or adjudicate. Those functions belong to others. The advice offered by the Committee should be evaluated on its merits, not on the status of the Committee or its members.

## **About this Report**

This report was prepared by the SSAC Fellow, Dave Piscitello, under the direction of Stephen Crocker. The SSAC Fellow designed and executed the survey; the Committee reviewed and approved the work. The report represents output from the committee as a whole. Appendix A contains the current list of members and contributors to this report.

## **Executive Summary**

This report surveys the commercial firewall market for IPv6 security service availability. The report attempts to answer the following questions:

1. How broadly is IP version 6 (IPv6) transport supported by commercial firewalls?
2. Is support for IPv6 transport and security services available from commercial firewalls available for all market segments - home and small office (SOHO), small-to-medium business (SMB), large enterprise and service provider networks (LE/SP) – or is availability lagging in certain segments?
3. Among the security services most commonly used at Internet firewalls to enforce an organization's security policy, which are available when IPv6 transport is used?
4. Can an organization that uses IPv6 transport enforce a security policy at a firewall that is commensurate to a policy supported when IPv4 transport is used?

For this survey, commercial firewall vendors were contacted and asked to complete a survey regarding IPv4 and IPv6 networking and security service support in currently available products. Considerable efforts were made to contact all commercial firewall vendors; however, it is possible that some were inadvertently excluded from the list. Vendor responses were analyzed and key findings are illustrated throughout this report. This report presents all findings and statistics in an aggregated fashion. No individual vendor responses are reported. The survey results suggest that an organization that adopts IPv6 today may not be able duplicate IPv4 security feature support.

## Introduction

This report surveys the commercial firewall market for IPv6 security service availability. The report attempts to answer the following questions:

1. How broadly is IP version 6 (IPv6) transport supported by commercial firewalls?
2. Is support for IPv6 transport and security services available from commercial firewalls available for all market segments - home and small office, small-to-medium business, large enterprise and service provider networks – or is availability lagging for certain segments ?
3. Among the security services most commonly used at Internet firewalls to enforce an organization's security policy, which are available when IPv6 transport is used?
4. Can an organization that uses IPv6 transport enforce a security policy at a firewall that is commensurate to a policy currently supported when IPv4 transport is used?

The report presents the results of an industry survey conducted by the SSAC Fellow from June – September 2007. Only commercial firewall products commonly used to enforce a security policy are included; specifically, we do not include personal firewalls for popular commercial operating systems, nor do we include open source firewalls that could be installed on Intel-based computer systems and deployed as Internet firewalls.

Commercial firewall vendors were contacted and asked to complete a survey regarding IPv6 networking and security service support in currently available products. The survey listed security features that are commonly used to enforce security policy in IPv4 networks. The survey asked vendors to state which features are also supported by their products when IPv6 network layer is used.

A complete list of vendors contacted, along with a list of those that responded, is provided as Appendix A of this report. Considerable efforts were made to contact all commercial firewall vendors of which the author was aware; however, it is possible that some were inadvertently excluded from the list. Readers familiar with the commercial firewall market should concur with SSAC's estimation that firewalls representing in excess of 95% of the installed base of commercial firewalls are included in this study.

Vendor responses were analyzed and key findings are illustrated throughout this report. This report presents all findings and statistics in an aggregated fashion. No individual vendor responses are reported. Publication of such responses could be construed as an endorsement or disapproval of a vendor or product, which is outside the scope of SSAC's study.

SSAC bases its findings on what firewall vendors reported in their responses to the survey questions. SSAC has not performed any formal testing to confirm that a firewall performs as its vendor reported. Such testing is beyond SSAC's scope. SSAC did attempt to

corroborate vendor claims by contacting knowledgeable third parties in cases where the committee received multiple, conflicting or incomplete information from a vendor. Where available, the Fellow reviewed administrative and user documentation available for firewall products; in particular, technical specifications and user guides were the primary source for determining security feature support when IPv4 transport is used and for compiling the list of features included in the survey. The efforts to corroborate what vendors reported do not provide the same empirical results that formal testing might; however, they provide the committee with a greater measure of confidence that vendors responded accurately and honestly to the survey questions.

## **Background: Why perform this study, now?**

SSAC elected to study the availability of security services support for IPv6 networks following a presentation during an open session at the July 2007 ICANN Public Meeting in San Juan Puerto Rico. In that presentation, Ray Plzak, CEO of ARIN, described the accelerated depletion rate of IPv4 addresses and the growing difficulties the Regional Internet Registries (RIRs) are experiencing in allocating contiguous address blocks of sufficient size to service providers. Mr. Plzak also described how fragmentation in the IPv4 address space is taxing and stressing the global routing fabric, and how the RIRs will impose more restrictive IPv4 allocation policies and promote a rapid adoption of IPv6 addresses. SSAC members took note of anecdotal observations that organizations may not be able to achieve the same security baseline for IPv6 networks as they are currently able to achieve for IPv4 networks. Noting that no formal study had been recently conducted to assess the availability of security services for IPv6 networks, SSAC determined to fill that void.

## **Methodology**

SSAC composed a list of commercial vendors to survey using search engines, popular security portals that list security products and vendors (e.g., networkintrusion.com), and contact lists compiled by security product certification testing organizations. We collected information to complete the survey using vendor publications (web sites, white papers, product specifications, administrative and user manuals), vendor email responses to a survey email message, telephone conversations with sales, marketing and technical support personnel. In several cases, SSAC corresponded directly with technical staff responsible for product development.

SSAC attempted to corroborate vendor claims by contacting multiple parties in cases where the committee received conflicting or ambiguous responses. In certain cases, we contacted experts at large, colleagues at reputable testing laboratories, or firewall administrators. The SSAC fellow also consulted vendor documentation (e.g., configuration and administration guides that were accessible via a vendor's technical support web portal), where available.

SSAC contacted many vendors using general contact email addresses, e.g., addresses extracted from the general contact information vendors publish at web sites for prospective customers (info@company.com, sales@company.com, support@company.com,

## SAC 021 – Survey of IPv6 Support in Commercial Firewalls

prodinfo@company.com). This list was supplemented as often as possible with direct technical contacts. SSAC solicited direct technical contact information for a number of firewall vendors by posting a general inquiry to popular firewall and security mailing lists, (e.g., bugtraq@securityfocus.com, firewall-wizards@listserv.icsalabs.com, pen-test@securityfocus.com).

ICSA Laboratories shared technical contact information for firewall vendors who have participated in its certification programs. In most cases, ICSA staff graciously provided email introductions. These introductions proved to be invaluable in eliciting accurate responses and SSAC is indebted to ICSA for their assistance. SSAC also attempted to contact by telephone vendors who did not respond to email. Calls were initially placed to contact telephone numbers obtained from vendor web sites (general, sales, marketing, or technical support). Through these efforts, SSAC obtained survey responses and gathered complementary information for 42 of 60 products vendors identified.

The survey listed security features that SSAC believes to be commonly used at firewalls to enforce security policy in IPv4 networks. The survey asked vendors to state which features are supported by their products within a given market segment when IPv6 transport is used. The networking and security features requested in the survey are included in Table 1.

## SAC 021 – Survey of IPv6 Support in Commercial Firewalls

Security service or feature	Description
IPv6 transport	
- Forward IPv6 traffic	Can the product forward native IPv6 packets between internal and external (public) interfaces?
- IPv6 routing	Can the product participate in IPv6 neighbor discovery exchanges or act as a peer in IPv6 routing protocol exchanges?
Traffic filtering	
- Static packet filtering	Can the product enforce a security policy by applying a filter on individual IPv6 packets?
- Stateful inspection	Can the product enforce a security policy by applying a filter on all IPv6 packets associated with a given connection or flow?
- Proxies or inspection engines run on top of IPv6 network protocol	Can the product enforce a security policy on protocols encapsulated in IPv6 packets (e.g., ICMP, TCP/UDP, and application protocols such as HTTP, SMTP, DNS...) using either application layer gateway (proxy) or stateful inspection of application protocols and payloads?
IDS/IPS	Can the product provide intrusion detection and intrusion prevention measures on IPv6 traffic?
DDoS Protection	Can the product protect networks from IPv6, ICMP, and TCP flooding and malformed packet attacks?
Network Address Translation and Tunneling	
- IP masquerading	Can the product map IP addresses assigned to endpoints on internal networks to a single IP address on the external (public) interface (and thus prevent the disclosure of the internal network addressing and topology information)?
- 4to6	Can the product encapsulate (tunnel) IPv4 packets in IPv6 packets? This is useful when it is necessary to bridge two or more IPv4-only hosts or networks that do not use IPv6 and the only available transport between those hosts or networks is IPv6.
- 6to4	Can the product encapsulate (tunnel) IPv6 packets in IPv4 packets? This is useful when it is necessary to bridge two or more IPv6-only hosts or networks that do not use IPv4 and the only available transport between those hosts or networks is IPv4.
- Flow monitoring	Can the product monitor flows of traffic, detect and respond to known-to-be malicious or suspicious/anomalous traffic patterns?
- Log IPv6 traffic	Can the product record security events when the transport is IPv6?
- IPsecv6	Can the product support IP Security when the transport is IPv6?
- DHCPv6	Can the product support dynamic address assignment when the transport and addressing scheme is IPv6?
- RADIUS	Can the product support authentication, accounting and auditing (AAA) features in conjunction with a RADIUS-capable server when the transport is IPv6?

**Table 1. Network and Security Features Surveyed for this Report**

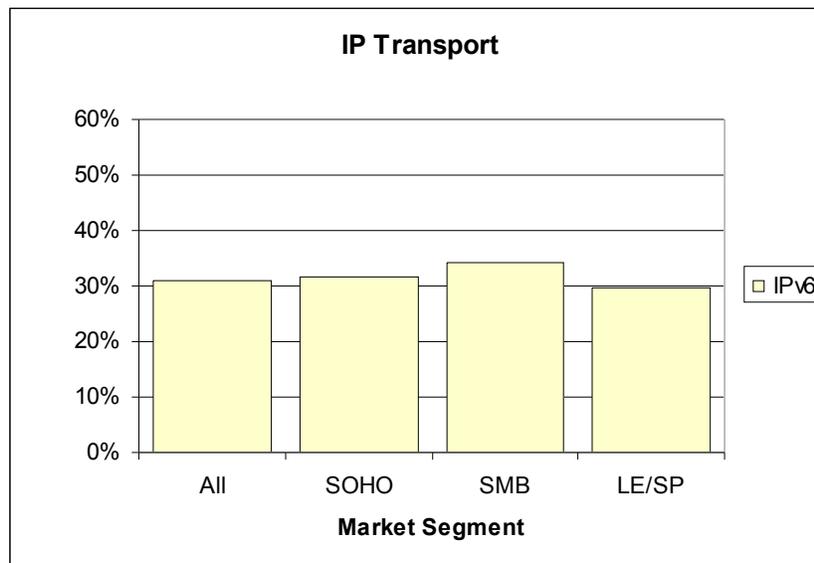
## Survey Results

We present the results of the survey using charts accompanied by brief analyses. SSAC obtained survey responses and gathered complementary information for 42 of 60 vendors identified, representing an aggregate of 81 product placements across the three defined market segments analyzed. In the charts, we label the bar representing these respondents with "ALL" and calculate percentages based on a total of 42 responses. Several products were reported as serving multiple market segments (e.g., SOHO/SMB or SMB/LE/SP); specifically, 19 products were classified as serving a SOHO market, 35 as serving a SMB market, and 27 as serving a LE/SP market. In the charts, we calculate percentages for SOHO, SMB, and LE/SP based on the unique totals for each segment (19, 35, and 27, respectively).

### ***Breadth of IPv6 Networking support among commercial firewalls***

The first survey question asked was, *How broadly is IPv6 transport supported by commercial firewalls?*

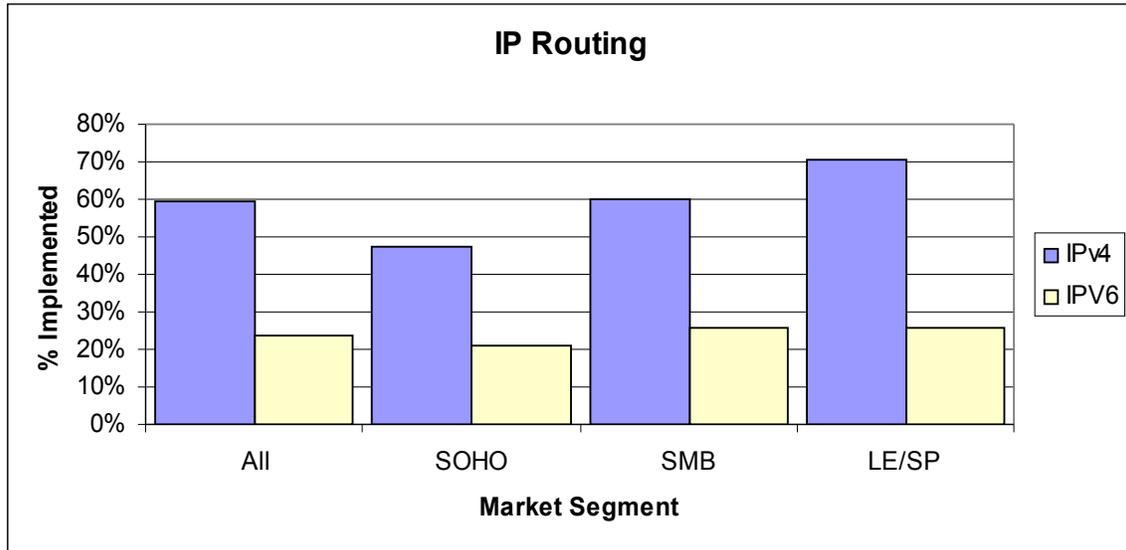
Firewalls must nominally be capable of basic IPv6 traffic forwarding between internal and external interfaces, or able to accept IPv4 datagrams arriving from internal networks and hosts that are IPv4-only, encapsulating these as payloads in IPv6 datagrams, and forwarding these to IPv6 destinations (the latter feature is considered separately, see the section entitled *Availability of NAT and Tunneling*). Chart 1 illustrates the survey results:



**Chart 1. Firewall support, IPv4 and IPv6 transport**

All firewalls surveyed support IPV4 transport. All 42 surveyed firewalls support IPv4 transport; among these, 13 (31%) support IPv6 transport. Support among SMB (12 out of 35, or 34%) products is slightly higher than among LE/SP (8 out of 27, or 30%) and SOHO products (6 out of 19, or 32%).

LE/SP firewalls, and to a lesser extent, SMB firewalls are often used in more complex topologies that are designed to satisfy an organization's redundancy, failover and high availability needs. Such organizations may run firewalls in transparent or bridging mode, or they may choose to have the firewall participate as a peer in an adaptive routing or neighbor discovery protocol. Chart 2 illustrates support for neighbor discovery and peer routing protocols.



**Chart 2. Firewall Support, IPv4 and IPv6 Routing**

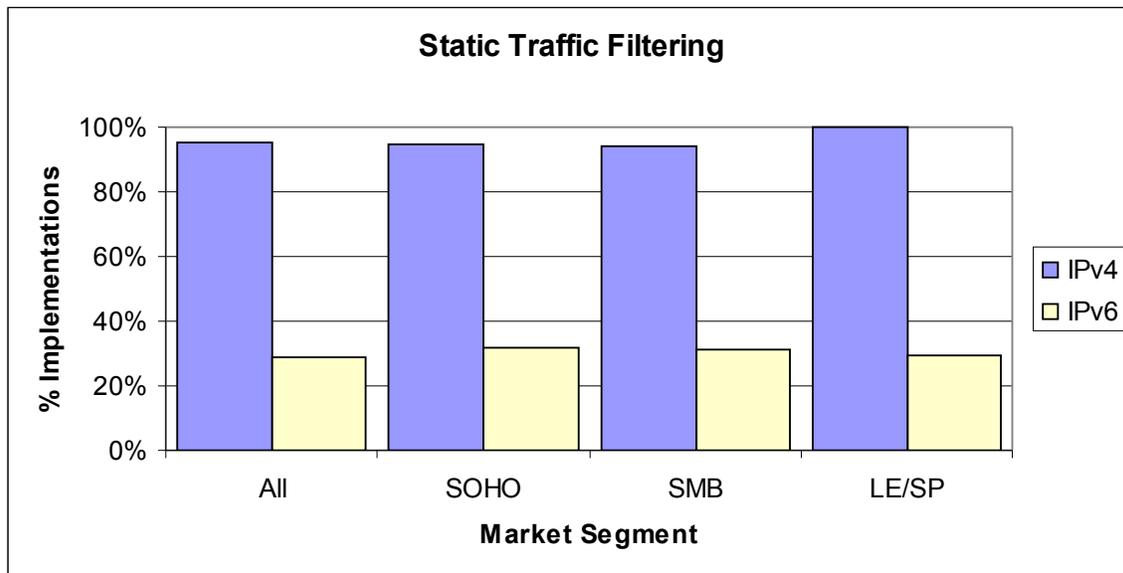
Sixty percent of all firewall products surveyed (25 of 42) are able to participate as peers in IPv4 routing exchanges or perform neighbor discovery. Only 10 of 42 (24%) are able to do so when IPv6 transport is used. The lowest number of firewalls that support IPv6 routing or neighbor discovery is found in the SOHO segment (4 out of 19, or 21%). This is expected, as most SOHO firewalls are deployed in single and "stub" networking topologies (e.g., a broadband residential or small business access circuit) and thus require minimal routing configuration (e.g., a default gateway). The percentages of firewalls that support IPv6 routing among SMB and LE/SP products surveyed (both at 26%) suggest that certain organizations could not include currently deployed firewalls as peers in IPv6 routing topologies today. These organizations would not be able to implement adaptive recovery from link failure when IPv6 transport is used as they do currently with IPv4. (Note: the survey did not ask about whether products supported high availability and failover features. This feature should be included in future studies.)

Several firewalls included in the study are classified by their vendors as a hybrid of application level firewall and intrusion prevention system for large enterprise and service provider markets. IPv6 transport and routing support is lower among these products. Adaptive routing requirements for SP/LE environments are more extensive than SOHO and SMB networks. The development cost is much higher and this may contribute to the smaller percentage.

### **Availability of Traffic Inspection Methods**

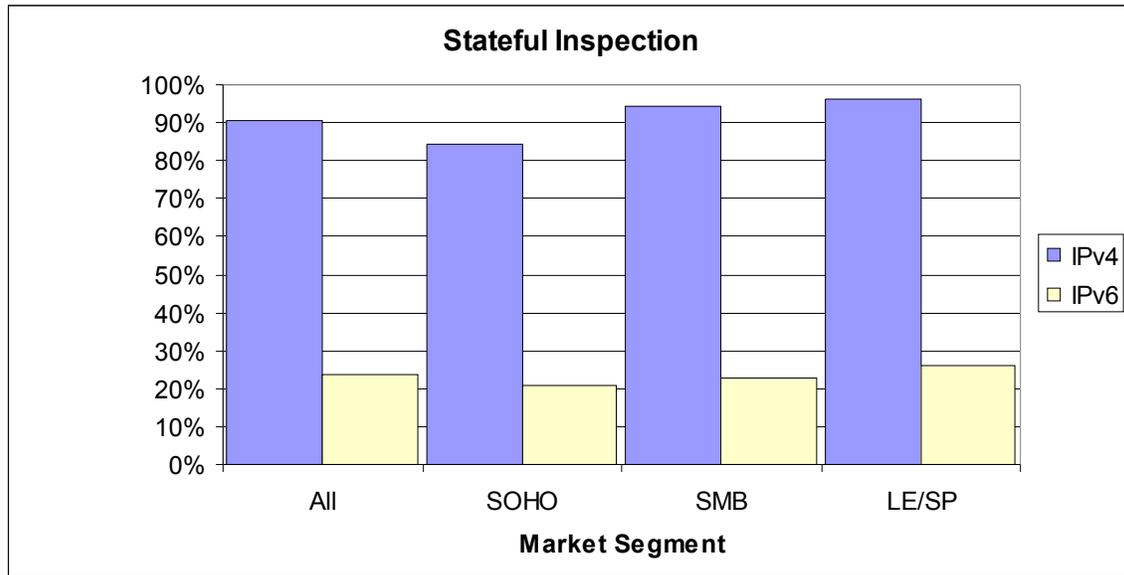
Commercial firewalls are commonly used to enforce a security policy that controls the types of traffic that may pass between an organization's internal networks and public (external) networks. Three forms of traffic inspection are commonly available when IPv4 transport is used: static packet filtering, stateful packet inspection, and application layer inspection.

*Static packet filtering* is the most basic form of security policy enforcement performed at firewalls. This method examines each packet individually to determine if it complies with a policy. If the packet complies, it is allowed to pass through the firewall; if not, it is typically blocked and discarded. Chart 3 illustrates that 40 of 42 (95%) of all surveyed firewall products provide static packet filtering in all market segments when IPv4 transport is used, whereas only 29% (12 of 42) provide static filtering when IPv6 transport is used. The breakdown according to market segment shows a relatively consistent pattern of availability at this percentage: 6 out of 19 (32%) for SOHO, 11 out of 35 (31%) for SMB, and 8 out of 27 (30%) for LE/SP.



**Chart 3. Firewall Support, IPv4 and IPV6 Static Packet Filtering**

*Stateful inspection* of IP layer packets is a more sophisticated, more effective, and hence more desirable form of security policy enforcement. Stateful inspection considers all IP datagram payloads associated with a given TCP connection, UDP stream, etc. and is capable of applying packet filtering policy more accurately onto complete traffic flows. Chart 4 illustrates that 38 of 42 (90%) of all firewall products surveyed provide stateful inspection when IPv4 transport is used, whereas only 10 of 42 (24%) do so when IPv6 transport is used. This is a marked difference and is not strongly biased by any one segment: 4 out of 19 (21%) for SOHO, 8 out of 35 (23%) for SMB, and 7 out of 27 (26%). The limited support for this important firewall feature when IPv6 transport is used is significant, especially when one considers that many vendors extend stateful packet inspection techniques to provide additional application level protection measures.



**Chart 4. Firewall Support, IPv4 and IPv6 Stateful Inspection**

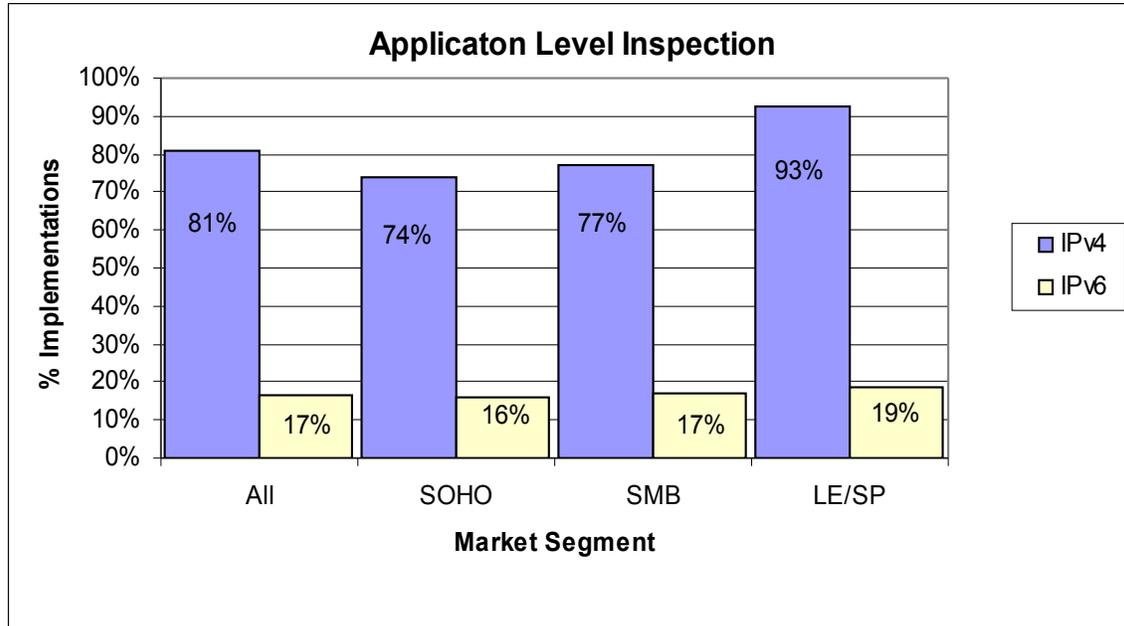
The third form of traffic inspection, *application level protection*, merits additional discussion and context for readers unfamiliar with firewall evolution. Historically, attackers focused on vulnerabilities of commercial operating system and server applications. OS and server application software vendors have, over time, learned to mitigate vulnerabilities and distribute patches in an arguably reasonable time frame following disclosure of the problem or actual exploitation of the vulnerability. In parallel, organizations became more proficient in defending networks against the IP and transport level attacks that were commonly attempted against commercial OSs.

In response, and in no small part due to the adoption of the World Wide Web, attackers devote considerable attention to web-based applications that support messaging services and streaming media, and that provide access to databases, mission critical business applications, and infrastructure servers (e.g., DNS and mail). Attackers also target end users more aggressively today than ever before, and devise attacks that apply social engineering techniques via content delivered to client applications (e.g., phishing, worm, and spyware delivered via email, browser, and instant messaging applications).

Organizations have responded by deploying firewalls that offer *application layer inspection features* that protect web, email, DNS, and other Internet servers and clients from exploitation attacks. Certain firewall vendors provide application layer security features using application layer gateways (also called proxies). Other vendors extend stateful inspection to encompass application protocols and payloads as well as network and transport level protocols. In the survey, SSAC asked whether vendors provide either capability. Chart 5 illustrates the results.

Chart 5 illustrates that support for application layer gateway or stateful inspection of application level traffic is found in approximately 34 of 42 (81%) products across all

market segments when IPv4 transport is used, but in only 7 out of 42 (17%) when IPv6 transport is used. This is again a marked difference and is not strongly biased by any one segment: 3 out of 19 (16%) for SOHO, 6 out of 35 (17%) for SMB, and 5 out of 27 (19%) for LE/SP.



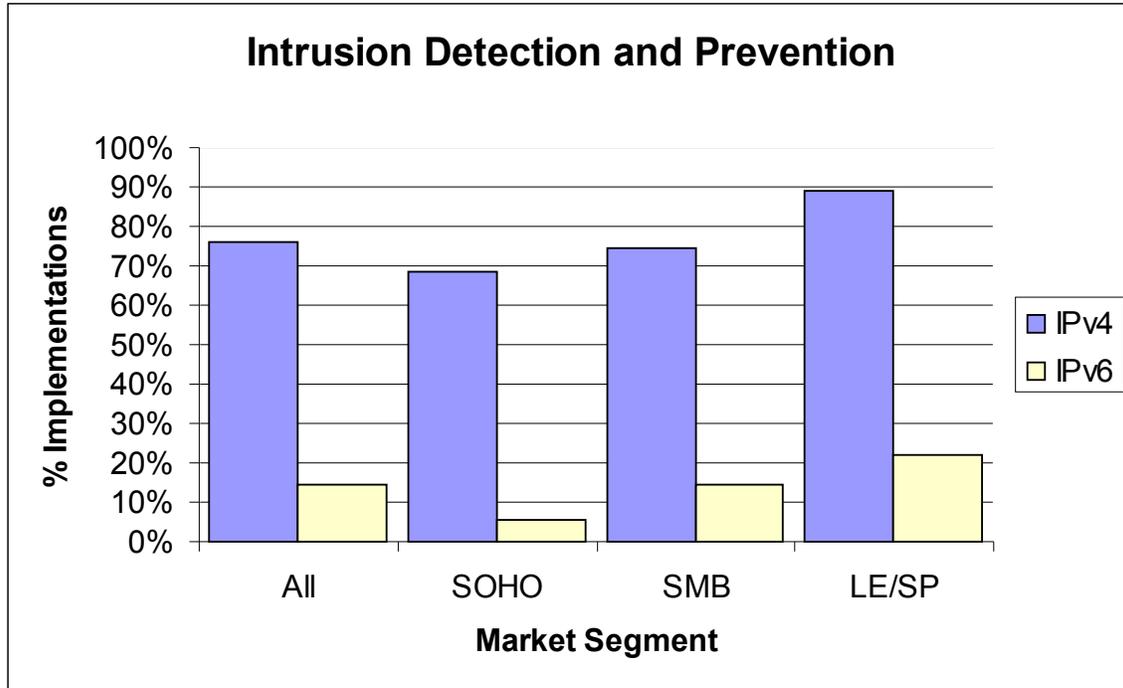
**Chart 5. Firewall Support, IPv4 and IPv6 Application Level Inspection**

This survey result merits additional comment. Application level protection is a terribly overloaded term. Without enumerating a particular set of application level security requirements, vendors of SOHO may have responded affirmatively based on the presence of a single feature such as content blocking based on a URL blacklist, whereas LE/SP vendors may have interpreted the question as a request for sophisticated application attack detection features intended to protect web and other application servers. The latter features are atypical requirements for SOHO networks, where hosting services is the exception rather than the norm. The survey results for LE/SP products are perhaps a more accurate measure of the availability of products that provide application level protection for organizations that require such features. But even in this segment, support when IPv6 transport is used is low.

### ***Advanced Security Features: Intrusion and DoS Protection***

Commercial firewalls are also used to protect an organization from network, transport, and application level exploitation and flooding attacks. *Exploitation attacks* use maliciously crafted packets and traffic streams to identify an exploit a flaw in the programming logic of a targeted application and cause the application to fail (cease operation) or respond in an unintended manner; in particular, attackers use exploitation attacks with the expectation that the application will somehow provide them with a means to take administrative control of the attacked system. Such attacks are called *escalated privilege attacks*. Once an attacker gains administrative control of a system, the attacker may install malicious executables that can communicate back to an attacker's *command and controls system* (C&C). The C&C can order remotely controlled systems to perform virtually any service (host a web server, send

spam, etc.). Exploitation and attacks resulting from "gaining root" on exploited or compromised systems are examples of host and network intrusions. Firewalls that provide Intrusion Detection and Prevention Systems (IDS/IPS) are able to detect and block many kinds of exploitation attacks.



**Chart 6. Intrusion Detection and Prevention Services**

Chart 6 illustrates that 32 out of 42 (76%) of all firewall products surveyed provide IDS/IPS when IPv4 transport is used, compared to 14% of products when IPv6 transport is used. This survey result is significantly biased by the availability of IDS/IPS among SOHO products when IPv6 transport is used (1 out of 19, or 5%). IDS/IPS features are not commonly available on SOHO products even when IPv4 transport is used (although this market segment is growing in response to the continued increase in viruses, worms, spyware and other malicious code incidents). The survey results for SMB and LE/SP products – 5 out of 35 (14%) and 6 out of 27 (22%), respectively – are more accurate measure of the availability of products that provide IDS/IPS when IPv6 transport is used for organizations that require such features.

SSAC notes that this survey only considers firewalls that offer IDS/IPS functionality and does not include the broader IDS/IPS market. The survey results may not accurately represent the state of IPv6 readiness for the broader IDS/IPS market and should not be interpreted as doing so.

*Flooding attacks* are designed to exhaust the resources (processing, memory, or bandwidth capacity) of a targeted application, system or network, and thus deny service to users. Flooding attacks are the most commonly recognized forms of denial of service attacks and vendors call specific attention to a product's ability to block the popular variants of denial

and distributed denial of service (DDoS) attacks. Chart 7 illustrates that a higher percentage of products across all market segments offer some form of rate-limiting when DoS and DDoS attacks are detected than offer IDS/IPS protection when IPv6 transport is used: 9 out of 42 overall (21%), 4 out of 19 (21%) for SOHO, 8 out of 35 (23%) for SMB, and 7 out of 27 (26%) for LE/SP. We speculate that this is because the methods vendors use to detect and rate limit TCP and UDP-based DoS attacks instigated using IPv4 transport can be applied when IPv6 transport is used as well.

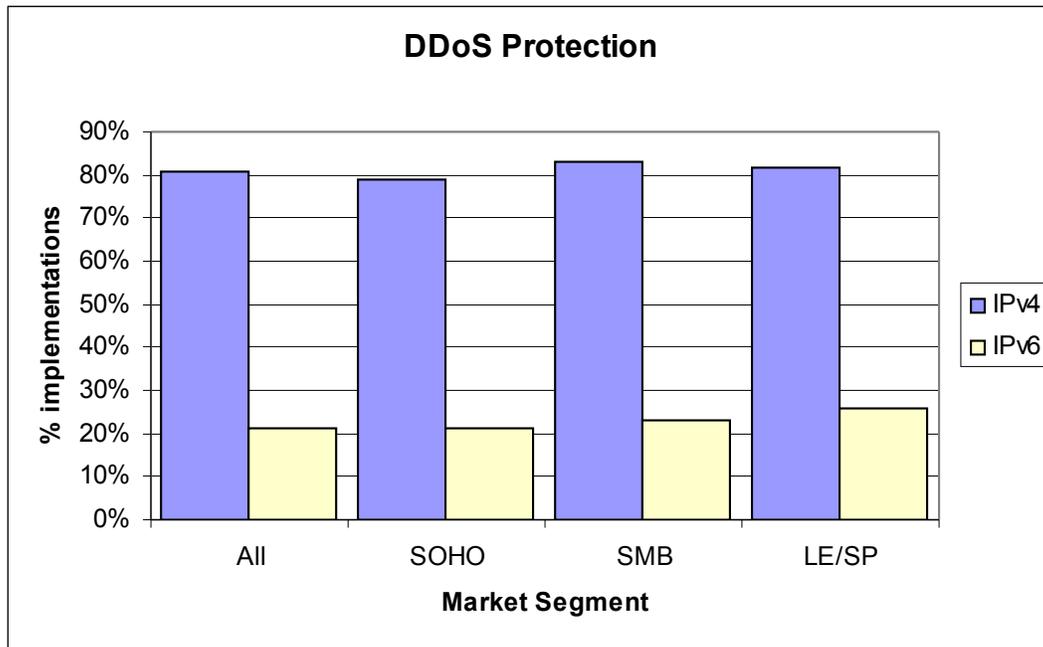


Chart 7: DDoS Protection

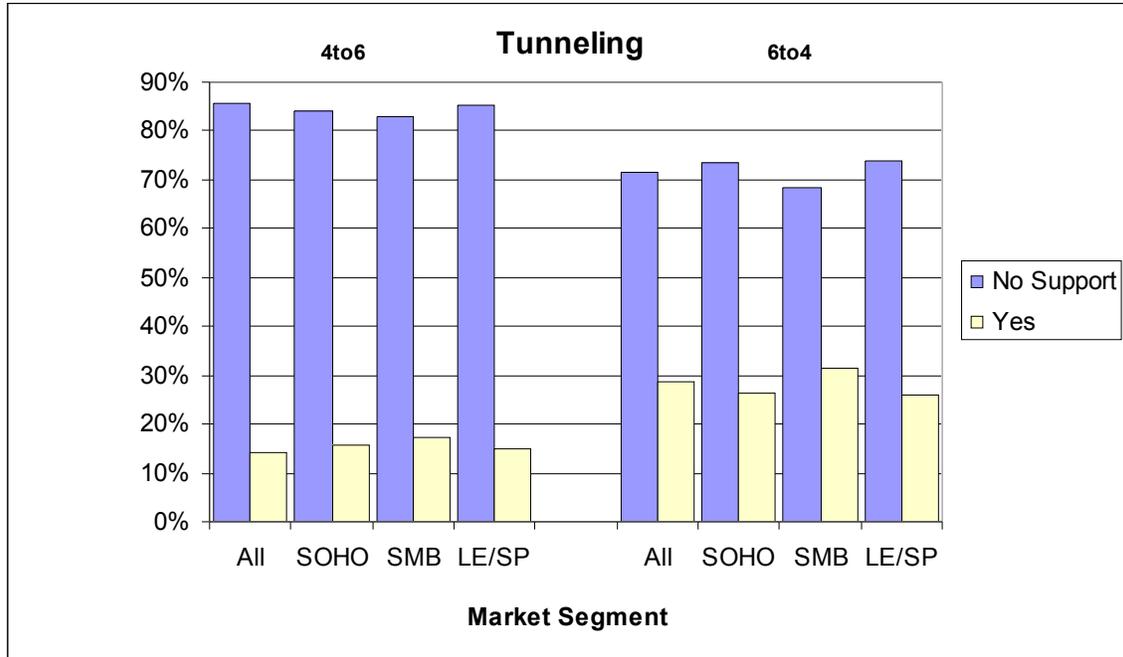
### ***Tunneling Capabilities***

IPv6 implementation will be incremental; in particular, it is very likely that many systems will not be upgraded to support IPv6 and thus "legacy" IPv4 transport implementations will co-exist or operate in "islands" for many years if not decades. Many organizations will require products that encapsulate (tunnel) IPv4 packets in IPv6 packets to interconnect two or more IPv4-only hosts or networks when the only available transport between those hosts or networks is IPv6.

It is very unlikely that all service providers will adopt and provide ubiquitous IPv6 transport over access circuits. This means that some networks that use IPv6 transport will be unable to connect to other IPv6-enabled networks without traversing an IPv4 network. Users and organizations that adopt and prefer IPv6 transport may require products that tunnel IPv6 packets in IPv4 packets to connect to IPv6-enabled destinations when the only available transport is IPv4.

Chart 8 illustrates the availability of IPv4-to-IPv6 (4to6) and IPv6-to-IPv4 (6to4) tunnels on commercial firewalls. The 4to6 survey results illustrate that 6 out of 42 (14%) of all firewall products surveyed are able to tunnel IPv4 traffic in IPv6 transport. The breakdown

according to market segment is: 3 out of 19 (16%) for SOHO, 6 out of 35 for SMB (17%), and 4 out of 27 (15%) for LE/SP. This figure is lower than expected when compared against the availability of IPv6 forwarding (see Chart 1). We cannot offer any explanation based on the information collected from the survey.



**Chart 8. Tunneling Capabilities**

A higher percentage of all firewalls surveyed are able to encapsulate IPv6 traffic in IPv4 tunnels (12 out of 42, 29%). The breakdown according to market segment is: 5 out of 19 (26%) for SOHO, 11 out of 35 for SMB (31%), and 7 out of 27 (26%) for LE/SP. This is arguably an easier tunneling implementation, and allows organizations to continue to make use of security features available when IPv4 transport is used when they connect "islands" of IPv6 hosts and networks. Some vendors indicated that they were able to perform IDS/IPS on 6to4 tunneled traffic but the number of vendors providing this additional information was insufficient to draw any conclusions regarding availability of this feature.

***IPv6 availability among firewall market share leaders***

The commercial firewall market is dominated by a very small number of network and security vendors. SSAC identified the companies it believes comprise the top ten market share holders. Conveniently, all these companies responded to this survey. SSAC then analyzed the survey results using only these sets of data.

Charts 9-12 illustrate the survey results from these vendors. Several vendors in this survey have multiple firewall product lines, and we requested that vendors provide a separate survey response for each product line. All of the product lines reported by vendors that we identify as market leaders are included in Charts 9-12. For these charts, "ALL" represents 13 products, SOHO includes 5 products, SMB includes 11 products, and LE/SP includes 10 products.

Chart 9 illustrates that support for IPv6 transport is stronger among the market leaders, with 7 of 13 (53%) of all product lines providing IPv6 transport. The percentages of products providing IPv6 transport support hover around 50% across market segments, with a slightly higher percentage (60%) among LE/SP products and slightly smaller (40%) among SOHO products. Since several large router and firewall vendors expanded their product lines through acquisitions of companies who targeted the SOHO market, the small drop in support among SOHO products is perhaps attributed to market consolidation.

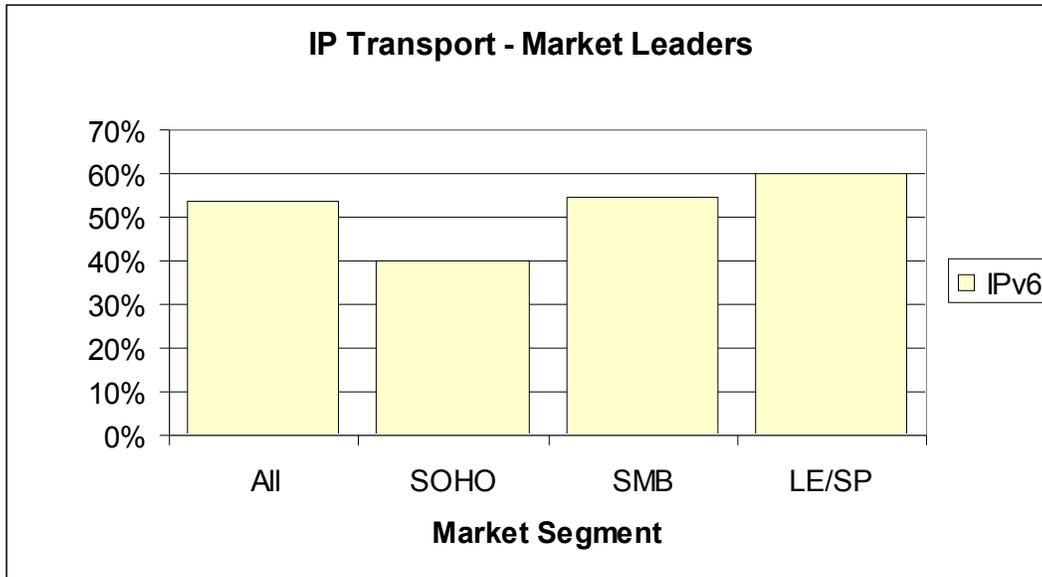
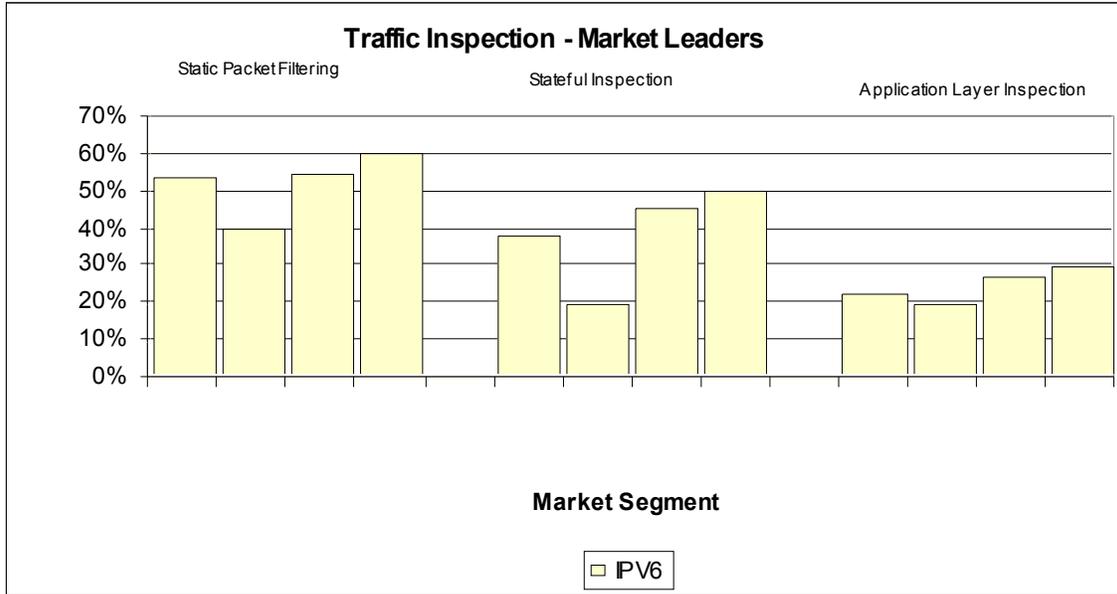


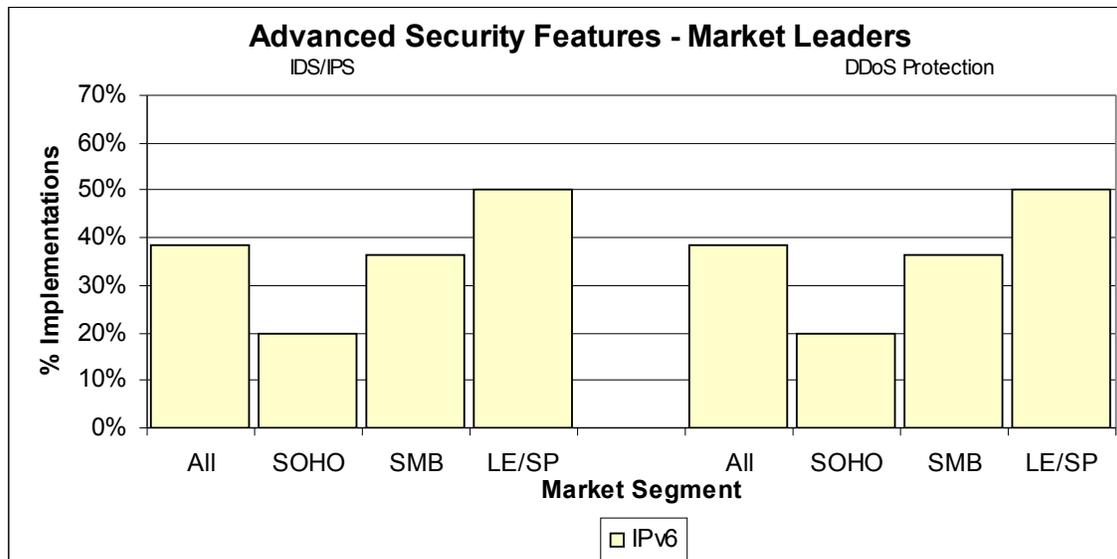
Chart 9. IPv6 transport support (Market Leaders)

Chart 10 illustrates that the availability of all forms of traffic inspection for IPv6 transport improves when only market leader products are considered (Compare to Charts 3, 4, and 5). The availability of static packet inspection across all market segments improves from 29% to 54%. The availability of stateful packet inspection across all market segments improves from 21% to 38%, and the availability of application level protection across all market segments improves from 17% to 27%.



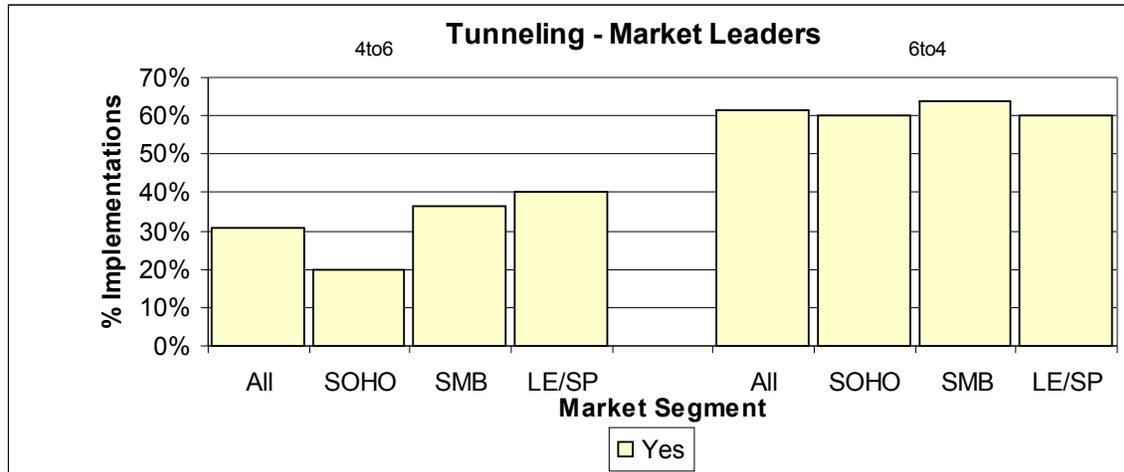
**Chart 10. Traffic Inspection (Market Leaders)**

Comparing Charts 6 and 7 to Chart 11, we see the availability of IDS/IPS increases from 14% overall to 38% overall when only products from market leaders are considered, and that the availability of DDoS protection increases from 21% to 38%.



**Chart 11. Advanced Security Features (Market Leaders)**

Comparing Chart 12 to Chart 8 we see that the availability of tunneling improves when we only consider product lines of market leaders; specifically, if an organization has or intends to purchase and deploy a market leader firewall, the likelihood of finding tunneling support increases to 31% for *4to6* and 62% for *6to4*.



hart 12. Tunneling Capabilities

Collectively, charts 9-12 illustrate that the availability of IPv6 transport and security feature support improves when consumer choice is narrowed to the market leaders but that the availability of more sophisticated traffic inspection and advanced security features are improved but still not prevalent.

### ***Additional Survey Results and Anecdotal Information***

During the collection and processing of the survey, several additional results and information shared anecdotally by vendors provide additional insight into the present state of security feature availability as well as the market attitude.

Generally, if a product supports IP transport and one or more forms of traffic inspection, that product logs IP level events. This holds true for both IPv4 and IPv6 transport. Future studies might compare the breadth and depth of IPv6 logging against IPv4 logging. For example, it might be useful to ask whether logging can be enabled for each of the features and services surveyed, and whether logging facilities accommodate accounting, exception handling and external notification (e.g., pager, email).

While many firewall products support DHCPv6, RADIUS, and flow monitoring when IPv4 transport is used, few of the vendors who responded to survey questions concerning these services indicated that they provide support when IPv6 transport is used.

Generally, if a product supports IP transport and one or more forms of traffic inspection, that product supports IPsec (true for IPv4 and IPv6). Several vendors commented that IPsecv6 support was limited; for example, some vendors support fewer Internet Key Exchange (IKE) peer authentication options, or only support manual keys for IKE, or support IPsecv6 only through a command line interface.

Several vendors commented that IPv6 transport can only be configured using a command line interface (as opposed to the vendor's graphical user interface, i.e., a Microsoft Windows application or HTTPS- or Java-enabled web interface).

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Some vendors commented that the signature sets for IDS/IPS inspection engines for IPv6 were not as extensive as the signature sets for IPv4. Similarly, some vendors indicated that the number and kinds of denial of service attacks they can detect and block were fewer when IPv6 transport was used instead of IPv4.

Vendors who commented that they had no IPv6 support typically claimed that they have received few if any requests for products that support IPv6. Some vendors indicated that IPv6 implementation was underway and that product support would appear mid-to-late 2008, whereas others admitted that IPV6 support was not included in product development time tables in their survey response.

## Conclusions

Based on the results of this survey, SSAC answers the questions posed at the beginning of this survey report:

*How broadly is IP version 6 (IPv6) transport supported by commercial firewalls?*

IP version 6 (IPv6) transport is not broadly supported by commercial firewalls. On average, less than one in three products support IPv6 transport and security features. Support among the firewall market share leaders improves this figure somewhat.

*Is support for IPv6 transport and security services available from commercial firewalls available for all market segments - home and small office, small-to-medium business, large enterprise and service provider networks – or is availability lagging for certain segments ?*

Support for IPv6 transport and security services is available from commercial firewalls for all market segments, however, availability of advanced security features is lagging in SOHO and SMB segments and strongest in the LE/SP segment.

*Among the security services most commonly used at Internet firewalls to enforce an organization's security policy, which are available when IPv6 transport is used?*

Overall, relatively little support for IPv6 transport and security features exists. However, some form of traffic inspection, event logging, and IP Security (IPsecv6) are commonly available among products that support IPv6 transport and security services.

*Can an organization that uses IPv6 transport enforce a security policy at a firewall that is commensurate to a policy currently supported when IPv4 transport is used?*

Internet firewalls are the most widely employed infrastructure security technology today. With nearly two decades of deployment and evolution, firewalls are also the most mature security technology used in the Internet. They are, however, one of many security technologies commonly used by Internet-enabled and security-aware organizations to mitigate Internet attacks and threats. This survey cannot definitively answer the question, "Can an organization that uses IPv6 transport enforce a security policy at a firewall that is commensurate to a policy currently supported when IPv4 transport is used?" The survey results do suggest that an organization that adopts IPv6 today may not be able duplicate IPv4 security feature and policy support.

The observations and conclusions in this report are based on collected survey results. Future studies should consider additional and deeper analyses of security technology availability for IPv6. Such analyses are best performed by certification laboratories and security assessment teams. Before attempting further testing and analysis, the community must alter the perception among technology vendors in general (and security vendors specifically) that the market is too small to justify IPv6 product development.

## Acknowledgments

SSAC wishes to express its gratitude to all vendors who willingly participated in this survey. The full list of participating vendors is provided in Appendix A. SSAC wishes to express particular thanks to Brian Monkman and David Archer of ICSA Laboratories, who facilitated contact and introduced us to technical staff familiar with IPv6 product development and availability at many vendors who participated in this study.

## Appendix A. Vendors Surveyed for this Report

Vendor	Response	Vendor	Response
2-Wire, Inc	Yes	iPolicy Networks	Yes
3Com	No	Jungo	No
Amaranten	No	Juniper/Netscreen	Yes
Arkoon	Yes	Kerio	Yes
ASCE Networks	Yes	Lucidata	Yes
Astaro	Yes	Mako Networks	Yes
Barbedwire Technologies	No	Microsoft	Yes
BlackBox	Yes	MultiTech	Yes
Cecurux	No	Netbox Blue	No
Celestix	No	NetContinuum	Yes
Check Point Software	Yes	Netgear	Yes
Cisco Linksys	Yes	Netopia	No
Cisco (IOS firewall)	Yes	NetSentron	Yes
Cisco (PIX)	Yes	NetSoft	Yes
Clavister	Yes	NetStealth	No
Crossbeam Systems	Yes	Network-1	Yes
	Yes	Nortel Networks (1000, 3000 series)	Yes
Cybernet Linux Firewall		PresiNet Systems	No
D-Link	Yes	Secure-Computing (Cyber- Guard)	Yes
DrayTek	Yes	Secure Computing (Sidewinder)	Yes
Eland Systems	No	Secure Computing (SnapGear)	Yes
EliteCore Cyberoam		Sepehrs	Yes
eSoft	No	SonicWall	Yes
Evidian Networks	No	Stonesoft	No
Fortinet	Yes	Symantec (7100)	Yes
Forum Systems	No	Telco-Tech	No
GajShield	Yes	Tipping Point	Yes
GateProtect	No	US Robotics	No
Global Technology Assoc.	Yes	VarioSecure	No
Green Computer	No	Vortech	No
HotBrick	Yes	WatchGuard Technologies	Yes
IBM ISS	Yes	Zyxel	Yes
inGate	Yes		
Internet-Security (ProxySen- tinel)	Yes		

## **Appendix B. SSAC Membership**

### Members

Alain Aina, Consultant  
Jaap Akkerhuis, NLnetLabs  
Steve Crocker, Shinkuro (SSAC Chairman)  
Mark Kusters, ARIN  
Ram Mohan, Afilias  
Russ Mundy, SPARTA, Inc.  
Frederico A C Neves, NIC Brasil  
Dave Piscitello, ICANN (SSAC Fellow)  
Ray Plzak, ARIN  
Doron Shikmoni, ForeScout, Inc.  
Bruce Tonkin, Melbourne IT  
Paul A Vixie, ISC  
Johan Ihren, Autonomica  
James M. Galvin, Elistx  
Paul Twomey, ICANN  
Jon Peterson, Neustar  
Rodney Joffe, Neustar  
Suzanne Woolf, ISC  
Mike St Johns, Nominum, Inc.  
K. C. Claffy, CAIDA

### Invited Guests

Daniel Karrenberg, RIPE  
David Conrad, ICANN  
Steve Conte, ICANN  
Lyman Chapin, Interisle  
Patrik Fältström, Cisco Systems  
Ramaraj Rajashekhar  
Jeffrey Bedser, ICG  
Rick Wesson, Alice's Registry  
Mark Seiden, Yahoo!  
Danny McPherson, Arbor Networks, Inc.  
Shinta Sato, JPRS

### Liaison to the GAC

Stefano Trumpy

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Olaf M. Kolkman

### Liaison to the ALAC

Robert Guerra

## 1.7.9 [SAC022]: Domain Name Front Running

<http://www.icann.org/committees/security/sac022.pdf>

**SAC 022**

**SSAC Advisory on Domain Name Front Running**



An Advisory from the ICANN  
Security and Stability  
Advisory Committee  
(SSAC)  
October 2007

## Executive Summary

This Advisory considers the opportunity for a party with some form of insider information to track an Internet user's preference for registering a domain name and preemptively register that name. SSAC likens this activity to front running in stock and commodities markets and calls this behavior *domain name front running*. In the domain name industry, insider information would be information gathered from the monitoring of one or more attempts by an Internet user to check the availability of a domain name.

When the domain name of interest for which an availability check is made is registered shortly after such a check, the individuals making the availability check may reasonably assume that the organization operating the web site or service they used to determine the availability of the name preemptively registered the name. Registrants have filed complaints with ICANN, registrars, and with Intellectual Property attorneys that suggest domain name front running incidents may have occurred. SSAC does not yet have any hard data to draw conclusions regarding the frequency (if any) of the occurrence of domain name front running.

SSAC acknowledges that a perception exists within the community that monitoring or spying is taking place when would-be registrants check the availability of a domain name. Much of the information presented before SSAC regarding domain name front running is anecdotal and incomplete. The information SSAC has reviewed allows us to observe that some part of the community believes monitoring practices that result in preemptive registration of domain names have occurred and that such practices are not acceptable. SSAC is concerned that, whether real or perceived, preemptive registration portrays an unfavorable image of the domain name industry. This Advisory is therefore a preliminary study and is intended to put the issue before the community for discussion and to solicit well-documented incidents, if any can be obtained.

In this Advisory, SSAC begins with a premise that *checking the availability of a domain name can be a sensitive act which may disclose an interest in or a value ascribed to a domain name*. SSAC suggests that any such domain name availability lookups should be performed with care. Our premise is that a registrant may ascribe a value to a domain name; that unintended or unauthorized disclosure, or disclosure of an availability check by a third party without notice may pose a security risk to the would-be registrant; and that availability checks may create opportunities for a party with access to availability check data to acquire a domain name at the expense of the party that performed an availability check, or to the benefit of the party that monitored the check. We attempt to assess these risks and suggest ways that information could be collected and used to engage in domain name front running activities.

**SSAC observes that there does not appear to be a strong set of standards and practices to conclude whether monitoring availability checks is an acceptable or unacceptable practice.** We conclude this Advisory with a call for public comment; specifically, we invite registrants, registrars and other parties who have information regarding possible domain name front running incident to report that incident to the committee with as much information as possible to assist SSAC in studying this matter further.

## Introduction

This Advisory considers the opportunity for a party with some form of insider information to track an Internet user's preference for registering a domain name and preemptively register that name. This type of activity has been called domain name grabbing and preemptive registration in other contexts. SSAC compares this activity to front running in stock and commodities markets and thus calls this similar behavior *domain name front running*. In the domain name industry, insider information would be information gathered from the monitoring of one or more attempts by an Internet user to check the availability of a domain name.

Several possible incentives have been suggested to SSAC as motivations to engage in domain name front running. One possibility is that a domain name that is of interest to one or more Internet users has potential for domain name monetization<sup>1</sup>. A second possibility is that a domain of interest to an Internet user may have a commodity value in a secondary (resale) market; in particular, the domain name front runner might seek to sell the domain name registration to the party whose queries prompted the preemptive registration of that domain name.

Alternative explanations have also been suggested. Apparent instances of domain name front running may be mere coincidence or a consequence of domain name tasting<sup>2</sup>. Domain name tasting usually occurs during the 5 day Add Grace Period (AGP) so that the taster can cancel domain names deemed to be unprofitable before the AGP expires and recover the cost of registration. In any given month, over a million domain names can be tested for their potential to be profitable for monetization, and there is a reasonable chance that some of these names may coincide with names that have been subject to some form of a domain name availability check during that month.

## Background

When the domain name of interest for which an availability check is made is registered shortly after such a check, the individuals making the availability check might (incorrectly) assume that the web site or service they used to determine the availability of the name preemptively registered the name. Registrants have filed complaints with ICANN, registrars, and with Intellectual Property attorneys that suggest domain name front running incidents may have occurred. At this time, SSAC has preliminary information from an intellectual property attorney regarding two alleged incidents of domain name front running. The attorney, however, has asked that SSAC refrain from disclosing the domain names and parties involved while the law firm continues to investigate these incidents. SSAC has also requested information from other sources who claim they have been victimized by domain name front running activities and is involved in ongoing discussions

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<sup>1</sup> Domain Name Monetization is a practice whereby a set of pay-per-click (PPC) links and associated websites are automatically created for each domain name, each of the links generating an income to the domain registrant when users arrive at the website and click any of the links or associated websites.

<sup>2</sup> Domain Name Tasting is a practice where a party registers a domain name and tests to see whether a web site hosted using the name can attract traffic and earn revenue via advertising.

with other law firms; members of the registrar and registry communities; and security and domain name experts.

SSAC does not yet have any hard data to draw conclusions regarding the frequency (if any) of the occurrence of domain name front running. We do know that Internet users have filed complaints of suspected domain name front running incidents with registrars and ICANN. Some complainants offer (pre- and post-incident) WHOIS query results to support their claim. These data alone are often insufficient to determine whether the domain name was preemptively registered, how the data used to preemptively register this particular domain name were acquired, or whether this was an intentional or coincidental act.

Several factors contribute to difficulties SSAC and others have experienced when attempting to collect detailed information concerning these incidents. No strong set of standards and practices exists to conclude whether monitoring availability checks is an acceptable or unacceptable practice. To date, domain name front running complaints have been processed independently by the contacted parties, e.g., registrar and ICANN staff. No common reporting mechanism or agreed-upon characterization of what constitutes a domain name front running incident has been established by the community. Registrants who do not suspect abuse do not carefully document availability checks as they perform them, and are not familiar enough with the details of domain name registration to know what to document and report should they suspect that domain name front running has occurred. Registrants do not even know that they could be a target of domain name front running.

This Advisory defines and characterizes domain name front running using information collected from members of the registrar, registry and DNS communities, ICANN staff, and members of the community at large. These sources (or their organizations) have been contacted by registrants who have filed complaints regarding what they conclude to be a domain name front running incident. These sources (or their organizations) have investigated incidents that registrants claim to be characteristically similar to what SSAC defines here as domain name front running activities. Based on the currently available information, SSAC has developed a composite list of methods domain name front runners might employ to analyze DNS and WHOIS query data, identify domain names of interest, and preemptively register those domain names.

## Domain Name Front running

During the latter half of the 19<sup>th</sup> century, certain settlers to what is now the southwestern region of the United States devised ways to preemptively file or *jump* a claim on a parcel of land prior to the official start of land runs established following the Indian Appropriation Act of 1889. Preemptive claim filing was also common during the North American Gold Rushes of this period. Settlers and miners who engaged in claim jumping shared several common characteristics: they had access to information (surveys, maps, geology reports), information holders (engineers, cartographers, territorial officials), or the land itself that allowed them to speculate and choose which land was most valuable;

they had advanced notice of a time when a claim would be filed for that land; and they had the means to filing the claim before another party could do so.

A practice known as front running was exposed long ago in the stock and commodities markets. Front running occurs when a broker fills an order for a security in his personal account based on trades or information disclosed by the broker's client (who is often privy to "insider" information) *prior* to filling his client's order. Front running trades are illegal under U.S. and other securities trading laws.

A domain name front running opportunity shares characteristics attributed to claim jumping and to front running trading as well. Domain name front runners, if such actors exist, exploit an opportunity to gather information, often in near real-time and from various sources; use that information to deduce whether a domain name is currently of interest to one or more parties; and preemptively register the domain name.

## Methods of Monitoring and Identifying Domain Names of Interest

Registrants as well as interested parties in registrars, registries and staff at ICANN describe various opportunities for monitoring and identifying domain names of interest. SSAC has compiled this list to help the community appreciate the several means a front runner has at his disposal and to assess the risk that domain name front running poses. We include all the opportunities mentioned here; however, SSAC does not claim that any or all these methods are currently being used, or that this list is exhaustive, only that these represent plausible opportunities for gathering and monitoring domain names of interest to prospective registrants, and that these have been related to SSAC by parties who have anecdotal or partial information regarding a possible domain name front running incident.

**Client software.** Free- and shareware WHOIS client applications, Browser Helper Objects (BHOs), extensions, plug-ins and cookies are all essentially application software. Such applications can be programmed to record WHOIS queries, domain name queries, search engine arguments, etc. and relay these over covert connections – *back channels* – to the software developer or affiliated 3<sup>rd</sup> party of the developer. The query data could be used by the developer, an affiliate, or sold to a domain name front runner.

**3<sup>rd</sup> Party WHOIS query portals.** Any web server can host applications to perform WHOIS queries. Internet users may use such portals to check domain name availability. A party at any of these portals can use the query data directly or sell it to a domain name front runner.

**Unauthorized executables.** Email-delivered worms infect hundreds if not thousands of client computers daily. Malicious software delivered via email often includes trojan executables, programs that masquerade as legitimately installed applications or services but actually perform unauthorized and malicious activities. Trojan software can be programmed to collect URLs, DNS activity or keystrokes. End user (client) systems are not the sole targets of malicious code: inadequately secured DNS, web and other application servers may also be compromised by attackers, who then install trojan

software (e.g., "root kits") that can be programmed to monitor DNS, WHOIS and other system and user activities. The attacker can use the query data directly or sell it to a domain name front runner.

**DNS operators.** Some Internet users query the DNS rather than WHOIS services to determine whether a domain is in use, choosing to determine whether a domain name is available based on the receipt of a non-existent domain (NXD) response to a DNS query. This is generally a less accurate method than querying a registry or WHOIS, as a domain name can be registered, but is sometimes not published in the DNS. However, a party at any public DNS operator or a service provider who provides name service to subscribers can collect and use NXD data to register domain names in its own name or sell the NXD information to a domain name front runner.

**Registrars (and resellers).** Registrars perform domain name availability checks on behalf of customers and visitors to their registration portals. Many registrars use the EPP <check> command to query a domain name from one or more registries. Some registrars also offer proprietary application programming interfaces (APIs) to resellers, which extend the EPP <check> command to the reseller. These are intended uses. A party who is able to monitor EPP activity can collect and use the query data directly or sell it to a domain name front runner.

**Name Spinners.** When a prospective registrant checks the availability of a domain name (e.g., example.com) using a registrar's domain name availability checking service, that registrar may send an availability check for the second-level label (example) to COM and additionally to any other registries whose TLD labels they market (including ccTLDs). The registrar performs this cross-TLD availability check as a service to the registrant: e.g., if a prospective registrant asks whether example.com is available and it is not, the registrar is able to provide a list of TLDs under which the desired 2<sup>nd</sup> level label (example) *is* available. A party in this query chain can monitor and collect availability checks and sell the mined data to a domain name grabber.

**Registries.** Registries that receive checks for the availability of domain names in their TLDs can determine the list of names checked versus the list of names not yet registered, and make such a list available to domain name front runners.

**Information leaks, social engineering.** An employee may unintentionally or prematurely reveal a service mark, television or movie title, or product slogan his company intends to register as a domain name during a conversation in a public area, and a passer-by might speculatively register the name.

The number and variety of means and opportunities included in this list illustrate that domain name front running can be performed by many parties, using a wide variety of collection and monitoring techniques. Indeed, other entities (search engines, browser developers, ISPs) might conceivably engage in domain name front running if it was feasible and profitable. The existence of such means and opportunities, however, is not sufficient to conclude that any of these are being exploited. At this time, SSAC does not

have sufficient information to claim any of these opportunities are currently being exploited, but the committee continues to seek and solicit information related to suspected domain name front running incidents.

## Coincidence

What appears to a prospective registrant as an intentional act may prove to be a coincidence. It is possible that two or more parties may become interested in a domain name a nearly the same time, especially if that domain name includes a popular instant messaging acronym (e.g., rofl., afaik, tyvm, bbiab, nvm) or suddenly popular phrase (e.g., "what *were* you thinking", "go ahead make my day"). The current volume of domain names tasted on a daily basis must also be considered; for example, an individual may imagine that a domain name is unique, but that name may have been previously registered, and previously registered names as well as permutations based on a key word in a domain name are commonly tasted. It is also worth noting that WHOIS services are not necessarily "real time". A domain name may be registered at noon on a given day but WHOIS queries later that afternoon may still indicate that the domain is available.

## Domain Name Front Running and Acceptable Conduct

An important question for the community to consider is "How do we characterize domain name front running?" SSAC makes several observations based on the methods and opportunities enumerated above.

1. Activities performed by software installed without authorization and consent (via viruses) and activities performed following unauthorized access to a computer system are considered to be illegal in certain jurisdictions. Domain name front running that is facilitated by such illegal activities might also be considered illegal activity.
2. Domain name mining activities performed by client software, browser helpers, or 3<sup>rd</sup> party WHOIS portals may be disclosed in the application's End User License Agreement (EULA) or at the developer's or operator's web site. In such circumstances, the user has been provided notice and has given consent. Even if the data collection were not disclosed, it is not clear whether this is universally considered to be an illegitimate act. Back channels themselves are topics of considerable debate: some security experts argue that if an application uses a back channel, the EULA must provide a truthful disclosure explaining what information will be collected and how it will be used and shared, while others would argue that such a disclosure is only needed if personal identifying information is collected.
3. Public DNS operators may be entitled to use or sell DNS utilization and logging information. Commonly, few agreements other than an Acceptable Use Policy (AUP) exist between operators and subscribers. AUPs may not disclose what types of logging and analysis activities the operator performs and how the operator will use log records. Service level agreements often exist between enterprise customers and service providers, but these typically focus on performance and availability metrics and may not address DNS and WHOIS data query collection, analysis or resale.

4. ICANN's Registrar Accreditation Agreement and Registry Agreements do not expressly prohibit registrars and registries from monitoring and collecting WHOIS query or domain name availability query data and either selling this information or using it directly. In the absence of an explicit prohibition, registrars might conclude that monitoring availability checks is appropriate behavior. A counter assertion can be made that having registrars monitor availability checks is inappropriate, that domain name front running is an unanticipated and undesirable consequence of the existing registration process, that "spying" on a customer (or a customer's customer) is unethical and violates a trust relationship between registrant and registrar (and between registrar and registry), and that such behavior undermines consumer confidence in the registration process and all those who participate.
5. Information leaks, social engineering and coincidence are outside the scope of any action that SSAC could recommend to ICANN and the community other than to suggest that checking the availability of domain names is one of many areas where individual discretion and a thoughtful appreciation for confidentiality is required.

These observations reveal several challenges we face as we study domain name front running. Based on currently available information, the various acts of collecting names of interest from DNS, WHOIS, domain name availability checks, and other resources to preemptively register a domain name may appear be unfair, improper and even criminal to registrants but none of these assertions have been established by fact, policy or law.

SSAC also observes that many domain name front running methods lie outside ICANN's influence and thus ICANN's policies may have limited effect (or no effect whatever if registrars and registries are not domain name front running participants).

## Preliminary Findings

Of immediate concern to SSAC is *protection of industry image* for all parties to the domain name registration process and maintaining consumer confidence in the registration process. SSAC has sufficient information to observe that registrants *perceive* that parties affiliated with domain name registrations are participants in domain name front running but has no hard data to debunk or corroborate this perception. The perception of preemptive registration portrays an unfavorable image of the parties associated with the domain name registration process in specific, and of the domain name community in general. As such, SSAC feels obliged to study the matter further.

SSAC offers the following preliminary findings:

1. Checking the availability of a domain name can be a sensitive act which may disclose an interest in or a value ascribed to a domain name
2. Some potential registrants perceive that parties associated with the domain name registration process participate in domain name front running. SSAC believes that preventing this perception from evolving to accepted wisdom is an important consideration for the domain name community.

3. At this time, no Internet user has presented sufficient information to conclude that any party associated with the domain name registration process engages in domain name front running. Members of the SSAC have contacted attorneys who are studying cases of possible domain name front running activity and are involved in ongoing discussions with other law firms; members of the registrar and registry communities; and security and domain name experts.
4. No single process to handle domain name front running complaints exists today, thus the actual number (and even a reasonable estimate) of complaints reported is difficult to gather. The absence of a formal process also creates an information gap for a domain name tasting victim, who has no guidelines for the kinds of information that must be presented to corroborate a claim.
5. There does not appear to be a strong set of standards and practices to conclude whether monitoring domain name availability checks is an acceptable or unacceptable practice. Redressing domain name front running claims is left to the discretion of (primarily) the registrar, who may not have any credible reason to process such a complaint.
6. Even if formal policies or processes were to exist, it is possible to collect data to facilitate domain name front running from a variety of sources. This introduces considerable complexity and variability for anyone attempting to resolve the complaint (or design mitigation strategies). Moreover, a number of collection sources have no formal relationships with ICANN and are not obliged to comply with any policies prohibiting domain name front running. Thus, policy action alone will not mitigate domain name front running.
7. Various acts of collecting names of interest from DNS, WHOIS, domain name availability checks, and other resources to preemptively register a domain name may appear to be unfair, improper and even criminal to registrants but these conclusions are not necessarily established facts.

### ***Call for Public Comment***

SSAC believes that domain names are a highly speculated and potentially valuable commodity for monetization and sale. Further we believe that availability checking may have unanticipated consequences, depending on the methods a would-be registrant uses to perform such checks and the parties that the would-be registrant uses.

SSAC offers this Advisory as a vehicle for providing a context for public comment and discussion. SSAC invites individual users, registrants, registrars and other parties who have information regarding possible domain name front running incidents to report that incident to the committee with as much information as possible to assist SSAC in studying this matter further.

For each instance of suspected domain name front running, the type of information that would be most useful in studying the case includes but is not limited to:

- Method used to check domain name availability (e.g., web browser, application).
- Local access ISP.
- Provider or operator of the availability checking service.
- Dates and times when domain name availability checks were performed.
- Copy of the information returned (e.g., WHOIS query response) in the response to the availability check.
- Whether the domain name was reported as previously registered or never before registered in the response returned from the availability check.
- Copy of the information returned (e.g., WHOIS query response) indicating the name had been registered.
- Copies of any correspondence sent to or received from the registrant perceived to be a front runner.
- Correspondence with the registrar or availability checking service.
- Any information indicating a potential relationship between the availability checking service and the registrant that grabbed the name

Please submit incidents to the SSAC Fellow at [SSAC-DNFR@ICANN.org](mailto:SSAC-DNFR@ICANN.org).

Based on the information received, SSAC will either issue a subsequent report or give notice that insufficient information was collected to pursue the matter.

## Call for Policy Consideration

SSAC suggests that the domain name community (including registries, registrars, registrants, civil society and academic study groups) examine the existing rules to determine if the practice of domain name front running is consistent with the core values of the community, and if not, to consider implementing measures (including new policies, regulations and codes) to restrict domain name front running. It would be useful if other organizations such as the ccNSO, APTLD, LACTLD, RALOs, and others were able to conduct surveys of their members, and contribute to the SSAC analysis.

## Acknowledgments

Information used to prepare this Advisory was collected by the SSAC Fellow from fellow SSAC members, ICANN legal counsel, ICANN registrar liaisons, and employees of registries and registrars who agreed to participate in the study. The following members of the ICANN community provided information that proved essential in composing the picture of domain name front running. The committee is grateful for their contribution of time and expertise.

Bruce Tonkin, Chief Technology Officer, Melbourne IT  
Ross Rader, Director, Innovation & Research Company, Tucows  
Steve Miholovich, Director of Product Marketing, Network Solutions  
Tim Ruiz Vice President of Corporate Development and Policy, GoDaddy  
Jay Westerdal, CEO and President, Name Intelligence  
Jonathan Nevett, Vice President and Chief Policy Counsel, Network Solutions  
Paul Stahura, President & COO, Demand Media



1.7.10 [SAC023]: Is the WHOIS Service  
a Source for email Addresses for  
Spammers?

<http://www.icann.org/committees/security/sac023.pdf>

# SAC 023: Is the WHOIS Service a Source for email Addresses for Spammers?



A Report from the ICANN  
Security and Stability Advisory Committee

SAC023 October 2007

**About the Security and Stability Advisory Committee**

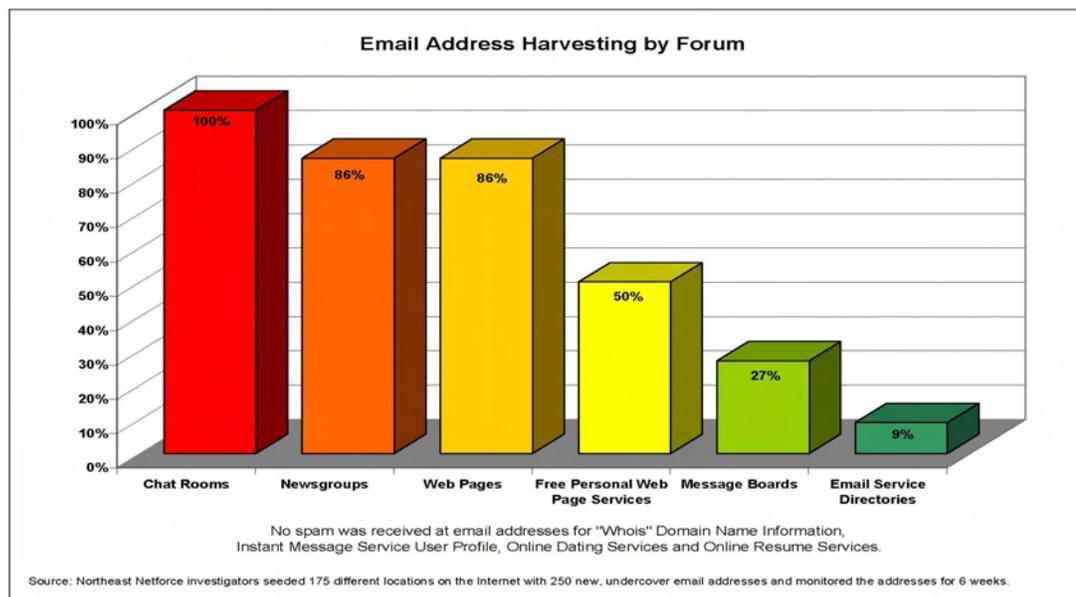
The Security and Stability Advisory Committee (SSAC) is an advisory committee to the Internet Corporation for Assigned Names and Numbers (ICANN). The Committee's purpose is to offer independent advice to the ICANN board, ICANN staff and various ICANN supporting organizations, councils and committees as well as to the community at large on matters relating to the security and integrity of the Internet's naming and address allocation systems. The Committee has no official authority to regulate, enforce or adjudicate. Those functions belong to others. The advice offered by the Committee should be evaluated on its merits, not on the status of the Committee or its members.

**About this Report**

This report was prepared by the SSAC Fellow, Dave Piscitello, under the direction of Ram Mohan, who designed and executed the study, and the Committee and represents output from the committee as a whole. Appendix A contains the current list of members and contributors to this report.

## Executive Summary

In the SSAC's prior work on WHOIS ([SAC 003](#), 2003), the Committee stated that "it is widely believed that WHOIS data is a source of email addresses for the distribution of spam." The US Federal Trade Commission conducted a study at approximately the same time. In *Email Address Harvesting: How Spammers Reap What You Sow*, FTC researchers reported that "email addresses posted in instant message service user profiles, 'WHOIS' domain name registries, online resume services, and online dating services did not receive any spam during the six weeks of [their] investigation."<sup>1</sup> This SSAC study on WHOIS considers again whether the WHOIS service is a source of email addresses for spammers.



Source: <http://www.ftc.gov/bcp/online/edcams/spam/pubs/harvestchart.pdf>

To accomplish this task, the SSAC conducted an experiment to see the effects of two services registrars now offer to protect registrant email addresses from publication and abuse. For the sake of brevity, these services are referred to as Protected-WHOIS and Delegated-WHOIS. For the study, SSAC registered and monitored email delivery to randomly composed strings as second-level labels in four Top Level Domains: COM,

<sup>1</sup> The report may be found at <http://www.security.iia.net.au/downloads/spam/rt-ftc.pdf>. An excerpt of the FTC study is included as Appendix B.

DE, INFO, and ORG. The domain names were registered in February 2007. The recipient chosen for the registrant email address for each of the registration records was also chosen randomly. These were neither used in correspondence nor published electronically in any form (web, IM user, online service...). Thus, the only practical vectors to obtain these specific email addresses other than brute force derivation (or guessing) was via a WHOIS service or through the registrar or reseller in whose database(s) the email address were stored. SSAC collected and analyzed all email messages delivered to these addresses for a period of approximately three months.

Based on the data collected, the Committee finds that the appearance of email addresses in response to WHOIS queries is indeed a contributor to the receipt of spam, albeit just one of many.

This report is narrowly focused on the relationship between WHOIS services and spam, and not on the broad set of issues related to spam. The Committee members involved in the WHOIS study do not believe that the WHOIS service is the dominant source of spam. The Committee did not conduct any work on the proportion of spam received as a result of email addresses appearing in WHOIS responses as compared to other methods of email address discovery.

The Committee offers the following findings for consideration:

**Finding (1)** The appearance of email addresses in responses to WHOIS is a contributor to the receipt of spam, albeit just one of many.

**Finding (2)** For an email address that is not published anywhere other than the WHOIS, the volume of spam delivered to email addresses included in registration records is significantly reduced when Protected-WHOIS or Delegated-WHOIS services are used. Moreover, **the greatest reduction in the delivery of spam to email addresses included in registration records is realized when both protective measures are applied.**

**Finding (3)** Of the two forms of protective measures registrants can obtain through registries/registrars, the Delegated-WHOIS appears to be somewhat more effective than Protected-WHOIS.

**Finding (4)** Spam messages were delivered to the email address registered as the contact for a domain name and to other (non-existent, non-published) recipient email addresses in the registered domain as well. SSAC draws no conclusions specific to WHOIS services from these deliveries and leaves the matter to the reader to interpret the data.

On the basis of these Findings, the Committee draws the following conclusions:

**Conclusion (1)** Registries and registrars that implement anti-abuse measures such as rate-limiting, CAPTCHA, non-publication of zone file data and similar measures can protect WHOIS data from automated collection.

**Conclusion (2)** Anti-spam measures provided with domain name registration services are effective in protecting email addresses not published anywhere other than the WHOIS from spam.

**Conclusion (3)** The appearance of email addresses in responses to WHOIS queries virtually assures spam will be delivered to these email addresses.

**Conclusion (4)** The combination of Protected-WHOIS and Delegated-WHOIS services as defined in this report is an effective way to prevent an email address published in the WHOIS service from being used as a source of email addresses for spammers.

**Conclusion (5)** SSAC concludes that further studies may be needed to investigate whether spammers have preferential targets. Suggested studies might ask such questions as:

- Are certain TLDs more attractive to spammers?
- Are large or small registrars more commonly targeted for automated collection?
- Do spammers favor registrars who have a reseller or retail business model?
- Does the price of a TLD affect its popularity for use in spam?
- Can the registries adopt any measures that would reduce the level of spam?
- Is there any material difference in the spam level for ccTLDs vs. gTLDs?

## 1. Introduction

Unsolicited bulk email<sup>2</sup> (UBE, or spam) has evolved from an intrusive and productivity-hampering misuse of a critical application to a serious security threat that affects a higher percentage of users than any other form of Internet attack. Spam is a common vector for malicious attacks against computers, scams, deception, fraud, and identity theft. Through the use of a variety of impersonation and deception techniques delivered by email, parties who send spam (spammers) infect computers with viruses and malicious code that turns the infected system into an agent for the spammer. This agent may act as an email relay or spyware. Criminals also use unsolicited email to lure recipients into visiting a web site that impersonates a legitimate site such as an online banking, e-merchant, or e-payment site. The bogus but convincing site often dupes the victim into disclosing personal and financial information which is subsequently fraudulently used for theft and unauthorized purchases. Spam is also used to impersonate network and system administrator-generated email to dupe employees into disclosing organizational account information which can be used to impersonate authorized users and abet attacks against the organization.

The Internet community has invested considerable time, talent and expense to develop numerous spam defenses and countermeasures, governments at local and national levels have enacted laws criminalizing many forms of spam, and law enforcement and activist groups have redoubled efforts to identify and defeat "spam gangs", but spammers continue to evade and confound efforts to bring spam to a halt.

Nearly all Internet email accounts receive some spam. This is an unfortunate consequence of any form of communication where a correspondent's address is made public or can be discovered. Spammers need little sophistication and only a small investment in automated software to collect or "harvest" email addresses and use these to send (tens of) millions of copies of a message containing one or more forms of attack.

Spammers harvest email addresses from many sources. In this report, SSAC considers whether the WHOIS service is one of several widely-perceived sources for collecting email addresses. The report also considers whether measures to thwart automated access to WHOIS and services registrars offer to protect registrants from email abuse are effective methods for mitigating spam. The report begins with background and terminology relevant to the evolution of the protocols, data elements, and services collectively referred to as WHOIS. Readers familiar with this material are encouraged to skip to Section 3.

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<sup>2</sup> Unsolicited Bulk Email, or UBE, is Internet mail ("email") that is sent to a group of recipients who have not requested it. A common term for UBE is "spam", although that term encompasses a wider range of intrusive transmissions. Note: The term Unsolicited Commercial Email (UCE) was originally chosen because much of the early debate about UBE was centered in the United States where commercial speech can be regulated by the government but political and religious speech cannot. However, on reflection, because UBE is an international problem, the term "UCE" was changed to "UBE". Source: <http://www.imc.org/ube-def.html>

## 2. Background and Terminology

The WHOIS service and protocol were originally developed and deployed in 1982 as a transaction based service to provide a registry (directory) for "each individual with a directory on an ARPANET host, who is capable of passing traffic across the ARPANET".<sup>[1]</sup>

Originally, network operators were asked by the US Defense Communications Agency (DCA) to submit the following information to the registry.

- full name
- middle initial
- U.S. Postal mailing address (including mail stop and full explanation of abbreviations and acronyms)
- ZIP code
- telephone (including Autovon and FTS, if available)
- one network mailbox <sup>[1]</sup>

The set of Network Information Center names and contacts constituted the first set of what we today call WHOIS service data elements. DCA encouraged network operators to provide users with access to this network service. The query to this service was dubbed "WHOIS" and the contact information was informally referred to as "NICNAMES".

The original service listened to TCP port 43 (NICNAME/WHOIS) for single command-line queries submitted in ASCII and completed using carriage-return and line-feed symbols (ASCII CR and LF).

The WHOIS protocol standard was modified in 1985 (RFC 954,<sup>[2]</sup>) and again in 2004 (RFC 3912, <sup>[3]</sup>), in part to remove historical references to protocols (e.g., NCP) and authorities (e.g., US DCA) and to generalize the applicability of WHOIS to the Internet community rather than selected networks (e.g., DDN, ARPANET), but also to acknowledge the range of information services WHOIS had evolved to support<sup>3</sup>.

### 2.1 WHOIS Service and gTLD Registry Agreements

Organizations that have entered into an gTLD Registry Agreement provide a WHOIS information service in accordance with a Public WHOIS Specification. ICANN accredited registrars are obliged by the Registrar Accreditation Agreement (RAA, <sup>[4]</sup>) to collect and display WHOIS information. These specifications identify the forms of user access registries and their registrars are to provide, the WHOIS service data elements and

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<sup>3</sup> From RFC 3912: "While originally used to provide 'white pages' services and information about registered domain names, current deployments cover a much broader range of information services."

output fields (known as Domain Records), and the procedures for providing access and data preparation.<sup>4</sup>

The data elements that comprise a domain name registration record at an ICANN accredited registrar include:

- The name of the domain name registered;
- The IP addresses of the primary name server and secondary name server(s) of the name registered;
- The corresponding names of those name servers;
- The identity of the registrar;
- The original creation date and term of the registration;
- The name and postal address of the Registered Name Holder;
- The name, postal address, email address, voice telephone number, and (where available) fax number of the technical contact for the name registered; and
- The name, postal address, email address, voice telephone number, and (where available) fax number of the administrative contact for the name registered.

This information must be provided by a registrant to a registrar to register a domain name. ICANN has implemented policies and measures to improve the accuracy and availability of domain name registration records, including

- the WHOIS Data Reminder Policy (WDRP, [5]),
- the WHOIS Data Problem Reporting System (WDPRS, [6]), a problem reporting system that allows parties to report allegedly inaccurate WHOIS data and requires that registrars verify the data with the registrant, and
- annual WDRP compliance audits, and will commence a WHOIS data accuracy audit in 2007 [7].

## **2.2 WHOIS Service and ccTLD Registries**

WHOIS services are not covered under accountability frameworks between ICANN and ccTLDs. Readers are encouraged to solicit information regarding WHOIS services directly from individual ccTLD operators.

## **2.3 WHOIS Access**

Domain name registration information is often referred to as "WHOIS data". This loose terminology perpetuates a misconception that all registration records are held in a central repository. In practice, domain name registration information is stored in multiple databases maintained by registries and registrars. These databases can be queried through interfaces provided by registrars and registries. Two forms of access are provided: individual and bulk record access.

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<sup>4</sup> Examples of Public WHOIS Specifications can be found in the .BIZ [32], .ORG [33], and .NET [34] agreements.

### 2.3.1 Query-based WHOIS Access

Registries, registrars, and resellers provide access to individual domain name registration information through one or more forms of query-response applications. Registries and registrars commonly support individual domain name queries via a World Wide Web browser interface. Many commercial and community web portals also provide a web-based WHOIS access by accepting queries from an end user, forwarding these to a registrar or registry, and directing the response from the registrar or registry back to the end user.

A successful query to a “thick” registry (such as .ORG or .INFO) will return the following information, referred to as the **Domain Record**:

- Domain Name
- Domain ID
- Sponsoring Registrar
- Sponsoring Registrar IANA ID
- Domain Status
- Registrant, Administrative, Technical and Billing Contact Information including
  - ID
  - Name
  - Organization
  - Address
  - Geographic Location Code
  - Phone Number
  - Facsimile Number
  - Email
- Name Server(s)
- Created by Registrar
- Last Updated by Registrar
- Domain Registration Date
- Domain Expiration Date
- Domain Last Updated Date

A successful query to a “thin” registry (such as .COM) will return the following information.

Record Type	Summary
domain	domain name
nameserver	nameserver name
registrar	registrar name and whois server

A summary of the matching record is shown and the sub-display follows directly after.

The following keywords restrict a search to a certain TYPE of field in the database:

<b>domain</b>	<b>Finds a domain record. Find domain name, registrar name, whois server and URL, Name server name and IP Addresses, and updated date. For example, "www.example.com".</b>
<b>name server</b>	Finds name server records. Find name server name, registrar name, IP addresses, Whois Server name and URL. For example, 'name server NS.EXAMPLE.COM' or 'name server 101.198.1.101'.
<b>registrar</b>	Finds records for "registrar". Find Registrar name, email address, phone number and contact information. For example, "registrar ABC Registrar, Inc."

Command line and graphical user interface (GUI) -based applications available for popular operating systems may also be used to access WHOIS service. These use the WHOIS protocol (RFC 3912) at TCP Port 43/NICNAME. These commercial and freeware applications allow users to compose domain name and IP address queries and to view all or some of the data returned in the responses. WHOIS access is frequently incorporated into network diagnostic and vulnerability assessment utilities, web and security system log analysis applications, and software used by administrators and secondary domain name speculators to monitor and track domain registrations and status.

### 2.3.2 Bulk WHOIS Access

Section 3.6.6 of ICANN's Registrar Accreditation Agreement (RAA) obliges registrars to provide third-party bulk access upon request to the following data elements (this applies to gTLD registration data):

Data Element	Relevant Section of ICANN's RAA
The name of the Registered Name	§ 3.3.1.1
The names of the primary and secondary domain name server(s) for the Registered Name	§ 3.3.1.2
The identity of registrar	§ 3.3.1.3
The original creation date of the registration	§ 3.3.1.4
The expiration date of the registration	§ 3.3.1.5
The name and postal address of the registered name holder	§ 3.3.1.6
The name, postal address, email address, voice telephone number, and fax number of the technical contact for the registered name	§ 3.3.1.7
The name, postal address, email address, voice telephone number, and fax number of the administrative contact for the registered name	§ 3.3.1.8

§3.3.6.4 - §3.3.6.6 of the RAA identify usage and resale restrictions registrars must impose on third parties who are permitted one form of bulk access (see also the WHOIS Marketing Restriction Policy, WMRP [8]). Any party who requests bulk access must agree to the registrar's terms, which may include an annual fee for this form of access. Registrars are not restricted from offering bulk access under other terms and conditions.

### **2.3.3 GNSO WHOIS Activities and SPAM**

The GNSO and particularly the GNSO WHOIS Task Force have studied a broad set of issues related to the amount of contact information ICANN requires registrars to display. Areas the WHOIS Task Force are actively studying include the protection of personal data, mechanisms for notifying registrants of inaccurate WHOIS data, improving the accuracy of WHOIS data, and dealing with WHOIS data abuse. Issues related to dealing with WHOIS data abuse are referenced in the Final Task Force Report on WHOIS Services 12 March 2007 [9] in a quote from an email by Ross Rader [10]:

"the amount of data that ICANN requires registrars to display in the WHOIS is facilitating undesirable behaviors like renewal scams, data-mining, phishing, identity theft, ..."

An OPoC (Operational Point of Contact) proposal recommended by the WHOIS Task Force is now being developed by the GNSO. A WHOIS Working Group was created in March 2007 to continue this work. The OPoC proposes that some registrants (such as natural persons) use a new set of contact elements, OPoC, in place of the current administrative and technical contact details in the published WHOIS. This would allow some registrants to only publish the contact details of the OPoC, rather than the administrative and technical contact details. In the case of an issue with the domain name, the OPoC would contact the registrant.

The registrant can opt to have an OPoC displayed instead of the registrant's contact information, including the registrant's email address. Note that registrars are not required to publish the registrant's email address currently. The registrant's name and jurisdiction would still be displayed. Note: It is envisioned that such services as anti-spam or other email filtering features would be provided at the discretion of the registrars. The OPoC proposal can be [read in its entirety](#) in [9].

### 3. Uses of Domain Records

In this section, we attempt to list the known and speculated uses and abuses of WHOIS services.

- To contact network administrators for resolution of technical matters related to networks associated with a domain name (e.g., DNS or routing matter, origin and path analysis of DoS and other network-based attacks).
- To diagnose registration difficulties. WHOIS queries provide information that is often useful in resolving a registration ownership issue, such as the creation and expiration dates and the identity of the registrar.
- To contact web administrators for resolution of technical matters related to web associated with a domain name.
- To obtain the real world identity, business location and contact information of an online merchant or business, or generally, any organization that has an online presence..
- To associate a company, organization, or individual with a domain name, and to identify the party that is operating a web or other publicly accessible service using a domain name, for commercial or other purposes.
- To contact a domain name registrant for the purpose of discussing and negotiating a secondary market transaction related to a registered domain name.
- To notify a domain name registrant of the registrant's obligation to maintain accurate registration information<sup>5</sup>.
- To contact a domain name registrant on matters related to the protection and enforcement of intellectual property rights<sup>6</sup>.
- To gather information about a company, organization, or individual as part of the *footprinting* and target acquisition phase of an Internet attack. Internet footprinting involves searches and queries of available publicly accessible databases, including web pages, the U.S. Securities Exchange Commission's Electronic Data Gathering, Analysis, and Retrieval (EDGAR) database, WHOIS, and DNS<sup>7</sup>
- To establish or look into an identity in Cyberspace, and as part of an incident response following an Internet or computer attack, security professionals and law

<sup>5</sup> WHOIS Data Reminder Policy [5]

<sup>6</sup> Comments from the American Intellectual Property Law Association, regarding the preliminary reports of the WHOIS Task Forces [35]

<sup>7</sup> *Hacking Exposed*, by McClure, Scambray, & Kurtz, Osborne Press, ISBN 0-07-212127-0; in particular, see Chapter 1, Footprinting – Target Acquisition, pp 7-14. This phase of an Internet attack is sometimes called *reconnaissance*.

enforcement agents use WHOIS to identify points of contact<sup>8</sup>

- To gather investigative leads (i.e., to identify parties from whom additional information might be obtained). Law enforcement agents use WHOIS to find email addresses and attempt to identify the location of an alleged perpetrator of a crime involving fraud<sup>9</sup>.
- To investigate spam, law enforcement agents look to the WHOIS database to collect information on the website advertised in the spam<sup>10</sup>.
- To collect or "farm" email addresses for the purpose of delivering unsolicited electronic mail<sup>11</sup>.

This list is not exhaustive. The Committee makes no claims here except that the sources identified claim that domain records have been used in the manners described.

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<sup>8</sup> *Incident Response: Investigating Computer crime*, Mandia & Procise, Osborne Press, ISBN 0-07-213182-9, pp 435-439.

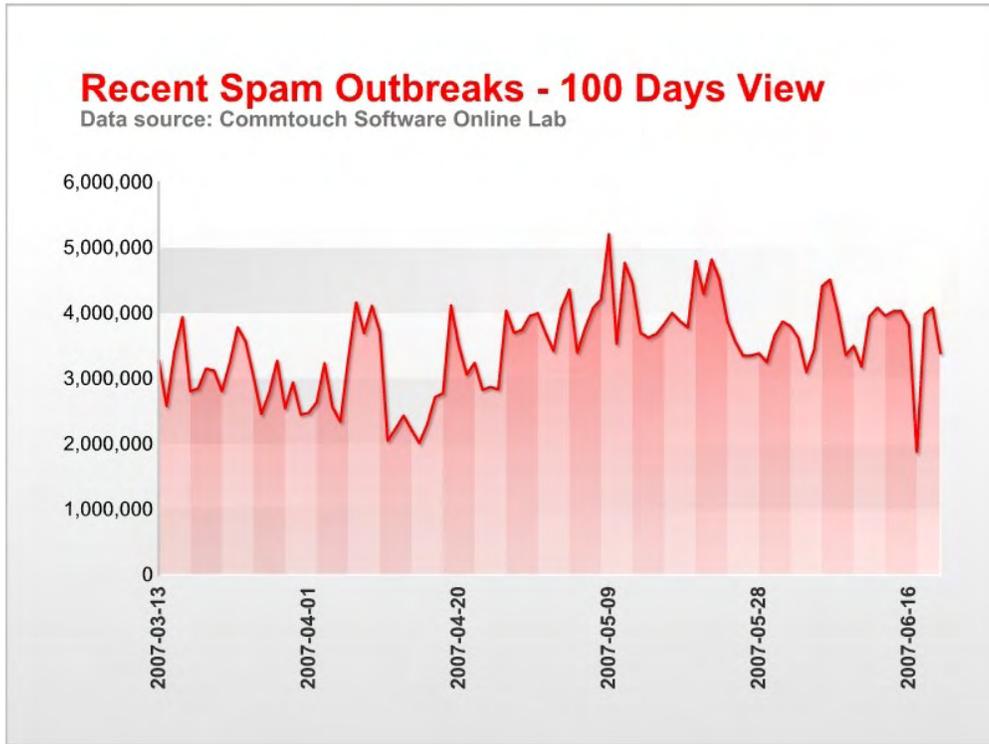
<sup>9</sup> *How the FTC uses WHOIS Data* [37]

<sup>10</sup> *The Importance of WHOIS data bases for spam enforcement* [38]

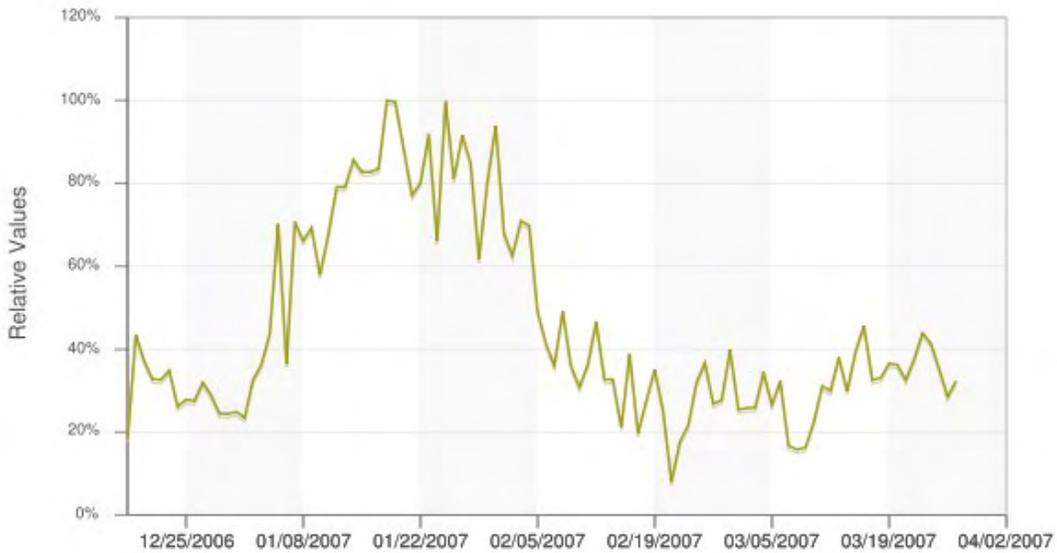
<sup>11</sup> FAQ: How do spammer's get people's email addresses? [39]

### 4. WHOIS and SPAM

Spam is an Internet pandemic. Depending on the sources of data, between 40 and 90 percent of email that is delivered can be classified as spam by the recipient [11, 12, 13, 14]. Estimates vary in part due to phenomena called spam outbreaks that introduce dramatic fluctuations in spam delivery, as illustrated below:



Effects of spam outbreaks on spam volume



Percent of email considered spam (data: CommTouch, graph: Swivel.com [15])

Spam is the commonly adopted term for Unsolicited Bulk Email, or UBE. The Internet Mail Consortium defines UBE as Internet mail ("email") that is sent to a group of recipients who have not requested it. In practice, the term spam encompasses a wider range of intrusive transmissions.

Estimates also vary depending on who and how spam statistics are collected, how stringently spam enforcement policies are set (i.e., what constitutes spam at a detection point). Anecdotal comparison of statistics published by commercial anti-spam vendors suggests that estimating that 80 per cent of email delivered is spam.

Legal and technical definitions of spam vary, but generally (according to the Electronic Frontier Foundation and anti-spam organizations such as The Spamhaus Project) two characteristics can be used to distinguish spam from legitimately transmitted email. First, spam is unsolicited. The email recipient has not granted (verifiable) permission to the originator to send email. This characteristic alone is insufficient to classify an email message as spam, as it encompasses such legitimate email purposes as a business or personal inquiry, an electronic introduction, and generally other initial forms of contact where the sender is not known to the recipient.

Spam email is also bulk delivered, i.e., it is delivered to large numbers of recipients. However, bulk delivery alone is also insufficient to classify email as spam. Email messages that are delivered to large lists of recipients who subscribe to a newsletter or electronic mailing list are bulk-delivered, but these are not spam. The community generally regards email that is both unsolicited *and* bulk delivered as spam. The technical definition of spam offered by The Spamhaus Project summarizes this description effectively:

*An electronic message is "spam" IF:*

- (1) *the recipient's personal identity and context are irrelevant because the message is equally applicable to many other potential recipients;*

*AND*

- (2) *the recipient has not verifiably granted deliberate, explicit, and still-revocable permission for it to be sent. [16]*

The definition of spam can be further defined by the relationship between the sender and the recipient. If the sender has no consideration or care for the recipient, then the email message is spam.

A considerable portion of spam email serves as a snare for fraudulent activity. Spam is used to elicit user accounts and passwords as well as personal, financial, and credit card information from recipients; to entice recipients into purchasing bogus health products; to lure recipients to invest in falsely represented stocks and commodities; and to convince recipients to participate in (scam) lotteries.

The cost of sending spam to large numbers of recipients (per message sent) is extremely small compared to bulk postal delivery. Much of spam originates from programs that have been installed without authorization on inadequately protected computers. The programs are able to send email through open email relay systems throughout the Internet. Open email relay systems will forward (relay) email from any sender email address without restriction or filtering. While open email relays are widely discouraged, the number available remains more than sufficient to support the spam industry.

Email users are more aware of the dangers of spam today. Awareness combined with more widespread use of anti-spam measures in email client software and at security gateways operated by service providers and private organizations improves users' email experience by decreasing the amount of spam that is delivered to recipients. A side effect of more effective anti-spam measures is that spammers resort to sending email to more recipients. To do so, spammers aggressively search for email addresses.

#### **4.1 How Do Spammers obtain email addresses?**

Spammers obtain email addresses from a variety of sources, using many automated techniques. Some known and speculated techniques are briefly introduced here.

**Spambots.** Spambots are automated software designed to search web sites and harvest email addresses. Spambots vary in sophistication. Some spambots will search for HTML "mailto" tags whereas others will grab any character string containing the @ symbol.

**Usenet, news groups, social networks, IRCs, and mailing list scanners.** Some spammers subscribe to Usenet, news groups, chat rooms, social networks, and electronic mailing lists, then use automated software to collect email addresses from the {From:, Reply-To:, CC:} headers of email delivered by those list servers or to spam the news group or social network.

**Spammer Viruses.** Many viruses are programmed to access the address book on an infected computer and use the email addresses found there to propagate and infect other computers. Similar programming techniques are included in viruses (Sobig, Mimail) to collect the contents of address books from infected computers.

**Directory Harvest Attacks.** Using automated programming, the spammer will establish a Simple Mail Transfer Protocol (SMTP) session to an organization's email servers and attempt to construct an organization's email directory, based on positive responses to attempts to send email to recipients at that domain. Spammers use simple brute force (all possible alphanumeric combinations) or dictionary techniques (individual and concatenated common given and surnames) to generate the user element of a standard user@domain email address. The "harvest" is the list of user elements for which the SMTP server returns a positive acknowledgement when queried.

**List Merchants.** Parties who have accumulated millions of legitimate email addresses sell their lists to spammers.

**ENUM harvesting.** ENUM is an application of the Dynamic Delegation Discovery System using Telephone Numbers to look up Uniform Resource Identifiers in the Domain Name System (RFC 3245, RFC 3761). ENUM is still regarded as an emerging service but industry experts have speculated that URNs could be harvested for contact information such as email addresses by a new generation of spambots.

**WHOIS service.** Registrants are required to provide email addresses of the registrant as well as technical and administrator contacts for a domain name. These email addresses are routinely used by law enforcement agents, network administrators, and security practitioners to identify spammers and enforce anti-spam laws. Security experts believe WHOIS is commonly used for footprinting and target acquisition as well as a source for collecting email addresses [17].

## ***4.2 How Do Registries and Registrars Protect Against Automated Access?***

Registries and registrars employ various countermeasures to thwart automated collection of domain records via query-based WHOIS services. In such cases, web user interfaces challenge the querying party with a visual display and prompt for a response that is not easily automated.

CAPTCHA [18] – Completely Automated Public Turing Test To Tell Computers and Humans Apart – challenges the querying party with an image (typically, a distorted text) and requires that the querying party type the text in an input form.



ESP-PIX [19] challenges the querying party with a set of images and prompts the party to choose a word that applies to all the images in the set.



Some registries, registrars and resellers may employ anti-scripting and other mechanisms to thwart automated collection of registrant email addresses. Measures as simple as prompting the querying party to explicitly acknowledge having read and accepted a "conditions of use" statement through some web input object method (radio button, checkbox, menu pull down, etc.) can thwart certain automated collection efforts.

Registrars may also rate-limit WHOIS queries based on an identity such as the source IP address. Rate limiting interferes with rapid collection of email addresses. This measure can be applied to applications that access WHOIS service at TCP Port 43/NICNAME as well as web-based WHOIS services.

Some registries do not publish their zone file data to the public. While operators who are under contract with ICANN (gTLD registries) must provide free zone file data, policies concerning publication of zone file data vary by ccTLD. One TLD included in our study, the DE registry (DENIC), does not provide zone file data.

In this report, we generically apply the term **Protected-WHOIS** to these and other forms of protection against automated access.

### **4.3 Safeguards against email address abuse**

Some registrars offer services that allow registrants to protect email addresses and other contact information against public disclosure. The registrar collects and maintains accurate domain records for the registrant who paid for the domain name registration to be registered by the proxy service, who then licenses the use of the name to the end-user. As a service to the original registrant, the registrar substitutes their own address details in

the Registrant fields when the domain name is queried using WHOIS. Spam blocking measures (e.g., spam filtering applications or gateways) are commonly incorporated into such services to further reduce spam delivered to the registrant. Thus, the benefits of this service to a registrant are twofold:

- 1) The email address returned in response to a WHOIS query is not the registrant's email address. If the registrant is able to prevent his own email address from being published where it is exposed to other harvesting methods, the registrant is less likely to receive spam.
- 2) Active anti-spam measures applied on the registrar-administered email address will mitigate spam. The effectiveness of such measures, depending on how aggressively the measure is configured, is often between 95-99%. (Note: this percentage periodically drops as spammers learn and apply techniques to evade spam detection, and rises again as anti-spam measures detect such techniques.)

Such services may also protect other registrant contact information and are advertised as methods to mitigate several forms of domain-related attacks (identity theft, fraud, stalking, harassment, data mining) [[20](#), [21](#), [22](#), [23](#)].

Certain registrars who offer such services provide a side-by-side comparison illustrating the differences between the contact information displayed in response to a WHOIS query. An example of such side-by-side comparisons is illustrated below [[24](#)]:

**ICANN, the international governing body for domain names, requires every Registrar to maintain a publicly accessible "WHOIS" database displaying all contact information for all domain names registered.**

**Example:** John Smith lives at 1234 Elm Street, Hometown AZ 85000. His home phone is 480-555-5555. He buys "ProxiedDomain.com".

- With a public registration, John's personal information is available for anyone to see.
- With a private registration, John's personal information is shielded from public display, and a private email address allows John to control who reaches him.

#### Public Registration WHOIS Listing

**Registrant:**

John Smith  
1234 Elm Street  
Hometown, AZ 85000  
Registered through: Domains Priced Right™  
Domain Name: ProxiedDomain.com  
Created on: 15-Oct-02  
Expires on: 15-Oct-03  
Last Updated on: 17-Oct-02

**Administrative Contact:**

John Smith  
john@ProxiedDomain.com  
1234 Elm Street  
Hometown, AZ 85000  
(480) 555-5555

**Technical Contact:**

John Smith  
john@ProxiedDomain.com  
1234 Elm Street  
Hometown, AZ 85000  
(480) 555-5555

#### Private Registration WHOIS Listing

**Registrant:**

Domains By Proxy, Inc.  
DomainsByProxy.com  
15111 N. Hayden Road Suite 160/PMB 353  
Scottsdale, AZ 85260  
Registered through: Domains Priced Right™  
Domain Name: ProxiedDomain.com  
Created on: 15-Oct-02  
Expires on: 15-Oct-03  
Last Updated on: 17-Oct-02

**Administrative Contact:**

Domains By Proxy, Inc.  
ProxiedDomain.com@DomainsByProxy.com  
DomainsByProxy.com  
15111 N. Hayden Road Suite 160/PMB 353  
Scottsdale, AZ 85260  
(480) 624-2599

**Technical Contact:**

Domains By Proxy, Inc.  
ProxiedDomain.com@DomainsByProxy.com  
DomainsByProxy.com  
15111 N. Hayden Road Suite 160/PMB 353  
Scottsdale, AZ 85260  
(480) 624-2599

Close

In this report, we generically apply the term **Delegated-WHOIS** to these services.

#### ***4.4 Is the WHOIS service a source of email addresses for spammers?***

A US Federal Trade Commission study concluded that WHOIS is not used as a source for collecting email addresses [25]. FTC investigators wanted to determine which sources spammers considered most useful for collecting (harvesting) email addresses. The investigators planted special "undercover" email addresses in different locations on the Internet, including web pages, newsgroups, chat rooms, message boards, online directories for web pages, instant message user profiles, domain names, online resumes and online dating service personal listings.

The FTC investigators reported that very high percentages of email addresses included in web pages in the conventional user@domain format received spam, and that addresses used in email posted to newsgroups and chat rooms received spam as well. The report also made the following assertion:

*Addresses posted in instant message service user profiles, "WHOIS" domain name registries, online resume services, and online dating services did not receive any spam during the six weeks of the investigation.*

The FTC study is now nearly five years old. SSAC observes that registrars offer a variety of "protection" services including "WHOIS Spam Catcher" service [26], email masking [27], and proxy registration services [28]. Evidently, a market exists for the sale of services that protect email addresses from open publication in various locations, including the WHOIS. Registrars also offer anti-abuse and anti-spam measures to registrants who purchase these services.

SSAC also notes that scripts can be written in common programming and batch languages to automate command-line WHOIS applications to harvest email addresses from the domain records returned in responses to queries, although this behavior is sometimes thwarted by the deployment of rate limiting and/or IP address blacklisting schemes. SSAC also observes that the commercial mass email software market includes products that offer a domain owner email extractor<sup>12</sup> [29, 30].

Given the continued, global interest in defeating spam, SSAC determined that the topic of "WHOIS service and spam" merited additional attention so the committee undertook a study to determine whether spammers use WHOIS services as a means to collect email addresses for spam.

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<sup>12</sup> One extraction program [31] is described as being "designed to search through global WHOIS database to extract owners' personal data. Current version of the program is capable of retrieving all contact e-mail addresses, phone and fax numbers, country name and expiration dates."

## 5. Objectives of the Study

This study attempts to answer the following questions:

1. Do spammers (or data harvesters who sell lists to spammers) collect email addresses from domain name registration records using query-based WHOIS services?
2. For an email address that is not published anywhere other than the WHOIS, do measures to protect query-based WHOIS access from automated collection (Protected-WHOIS) result in a decrease in the quantity of spam delivery to a registrant?
3. For an email address that is not published anywhere other than the WHOIS, do email substitution and anti-spam services provided by registrars (Delegated-WHOIS) result in a decrease in the quantity of spam delivery to the end-user/licensee of the domain, who has retained the registrar as his agent to be the public-facing domain name registrant?
4. Does the combination of measures described in (2) and (3) result in a decrease in the frequency of spam delivery to a registrant?
5. Do spammers favor one Top Level Domain over others when they attempt to collect email addresses?

This report is narrowly focused on the relationship between WHOIS and spam, and not on the larger aspect of email address harvesting by spammers. **In particular, SSAC makes no claims regarding whether the WHOIS is exclusively or even preferentially used by spammers as a source for email addresses for spam. The Committee members involved in the WHOIS study do not believe that the WHOIS service is the dominant source of spam. The Committee did not conduct any work on the proportion of spam received as a result of email addresses appearing in WHOIS responses as compared to other methods of email address discovery.**

## 6. Methodology

This SSAC study on WHOIS set out to establish whether the WHOIS service was a source of email addresses for spammers.

For the study, SSAC registered and monitored mail delivery to domains in four Top Level Domains: COM, DE, INFO, and ORG. These domain names were registered during the month of February 2007. SSAC then collected and analyzed all email messages delivered to these addresses for a period of approximately three months. This included the specific email addresses recorded in the domain name registration as well as any recipients to which email was delivered. Spam delivered to email addresses recorded in domain name registration records was counted separately from all other addresses that received email for the purpose of analysis. In each of the cases where a specific email address was used, commonly guessable email addresses such as “admin”, “info”, “user”, “support” were not used. In some cases, the registrant names were common first names or last names, which were used in emails, and could have been “guessed” by a dictionary or name directory attack.

To minimize the possibility of introducing a variable (name bias) to the study sample, SSAC composed second level labels of the domain names using two techniques. We created one set of names by extracting words at random from a newspaper and concatenating several words to create a label of a minimum of ten (10) letters and a second set of names by interleaving letters and numbers to compose second-level labels (e.g., s1a2m3p4l5e). We also used randomly generated strings for the user or recipient component of each registrant email (the string that precedes the “@” sign).

The email domains were hosted on systems operated by registrars. The email addresses recorded in the domain name registration records were not published in any form or forum. In particular, they were neither used in correspondence nor published electronically in any locations on the Internet where FTC investigators planted email addresses in their 2003 study, including web pages, newsgroups, chat rooms, message boards, online directories for web pages, instant message user profiles, domain names, online resumes and online dating service personal listings. Thus, any email delivered to the email addresses recorded in the domain name registration records and not originating from the registrar was considered unsolicited. Further, since it is implausible that any party might be attempting to contact any individual having email addresses assigned in these domains, we assume that email delivered to these specific addresses was a copy of a bulk-addressed message.

This study began on 12 February 2007 and continued through 12 May 2007 (90 days). Email deliveries to recipients at each domain name were collected and counts were accumulated using automated scripts.

The SSAC conducted two sets of experiments.

**Experiment 1** attempted to determine the effects on spam delivery when Protected-WHOIS or Delegated-WHOIS services are used. The cases studied in this set of experiments are as follows:

Case #1: Five (5) domain names were registered in the COM and INFO registries with neither **Protected-WHOIS** nor **Delegated-WHOIS**.

Case #2: Five (5) domain names were registered in the DE and ORG registries with **Protected-WHOIS** but not **Delegated -WHOIS**.

Case #3: This case used the same TLD registries as Case #1 with **Delegated-WHOIS** service offered by the registrar but not **Protected-WHOIS**<sup>13</sup>.

Case #4: This case used the same TLD registries as Case #2 with both **Protected-WHOIS** and **Delegated-WHOIS** services available to the registrant via the registry or registrar<sup>14</sup>.

**Experiment 2** attempted to classify the kinds of spam delivered to email addresses at the domain name. For this study, 15 additional domains were included in the analysis to measure the incidence of spam emails arriving at either the email address recorded in the registration record and to any recipient email address at the domain name. For this study, neither **Protected-WHOIS** nor **Delegated-WHOIS** were used. These names were not used in other parts of the study.

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<sup>13</sup> INFO rate limits WHOIS queries based on source IP address at the registry web site for port 43 but not for web based queries. COM runs a "thin" registry so WHOIS queries are made directly to the registrar's web site.

<sup>14</sup> ORG rate limits WHOIS queries based on source IP address at the registry web site for both port 43 and web based queries. The Protected-WHOIS service used by the DE registry challenges visitors with a Conditions of Use which requires an explicit (accept) response from the requestor.

## 7. Effect of Protected & Delegated WHOIS Services

In this section, we summarize the results of the studies in tabular and graphical formats. The actual second-level labels used in the study are not presented here (SSAC may use these for continued testing or for other as-yet-to-be-determined purposes); rather, we use the representative string "RandomlyChosenName" concatenated with a number, e.g., RandomlyChosenName1. We separate spam delivered to the email address recorded in the registration records (denoted in the tables as *Published Address*<sup>15</sup>) from email delivered to all other recipients at the domain name (denoted in the tables as *All other recipient addresses*). Readers should take note that in some cases, the same second-level labels have been registered in multiple TLDs (e.g., RandomlyChosenName1.ORG and RandomlyChosenName1.DE). This was intentional.

### 7.1 Case #1, Neither Protected-WHOIS nor Delegated-WHOIS used

For this case, SSAC registered domain names with generic TLDs (INFO and COM) and used neither Protected WHOIS nor Delegated-WHOIS services.

<b>NO Protected-WHOIS NO Delegated-WHOIS</b>	<b># of spam messages delivered</b>	<b>Spam delivered to Published Address</b>	<b>Spam delivered to all other recipient addresses</b>
RandomlyChosenName6.info	11700	4446	7254
RandomlyChosenName6.com	57870	10995	46875
RandomlyChosenName7.info	3870	929	2941
RandomlyChosenName7.com	40770	8154	32616
RandomlyChosenName8.info	4590	1561	3029
RandomlyChosenName8.com	28890	12712	16178
RandomlyChosenName9.info	36270	6529	29741
RandomlyChosenName9.com	76500	27540	48960
RandomlyChosenName10.info	1710	1402	308
RandomlyChosenName10.com	16200	8748	7452
<b>Total</b>	<b>278370</b>	<b>83016</b>	<b>195354</b>
<b>Percent of Total</b>		<b>29.82%</b>	<b>70.18%</b>

<sup>15</sup> I.e., randomlychosenusername@randomlychosenname.<tld>

In nearly all cases, the volumes of spam delivered to recipients in these domain names were extraordinarily large compared to all study cases where one or multiple protection services were used.

The number of spam messages delivered to two email addresses is atypical from others included in this case. Our data provide no insight into why the email address RandomlyChosenName10.INFO received a small volume of spam compared to other names in this study. We observe that multiple parties collect email addresses for use in delivering spam and that all or only parts of email lists are sold to multiple parties who send spam messages. It is possible that some spammers use every email address they can purchase, whereas others may be resource-limited (e.g., they may not use very large botnets to send spam), and may send fewer spam messages). This and other variables are outside the control of this study and outside the scope as well.

While the majority of domain names registered under COM did receive more spam than names registered under INFO, RandomlyChosenName9.INFO affects the mean volume of spam delivered to the names registered under INFO and its deviation from the mean is unique in this sample. A larger sample of email addresses and a study across a greater number of TLDs is necessary to determine whether the amount of spam delivered to RandomlyChosenName9.INFO is a statistical anomaly or whether spammers favor one TLD over another. The majority of the results, however, suggest that the TLD itself does matter to spammers as they attempt to harvest email addresses.

## 7.2 Case #2: Protected-WHOIS used but no Delegated-WHOIS

For this case, SSAC registered domain names with a gTLD (ORG) and a ccTLD (DE). Here, we took advantage of the Protected-WHOIS service offered but did not use a Delegated-WHOIS service.

<b>Protected-WHOIS but NO Delegated-WHOIS</b>	<b># of spam messages delivered</b>	<b>Spam delivered to Published Address</b>	<b>Spam delivered to all other recipient addresses</b>
RandomlyChosenName6.org	80	18	62
RandomlyChosenName6.de	38	12	26
RandomlyChosenName7.org	230	41	189
RandomlyChosenName7.de	23	13	10
RandomlyChosenName8.org	322	277	45
RandomlyChosenName8.de	54	12	42
RandomlyChosenName9.org	1220	671	549
RandomlyChosenName9.de	403	161	242
RandomlyChosenName10.org	384	88	296
RandomlyChosenName10.de	125	110	15
<b>Total</b>	<b>2879</b>	<b>1404</b>	<b>1475</b>
<b>Percent of Total</b>		<b>48.77%</b>	<b>51.23%</b>

On average, two orders of magnitude less spam email messages were delivered to recipients in these domains than those in Case #1; specifically, where domains in Case #1 received thousands or tens of thousands counts of spam, the registrant's email address in the majority of domains in Case #2 received only tens or hundreds.

The results for some email addresses are atypical and unexpected. However, our data provide no insight into why these addresses received a higher volume of spam than other names in this study group. One possibility is that these are examples of situations where a user name was derived by brute-forced or guessed, and once it was used with success, the email address was added to a spam list that was used on more than one occasion and possibly by more than one spammer.

### 7.3 Case #3, Delegated-WHOIS used but no Protected-WHOIS

For this case, SSAC registered domain names with generic TLDs (INFO and COM) and took advantage of the Delegated-WHOIS service offered but did not use Protected WHOIS services.

<b>NO Protected-WHOIS but Delegated-WHOIS</b>	<b># of spam messages delivered</b>	<b>Spam delivered to Published Address</b>	<b>Spam delivered to all other recipient addresses</b>
RandomlyChosenName1.info	8	1	7
RandomlyChosenName1.com	37	12	25
RandomlyChosenName2.info	39	20	19
RandomlyChosenName2.com	75	16	59
RandomlyChosenName3.info	18	7	11
RandomlyChosenName3.com	54	35	19
RandomlyChosenName4.info	5	1	4
RandomlyChosenName4.com	11	5	6
RandomlyChosenName5.info	14	4	11
RandomlyChosenName5.com	23	17	6
<b>Total</b>	284	118	166
<b>Percent of Total</b>		<b>41.55%</b>	<b>58.45%</b>

On average, three orders of magnitude less spam was delivered to recipients in these domains than to recipients in the domains in Case #1, and (on average) the volume of spam delivered to domains in Case #3 was an order of magnitude smaller than the spam volume delivered to domains in Case #2. This suggests that a private registration (and associated anti-spam measures) may be somewhat more effective in combating spam than measures to prevent automated querying of WHOIS for email addresses.

#### 7.4 Case #4: Protected-WHOIS and Delegated-WHOIS used

SSAC registered domain names with a generic TLD (ORG) and a ccTLD (DE) and took advantage of the Protected-WHOIS and Delegated-WHOIS services offered. As the table illustrates, virtually no spam email messages were delivered to the email address recorded in the registration records from email delivered to all other recipients at the domain name.

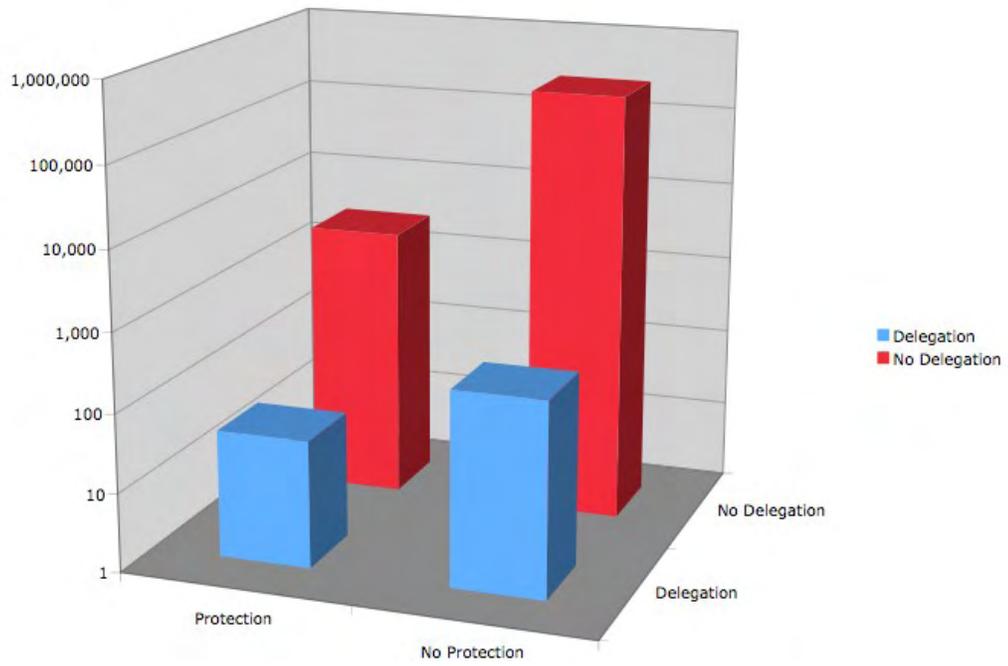
<b>Protected-WHOIS + Delegated-WHOIS</b>	<b># of spam messages delivered</b>	<b>Spam delivered to Published Address</b>	<b>Spam delivered to all other recipient addresses</b>
RandomlyChosenName1.org	2	2	0
RandomlyChosenName1.de	0	0	0
RandomlyChosenName2.org	5	4	1
RandomlyChosenName2.de	2	1	1
RandomlyChosenName3.org	7	4	3
RandomlyChosenName3.de	8	4	4
RandomlyChosenName4.org	3	3	0
RandomlyChosenName4.de	3	0	3
RandomlyChosenName5.org	7	0	7
RandomlyChosenName5.de	4	1	3
<b>Total</b>	<b>41</b>	<b>19</b>	<b>22</b>
<b>Percent of Total</b>		<b>46.34%</b>	<b>53.66%</b>

## **7.5 Comparison of Results across Cases**

The results of the four cases are shown in the graph below. Specifically:

1. Unprotected registrant email addresses received significant amounts of spam.
2. When a domain name is registered at a registry/registrar that offered protected-WHOIS without Delegated-WHOIS, our study indicates it is possible to achieve two orders of magnitude better defense against spam.
3. When a domain name is registered at a registry/registrar that did not offer Protected-WHOIS but offered Delegated-WHOIS, our study indicates it is possible to achieve three orders of magnitude better defense against spam.
4. When a domain name is registered at a registry/registrar that offered Protected-WHOIS *and* Delegated-WHOIS, our study indicates it is possible to achieve close to four orders of magnitude better defense against spam.

Although the data suggests Protected-WHOIS is somewhat more effective than Delegated-WHOIS, our study is not detailed enough to provide a firm basis for such a conclusion.



## 8. Analysis of Spam Delivered to Domains Studied

We conducted a second experiment to classify the kinds of spam delivered to email addresses at the domain name.

We grouped spam into categories familiar to many email users, using the following spam assessment criteria:

- Keywords in email headers and message bodies that associate a message with a particular kind of offer or scam
- Hyperlinks that led to redirect pages (interpreted as a phishing site)
- Matches of domains and hyperlinks in messages to known phishing domains

The categories we most frequently encountered in the spam delivered to the addresses used in the study are listed below:

- Direct marketing of discounted products such as watches, printer ink/toner
- Pharmaceuticals and weight loss products
- Discounted commercial software
- Phishing
- Male enhancement and ED products
- Financing offers
- Mortgage offers
- Stock market offers
- Image and other spam

From the spam received, we observe the following:

- Contrary to popular belief, the spam is not limited to sex and pornography. From the spam received at email addresses monitored during the study, we note that approximately 43% of spam messages seek to lure recipients to sites offering illegal pharmaceuticals, bogus products, and unlicensed software.
- While spam associated with known phishing sites accounts for only 9% of overall spam, including spam associated with refinancing, mortgage, and stock scams as possible phishing lures increased the percentage of spam that may be used to obtain credit and financial account information to over 40%.

SSAC offers these observations as complementary information to the studies performed. Simply stated, having collected many samples of unsolicited bulk email, we chose to analyze spam delivered to email addresses published via the WHOIS service to see if any patterns or anomalies might emerge. At this point, we draw no conclusions from our data other than to observe (and corroborate similar claims) that spam is increasingly used as a vehicle to support criminal activities.

	<b>Protected- WHOIS + Delegated- WHOIS</b>	<b>Protected- WHOIS but NO Delegated- WHOIS</b>	<b>NO Protected- WHOIS but Delegated- WHOIS</b>	<b>NO Protected- WHOIS NO Delegated- WHOIS</b>
<b>Category</b>	<b># of spam messages delivered</b>			
Watches, Ink	10	518	45	42194
Pharmacy, Weight Loss	6	605	78	52661
Software	3	173	34	35876
Phishing	3	86	6	12121
Viagra	2	345	28	36391
Finance	7	403	14	25490
Mortgage	5	288	34	31076
Stock Scam	1	29	4	6833
Undetermined	4	432	40	28527
	41	2879	284	271170
<b>Category</b>	<b>Percent of spam messages delivered per category</b>			
Watches, Ink	24.4%	18.0%	16.0%	15.6%
Pharmacy, Weight Loss	14.6%	21.0%	27.4%	19.4%
Software	7.3%	6.0%	12.0%	13.2%
Phishing	7.3%	3.0%	2.0%	4.5%
Viagra	4.9%	12.0%	10.0%	13.4%
Finance	17.1%	14.0%	5.0%	9.4%
Mortgage	12.2%	10.0%	12.0%	11.5%
Stock Scam	2.4%	1.0%	1.5%	2.5%
Undetermined	9.8%	15.0%	14.0%	10.5%

## 9. Findings and Conclusions

The Committee offers the following findings for consideration:

**Finding (1)** The appearance of email addresses in responses to WHOIS is a contributor to the receipt of spam, albeit just one of many.

**Finding (2)** For an email address that is not published anywhere other than the WHOIS, the volume of spam delivered to email addresses included in registration records is significantly reduced when Protected-WHOIS or Delegated-WHOIS services are used. Moreover, **the greatest reduction in the delivery of spam to email addresses included in registration records is realized when both protective measures are applied.**

**Finding (3)** Of the two forms of protective measures registrants can obtain through registries/registrars, the Delegated-WHOIS appears to be somewhat more effective than Protected-WHOIS.

**Finding (4)** Spam messages were delivered to the email address registered as the contact for a domain name and to other (non-existent, non-published) recipient email addresses in the registered domain as well. SSAC draws no conclusions specific to WHOIS services from these deliveries and leaves the matter to the reader to interpret the data.

On the basis of these Findings, the Committee draws the following conclusions:

**Conclusion (1)** Registries and registrars that implement anti-abuse measures such as rate-limiting, CAPTCHA, non-publication of zone file data and similar measures can protect WHOIS data from automated collection.

**Conclusion (2)** Anti-spam measures provided with domain name registration services are effective in protecting email addresses not published anywhere other than the WHOIS from spam.

**Conclusion (3)** The appearance of email addresses in responses to WHOIS queries virtually assures spam will be delivered to these email addresses.

**Conclusion (4)** The combination of Protected-WHOIS and Delegated-WHOIS services as defined in this report is an effective way to prevent an email address published in the WHOIS service from being used as a source of email addresses for spammers.

**Conclusion (5)** SSAC concludes that further studies may be needed to investigate whether spammers have preferential targets. Suggested studies might ask such questions as:

- Are certain TLDs more attractive to spammers?
- Are large or small registrars more commonly targeted for automated collection?
- Do spammers favor registrars who have a reseller or retail business model?
- Does the price of a TLD affect its popularity for use in spam?
- Can the registries adopt any measures that would reduce the level of spam?
- Is there any material difference in the spam level for ccTLDs vs. gTLDs?

## References

- [1] RFC 812, NICNAME/WHOIS  
<http://www.faqs.org/rfcs/rfc812.html>
- [2] RFC 954, NICNAME/WHOIS  
<http://www.ietf.org/rfc/rfc954.txt>
- [3] RFC 3912, WHOIS Protocol Specification  
<http://www.ietf.org/rfc/rfc3912.txt>
- [4] ICANN Registrar Accreditation Agreement 17 May 2001  
<http://www.icann.org/registrars/ra-agreement-17may01.htm#3>
- [5] ICANN WHOIS Data Reminder Policy 16 June 2003  
<http://www.icann.org/registrars/wdrp.htm>
- [6] ICANN WHOIS Data Problem Reporting System  
<http://wdprs.internic.net/>
- [7] WHOIS Data Accuracy Program 27 April 2007  
<http://www.icann.org/WHOIS/WHOIS-data-accuracy-program-27apr07.pdf>
- [8] ICANN WHOIS Marketing Restriction Policy 12 August 2004  
<http://www.icann.org/tlds/agreements/net/appendix5.html>
- [9] Final Task Force Report on WHOIS Services 12 Mar 2007 GNSO WHOIS Task Force  
<http://GNSO.icann.org/issues/WHOIS-privacy/WHOIS-services-final-tf-report-12mar07.htm>
- [10] Email message from Ross Rader to the registrars mailing list 28 Nov 2005  
<http://GNSO.icann.org/ mailing-lists/archives/registrars/msg03687.html>
- [11] 90% of E-Mail Will Be Spam By Year's End, *Information Week* 22 Feb 2007  
<http://www.informationweek.com/news/showArticle.jhtml?articleID=197008209>
- [12] Spam Volume Hits Record High, Marshall, Ltd. 21 Feb 2007  
<http://www.marshall.com/pages/newsitem.asp?article=135>
- [13] CommTouch Spam Lab Online Statistics 22 Jun 2007  
<http://www.commtouch.com/Site/Resources/statistics.asp>
- [14] Postini StatTrack 22 Jun 2007  
<http://www.postini.com/stats/index.php>
- [15] Spam Volume – Swivel 22 Jun 2007  
<http://www.swivel.com/graphs/show/9135865>
- [16] Definition of Spam, SpamHaus.org  
<http://www.spamhaus.org/definition.html>
- [17] *Hacking Exposed*, by Stuart McClure, Joel Scambray, & George Kurtz, Osborne Press, ISBN 0-07-212127-0
- [18] The CAPTCHA Project  
<http://www.captcha.net/>
- [19] ESP-PIX  
<http://www.captcha.net/cgi-bin/esp-pix>
- [20] Domains By Proxy: Private Registrations  
<http://domainsbyproxy.com/>

- [21] Private Domain Registration  
<http://www.actnowdomains.com/private-domain-registration.htm>
- [22] SpamShield/WHOIS Privacy  
[http://www.mydomain.com/domains\\_privacypost.php?s\\_kwid=private%20domain%20registration|671718391](http://www.mydomain.com/domains_privacypost.php?s_kwid=private%20domain%20registration|671718391)
- [23] ID Domain Privacy  
<http://www.iddp.net/>
- [24] Domains By Proxy: WHOIS Example  
<http://www.domainsbyproxy.com/popup/WHOISexample.aspx?app%5Fhdr=0&ci=5165>
- [25] US Federal Trade Commission Spam Alert  
<http://www.ftc.gov/bcp/online/pubs/alerts/spamalrt.htm> and  
<http://www.security.iaa.net.au/downloads/spamalrt-ftc.pdf>
- [26] Jump Domain: WHOIS Spam Catcher  
[https://domains.jumpdomain.com/index.cgi?page=spam\\_catcher.tmpl](https://domains.jumpdomain.com/index.cgi?page=spam_catcher.tmpl)
- [27] Network Solutions: Private Registrations  
<http://www.networksolutions.com/domain-name-registration/private.jsp>
- [28] ActiveDOMAIN.com: Private WHOIS Protection service  
<http://www.active-domain.com/WHOIS-proof.htm>
- [29] Atomic WHOIS Explorer: domain owner email address extractor  
<http://www.massmailsoftware.com/WHOIS/>
- [30] Email Spider by EmailSmartz  
<http://WHOIS-email-extractor.qarchive.org/>
- [31] WHOIS Extractor by WebExtractor Systems  
<http://www.programurl.com/WHOIS-extractor.htm>
- [32] .BIZ Agreement Appendix 5 WHOIS Specifications 8 December 2006  
<http://www.icann.org/tlds/agreements/biz/appendix-05-08dec06.htm>
- [33] .ORG Agreement Appendix 5 WHOIS Specifications 8 December 2006  
<http://www.icann.org/tlds/agreements/org/appendix-05-08dec06.htm>
- [34] .net Registry Agreement: Appendix 5  
<http://www.icann.org/tlds/agreements/net/appendix5.html>
- [35] Comments from the American Intellectual Property Law Association, regarding the preliminary reports of the WHOIS Task Forces  
[http://www.aipla.org/Content/ContentGroups/Issues\\_and\\_Advocacy/Comments2/Domain\\_Name\\_Comments/WHOISComments.pdf](http://www.aipla.org/Content/ContentGroups/Issues_and_Advocacy/Comments2/Domain_Name_Comments/WHOISComments.pdf)
- [36] *Incident Response: Investigating Computer crime*, Kevin Mandia & Chris Procise, Osborne Press, ISBN 0-07-213182-9
- [37] How the FTC uses WHOIS Data  
<http://www.icann.org/presentations/mithal-WHOIS-workshop-24jun03.pdf>
- [38] The Importance of WHOIS data bases for spam enforcement  
<http://www.icann.org/presentations/opta-mar-26jun06.pdf>
- [39] FAQ: How do spammer's get people's email addresses?  
<http://www.faqs.org/faqs/net-abuse-faq/harvest/>

## **Appendix A. Members of the SSAC**

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Suzanne Woolf, ISC

### **Acknowledgements**

The committee thanks Ram Mohan who led the effort to craft and conduct this study, and to Afilias for providing staff and resources for this study and in particular acknowledges the contributions of Roland LaPlante.

## **Appendix B. Excerpt from U.S. FTC Commission Study, *Email Address Harvesting: How Spammers Reap What You Sow***

From <http://www.security.iaa.net.au/downloads/spamalrt-ftc.pdf>:

To find out which fields spammers consider most fertile for harvesting, investigators "seeded" 175 different locations on the Internet with 250 new, undercover email addresses. The locations included web pages, newsgroups, chat rooms, message boards, and online directories for web pages, instant message users, domain names, resumes, and dating services. During the six weeks after the postings, the accounts received 3,349 spam emails. The investigators found that:

- 86 percent of the addresses posted to web pages received spam. It didn't matter where the addresses were posted on the page: if the address had the "@" sign in it, it drew spam.
- 86 percent of the addresses posted to newsgroups received spam.
- Chat rooms are virtual magnets for harvesting software. One address posted in a chat room received spam nine minutes after it first was used.

Addresses posted in other areas on the Internet received less spam, the investigators found. Half the addresses posted on free personal web page services received spam, as did 27 percent of addresses posted to message boards and nine percent of addresses listed in email service directories. **Addresses posted in instant message service user profiles, "WHOIS" domain name registries, online resume services, and online dating services did not receive any spam during the six weeks of the investigation.**

1.8.1 [SAC020]: SSAC Response to IDN Program Director regarding ICANN's proposal for IDN deployment at the root level of the DNS  
<http://www.icann.org/committees/security/sac020.pdf>



23 July 2007

**SAC020: SSAC Response to IDN Program Director regarding ICANN's proposal for IDN deployment at the root level of the DNS**

The Security and Stability Advisory Committee has been invited to comment on ICANN's proposal for IDN deployment at the root level of the DNS (<http://www.icann.org/announcements/announcement-2-19jun07.htm>).

The committee offers the following comments and observations:

- SSAC concurs with the RSSAC 18 March 2007 public statement that that policies regarding IDNs are out of the committee's scope and takes no position on composition of strings (except that they be unique) and the number of strings per TLD.
- SSAC further concurs with RSSAC that the root zone can accommodate a factor of 2-5 times the number of TLDs without introducing technical instability.
- SSAC favors the introduction of a set of IDN labels associated with the .TEST TLD to provide ongoing testing of IDN deployment at the root level of the DNS.
- SSAC is content to leave the duration of the test to the discretion of the parties engaged in testing but recommends that an end date be specified.

With regards to technical and operational issues, SSAC has considered the findings from 18 March RSSAC meeting in the Praha and concurs with said findings regarding the addition of standard delegations (NS records) to the root zone to instantiate IDN at the root. SSAC will also work with RSSAC should either committee be asked to provide input on the matter of aliasing of domain names in the root zone.

SSAC requests the courtesy of continued notices from ICANN during the course of testing, from inception to conclusion, and looks forward to the opportunity to review findings from the tests, including data or measurements provided by the root server operators during the course of the testing.

Stephen Crocker, Chairman

(On behalf of the Security and Stability Advisory Committee)

1.91 ICANN became a paying member of and sponsored the L.A. meeting of the Operational Analysis and Research Center for the Internet (OARC), a key information sharing environment focused on the DNS for researchers and operators.

<http://public.oarci.net/oarc/workshop-2007>

**Hot News!**

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[Revised OARC Participation Agreement](#)

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- 2006 OARC Workshop
- 2007 DNS Ops Workshop
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**2007 OARC Workshop**

Submitted by keith on Friday, September 14, 2007 - 13:54

[Public](#)

**3rd DNS-OARC Workshop**

The 3rd DNS-OARC Workshop took place on November 2-3, 2007 in Los Angeles, CA. The focus of this workshop was on:

- Review of current DNS-related research
- Tutorial on DLV
- Topical issues in DNS Operations
- OARC update session

This meeting was held jointly between OARC and [CAIDA](#), and generously hosted and sponsored by [ICANN](#), in conjunction with ICANN's [30th International Public Meeting](#), which immediately preceded this event.

**Dates:** November 2nd PM (Fri) - 3rd (Sat), 2007

**Location:** [Bel Air Room, Ground Floor](#)  
[Los Angeles Airport \(LAX\) Hilton](#)

**Address:** 5711 West Century Boulevard, CA 90045, USA

**Video Webcast:** <http://media1.icann.org/ramgen/broadcast/oarc.rm>

**Audio Webcast:** <http://media1.icann.org/ramgen/broadcast/oarc.ram>

**Jabber Log:** [<xmpp:dns-operations@conference.jabber.oarc.isc.org>](xmpp:dns-operations@conference.jabber.oarc.isc.org)

**Agenda/Presentations**

Video footage will be available shortly

**Schedule**

**Fri 2nd PM:** OARC and ISC Presentations  
**Fri 2nd Eve:** Social Dinner (sponsored by [Nominet](#))  
**Sat 3rd AM:** DNS Operations Presentations  
**Sat 3rd PM:** Research presentations

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For any questions or further information please contact:

OARC Programme Manager  
admin@oarc.isc.org

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208 reads

[Incident Reporting Log-in](#)

**Operations Analysis and Research Center for the Internet**

2.1.1 March 2007 Terms of Reference:  
Independent Review of ICANN's  
Accountability and Transparency  
[http://www.icann.org/transparency/owt-  
report-tor.htm](http://www.icann.org/transparency/owt-report-tor.htm)

## **Terms of Reference: Independent Review of ICANN's Accountability and Transparency**

*29 March 2007*

As part of its ongoing commitment to improvement, ICANN has engaged the One World Trust (OWT) to provide advice to ICANN on its standards of accountability and transparency with a view to helping ICANN develop an action plan for continued improvement. This action plan will cover all aspects of accountability and transparency in ICANN (including Board, staff, Supporting Organizations and Advisory Committees). It will cover the structures and principles that have been put in place through the bylaws and other documents and the actual practice within ICANN.

OWT will examine ICANN's standards of transparency, participation, evaluation and complaint handling. Under these headings, it will cover issues such as:

- Decision making processes
- Reporting processes
- Accessibility to information
- Policy development processes
- Evaluation processes
- Complaint response processes

In undertaking this project, OWT will:

1. Review organisational documents and other relevant internal and external materials
2. Review comments made by the ICANN community during the recent comment period on accountability and transparency
3. Conduct semi-structured interviews with Board members, members of Supporting Organizations and Advisory Committees, senior management and other staff
4. Conduct semi-structured interviews with key external stakeholders

OWT will prepare a suggested action plan for ICANN to build upon its existing accountability and transparency measures based on this research.

The suggested action plan will be used as the basis for further discussion with the ICANN community at the Lisbon meeting.

## 2.1.2 Independent Review Report of ICANN's Accountability and Transparency by One World Trust

<http://www.icann.org/transparency/owt-report-final-2007.pdf>



# **Independent Review of ICANN's Accountability and Transparency – Structures and Practices**

Commissioned by the Internet Corporation of Assigned Names and Numbers  
(ICANN)

London, March 2007

One World Trust

The **One World Trust** promotes education, training and research into the changes required within global organisations in order to make them answerable to the people they affect and ensure that international laws are strengthened and applied equally to all.

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Charity Number 210180

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# 1. Executive Summary

## 1.1 Introduction

The mission of ICANN is to coordinate, at the overall level, the global Internet's system of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems. As such, ICANN plays a key role in the emerging network of structures that govern the functioning of the Internet.

Reflecting this unique position, ICANN has developed a unique governance structure. It is a not-for-profit corporation that through a multi-stakeholder, bottom-up process engages the diverse stakeholder groups that make up the Internet community in the development of policy on Internet domain names and IP addresses.

Key to ICANN's legitimacy and effectiveness is its accountability and transparency. In order to facilitate meaningful stakeholder engagement, and to prevent the capture of the organisation by any single set of interests, ICANN needs to be giving an accurate and timely account of what it is doing, taking into account the diverse views of its stakeholders and allowing itself to be held to account for the commitments it makes.

As part of its efforts to strengthening accountability and transparency, ICANN engaged the One World Trust to benchmark its standards of accountability and transparency against other international organisations with a view to identifying areas for improvement.

The review we have undertaken covered both the structures and principles that have been put in place through ICANN's By-Laws to facilitate accountability and transparency and the actual practice.

While comprehensive, this does not represent a definitive review of ICANN's accountability and transparency. Accountability is a normative concept and the framework used for the review represents just one way of approaching the issue.

## 1.2 Analytical Framework

The analytical framework used to conduct the review was drawn from the One World Trust Global Accountability Framework. A four-part framework<sup>1</sup>, developed over four years of multi-stakeholder dialogue that identifies the core dimensions of accountability that organisations need to have in place in relation to internal and external stakeholders:

- Transparency refers to the provision of accessible and timely information to stakeholders.
- Participation is the active involvement of internal and external stakeholders in organizational decision making. Participation must allow for change; it has to be more than acquiring approval for, or acceptance of, a decision or activity.
- Evaluation makes it possible for organisations to assess activities, outputs,

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<sup>1</sup> Blagescu, M, de Las Casas, L. & Lloyd, R (2005) *Pathways to Accountability: The GAP Framework*, One World Trust, London (UK)

outcomes and impacts, with contribution from relevant stakeholders.

- Complaint and response mechanisms provide the means for raising questions about an organisation's performance and for sanctioning failures to deliver on commitments.

These four elements enable an organisation to give an account to, take account of, and when necessary be held to account by, stakeholders. All four must be integrated into organisational policies, procedures and practice, at appropriate levels and stages of decision making and implementation, in relation to both internal and external stakeholders.

### **1.3 Summary of findings**

The review of ICANN identified a number of areas where ICANN practices observe principles of accountability, and a number of areas where there is room for improvement. Below is a summary of the main findings:

Overall, ICANN is a very transparent organisation. It shares a large quantity of information through its website, probably more than any other global organisation. What ICANN should consider addressing however is the accessibility of this information and consistency with which it is made available. The ongoing efforts to redesign the ICANN website will go a long way to making information more accessible, but to address the issue of the consistency ICANN should consider providing clearer guidelines to its constituent bodies on what, when and how information should be made available.

When benchmarked against other global organisations, the overall level of transparency of the ICANN Board is also high; where ICANN should improve their practice is in explaining more clearly how stakeholder input is used when making decisions.

As a multi-stakeholder organisation, ICANN engages in participatory decision making. The participation of stakeholders in the development of policy for example, is mandated by the By-Laws; few other global organisations make a commitment such as this in their governing documents. To strengthen its approach to participation however, ICANN should focus their efforts across a number of areas. Given the importance of public engagement to the legitimacy and relevance of ICANN decisions and policy, ICANN should ensure the public are being engaged consistently across the different constituent bodies according to principles of good practice. If basic good practice principles such as explaining to stakeholders how their inputs made an impact on the final decision are not met, levels of engagement will fall.

Another area where ICANN should focus its efforts is in providing additional administrative support to the Board, so as to facilitate better engagement of Directors in the governance of the organisation. As with much of ICANN, the Board is made up of volunteers who need to balance their ICANN responsibilities with full time jobs. To ensure Directors are able to participate effectively and efficiently in the decision making they need to be provided with additional support by ICANN staff.

ICANN have numerous formal procedures in place for monitoring and evaluating activities. For example they have a system for tracking performance in relation to their operational plan. They also conduct regular Independent reviews of the ICANN Supporting Organisations and Advisory Committees. Both are important for helping

the organisation meet stated goals and commitments. Where ICANN should focus their efforts is on encouraging more self-evaluation and learning within the organisation.

While some Supporting Organisations and Advisory Committees already self-evaluate it is done on an ad hoc basis. And while ICANN is developing ways of disseminating lessons across different parts of the organisation (staff, volunteers, Supporting Organisations and Advisory Committees) these are not institutionalised to the same extent as in other global organisations. ICANN should therefore take steps towards creating structures and processes that foster greater learning within the organisation.

In relation to complaint and response procedures, ICANN has developed three separate but interrelated mechanisms: the Ombudsman, Reconsideration Committee, and Independent Review Panel of Board actions. Together they offer a robust approach to complaints handling; providing internal oversight of Board decisions and staff actions, and thus reducing the likelihood of litigation. While each of these mechanisms need further strengthening, their existence is in compliance with good practice. Where ICANN should focus their efforts is in creating greater coherence across the complaints functions, and better communicating their integrated nature externally. They also need to consider the accessibility of the different functions and ensure language and cost are not a barrier to their use by stakeholders. Specifically, in relation to the Independent Review Panel, ICANN should also consider developing this into a more institutionalised and stable oversight mechanism.

## 2 Introduction

### 2.1 Background

1. The mission of ICANN is to coordinate, at the overall level, the global Internet's system of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems. As such, ICANN plays a key role in the emerging network of structures that govern the functioning of the Internet.

2. The Internet has become a central part of our lives. It is a defining feature and a foundational pillar of globalisation. Given its responsibility for coordinating a crucial element of the Internet, ICANN provides a critical global public resource.

3. Reflecting this unique position, ICANN has developed a unique governance structure. It is a not-for-profit corporation that through a multi-stakeholder, bottom-up process engages the diverse stakeholder groups that make up the Internet community in the development of policy on Internet domain names and IP addresses.

4. The multi-stakeholder nature of ICANN is the cornerstone of the organisation's legitimacy. The involvement of a wide range of stakeholders in ICANN activities ensures policy making and operational functions are conducted in the interests of the Internet community and not captured by the interest of one specific group.

5. In this respect, accountability and transparency are central to ICANN. To facilitate the multi-stakeholder process, ICANN needs to be giving an accurate and timely account of what it is doing, taking into account the diverse views and need of its different stakeholders and allowing itself to be held to account for the commitments it has made.

6. Accountability and transparency featured prominently in the 2006 Joint Project Agreement that ICANN signed with the US Department of Commerce. This agreement provides the mechanisms and procedures that will affect the transition of the Internet domain name and addressing system to the private sector.

7. In response to this ICANN has already undertaken a number of initiatives:

- ICANN has engaged members of its community about what accountability and transparency mean in the ICANN context, and what standards might be appropriate.
- The ICANN website has been redesigned to make core processes more accessible and transparent.
- The ICANN Board has made efforts to improve its reporting by providing more detailed minutes and voting transcripts

8. As part of these efforts, ICANN also engaged the One World Trust to benchmark its standards of accountability and transparency against similar international organisations with a view to identifying areas for improvement.

9. ICANN is intending to bring all of this work together into a set of Management Operating Principles that will be discussed and agreed by the ICANN community.

## 2.2 Purpose

10. The review covered both the structures and principles that have been put in place through ICANN's By-Laws and other documents to facilitate accountability and transparency and the actual practice. As such, the review looked at

- The decision-making and selection processes of the Board
- Reporting processes / Access to information
- Policy development processes
- Evaluation processes
- Complaint handling processes

11. The review encompassed the Board, Supporting Organisations, Advisory Committees and staff. Given the independent reviews that are being undertaken over the next year for many of these bodies, this evaluation does not delve into the detail of how each individual body functions, but focuses on the connections between these bodies and the accountability and transparency issues that cut across them.

12. This does not represent an exhaustive or a definitive review of ICANN's accountability and transparency. Accountability is a normative concept and the framework we have used represents just one way of approaching the issue.

13. The focus of this review has specifically been on organisational and procedural accountability. We acknowledge that there is also the issue of political accountability. There have been historical arguments about oversight of ICANN and the role that national governments should play in this. These are important issues, but fall outside the scope of this study.

## 2.3 Methodology

14. The review was undertaken by the One World Trust. The team was composed of Monica Blagescu, Robert Lloyd and Jeff Oatham, with independent review from two peers. The team is grateful for the support and assistance it received from staff and volunteers of ICANN and the wider ICANN community, as well as for contributions from external stakeholders.

15. The review used several parallel methods and activities to gather information and triangulate findings. These included:

- *Semi-structured interviews* with ICANN Board members, members of Supporting Organizations and Advisory Committees, senior management and other staff, volunteers and external stakeholders. In total, over 26 people were interviewed (see Appendix 6).
- *A review of ICANN by-laws, policies and other documents*, as well as other relevant official statements.

- *Review of comments* made by the ICANN community during the recent consultation on accountability and transparency, and other external reviews. In total, over 60 documents were consulted (see Appendix 7).
- Review of good practice in accountability at other global / transnational organisations.

## **2.4 Outline**

16. The Report is divided into 6 main sections. Section 3 presents the analytical framework that was used to undertake the review. Sections 4 through to 7 contain the body of the review and look at what process and procedures ICANN has in place to bring about accountability and transparency, how these work in practice and what our recommendations are for improvement.

17. Section 8 brings together the key conclusions, identifies a number of high level recommendations, and also highlights a number of high level issues that were not covered in our review, but which ICANN should consider when moving forward with their accountability. Section 9 lists all of the recommendations and groups them according to if they are technical or strategic reforms.

18. The Main report is followed by a number of appendices which ground the recommendations in concrete examples of practice from other global organisations.

### 3. Analytical Framework

19. One World Trust undertook research on what constitutes good practice of accountability and engaged with transnational organisations from the corporate, non-governmental and intergovernmental sectors and their stakeholder groups to identify contemporary principles of accountability. After nearly five years of empirical research, our work resulted in a four-part framework<sup>2</sup> on the inter-active elements of accountability that organisations need to have in place in relation to internal and external stakeholders:

- Transparency refers to the provision of accessible and timely information to stakeholders. Reporting and disclosure systems and processes that enable information sharing are central to an accountable organisation. Examples include an information disclosure policy, audited accounts and annual reports. Transparency mechanisms need to be based on the principle of *presumption of disclosure*, i.e. all information will be made available in the absence of a narrowly defined set of conditions for non-disclosure.
- Participation is the active involvement of internal and external stakeholders in organizational decision making. Participation mechanisms include regular consultations with stakeholders or including stakeholder representatives on Boards of Directors. Participation must allow for change; it has to be more than acquiring approval for, or acceptance of, a decision or activity. Underpinning this is the principle that stakeholders have the right to contribute to decisions that affect them.
- Evaluation makes it possible for organisation to assess activities, outputs, outcomes and impacts, with contribution from relevant stakeholders. Monitoring and assessing results generate judgments about the success of organizational efforts in meeting its performance promises. Examples include organizational monitoring and evaluations systems, independent program evaluations, and social audits. The overarching principle is to integrate learning from evaluation into future planning and to report on the results of the process.
- Complaint and response provide vehicles for raising questions about an organisation's performance and for sanctioning failures to deliver on performance promises. Review panels, juries and ombudsmen are examples of ways to create such opportunities. Principles of independence, confidentiality and non-retaliation need to underpin complaints mechanisms; valid complaints will always receive a response.

20. These four elements enable an organisation to give an account to, take account of, and when necessary be held to account by, stakeholders. All four must be integrated into organisational policies, procedures and practice, at appropriate levels and stages of decision making and implementation, in relation to both internal and external stakeholders. While each of these four elements is necessary for and contributes to accountability, alone none is sufficient.

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<sup>2</sup> Blagescu, M, de Las Casas, L. & Lloyd, R (2005) Pathways to Accountability: The GAP framework, One World Trust, London, UK

## **4. Transparency and access to information**

21. There are two key elements to transparency: the provision of timely and accessible information to stakeholders and the opening up of organisational decision-making procedures and policy-making processes to stakeholder scrutiny. As an organisation dependent on the active engagement of stakeholders for ensuring its legitimacy, ICANN needs to continue being open about how decisions are made and disclosing relevant information in a timely manner.

22. ICANN is in many ways a very transparent organisation. It shares a large quantity of information through its website, probably more than any other global organisation. Their practice of transparency is supported by provisions in the By-Laws, which state that, "ICANN and its constituent bodies shall operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness." The example of the policy development process is indicative: throughout each of the stages of the process Supporting Organisations disclose the different versions of the policy, input from stakeholders and the minutes of the Council meetings where the policy is discussed and formal recommendations to the Board are developed.

23. However, while openness is undoubtedly common practice within the organisation, there remain a number of areas where ICANN's transparency could benefit. Cutting across the different constituent bodies of ICANN are issues of information accessibility, consistency in what information is disclosed, and consistent compliance with stated commitments in the disclosure of information.

### **4.1 Organisation-wide transparency**

24. Key to being a transparent organisation is not only that information is made available, but that there is consistency in the way that different constituent bodies disclose information. While ICANN is committed to transparency, it suffers from a lack of consistency in relation to the type and detail of information that is made publicly available by its different bodies. For example, although all Supporting Organisations make the minutes of their meetings available (this is mandated in the By-Laws) only the RSAC and the ALAC advisory committees do so. Likewise, while the Board makes its minutes publicly available, only one of its eight subcommittees posts their minutes on the website.

25. The same holds for meeting agendas; as a basic good practice principle for transparent decisions making, meeting agendas need to be made available to relevant parties in advance of the meeting. In ICANN this principle is currently only applied by the Board and the GNSO Council.

26. Other basic information such as members, the rules of procedures and work plans should also be available at all levels within ICANN. This is basic information that irrespective of the specific purpose of the body should be disclosed to enable stakeholders to understand how the body functions and to be able to follow its activities (see Table 1).

Table 1. Information Disclosure basic information across a selection of ICANN bodies						
Selection of ICANN Bodies	Minutes	pre-meeting Agenda	Work plan	Meeting schedule	list of members	Rules of Procedure
Board	Y	Y	N	Y	Y	Y
Nominating Committee	N	N	Y	Y	Y	Y
Conflict of Interest Committee	Y	N	N	N	Y	N
Executive Committee	Y	N	N	N	Y	N
Governance Committee	N	N	N	N	Y	N
President's Strategy Committee	N	N	N	N	N	N
GNSO Council	Y	N <sup>3</sup>	N	Y	Y	Y
ccNSO Council	Y	N	N	N	N	N <sup>4</sup>
ASO Council	Y	N	Y	Y	Y	Y
ALAC	Y	N <sup>5</sup>	N	N <sup>6</sup>	Y	In development
GAC	N	N	Y <sup>7</sup>	N	Y	Y
SSAC	N	N	Y	N	Y	In development
RSAC	Y	N	N	N <sup>8</sup>	N	In development

27. Ensuring consistency in information disclosure is a challenge faced by all global organisations. The *bottom up* tradition of ICANN makes it even more challenging. While ICANN needs to respect the independent nature of each of its supporting bodies and advisory committees, the organisation could benefit from taking a more active role in defining what information needs to be made publicly available by its different bodies. Other global organisations have addressed this issue through developing an Information Disclosure Policy. In the case of ICANN, such policy would provide guidance to staff and volunteers on what, when and how information will be made public; but this will also allow external stakeholders to know what type of information they can expect to have access to. This way, expectations will be better managed on all sides.

<sup>3</sup> GNSO provide an agenda after the meeting

<sup>4</sup> ccNSO have Rules of Procedure but do not post them online

<sup>5</sup> ALAC provide an agenda after the meeting

<sup>6</sup> ALAC have a Calendar of Events but it has not been updated since 2005

<sup>7</sup> GAC have a work programme but it is buried in another document with delivery timetable

<sup>8</sup> RSAC admit their meetings usually follow IETF but do not provide the schedule of IETF meetings or a link to the IETF meetings

**Recommendation 1.1<sup>9</sup>:** So as to foster the consistent disclosure of information throughout the organisation, ICANN should consider developing a formal Information Disclosure Policy that clearly states what, when and how information will be made available at different levels of the organisation (see Appendix 1 for key elements of an Information Disclosure Policy).

28. While ICANN strives for high levels of openness and transparency both at the Board level and among its supporting organisations and advisory committees, there are instances in each of these bodies where due to legal, contractual or security issues, certain discussions and information needs to remain confidential. This is entirely acceptable, as full transparency can at times be detrimental to an organisation's decision-making processes or activities. For example, if the disclosure of information could potentially undermine the ability of the organisation to pursue its mission (in the case of ICANN the security and stability of the Internet's system of unique identifiers), such information should not be made publicly available. But to ensure consistency, there needs to be clarity around when these instances apply. Moreover, to match the existing commitment to information disclosure, these instances need to be narrowly defined.

29. Currently the By-Laws state that the Board can keep confidential information "relating to personnel or employment matters, legal matters (to the extent the Board determines it is necessary or appropriate to protect the interests of ICANN) [and] matters that ICANN is prohibited by law or contract from disclosing publicly". While these conditions are somewhat narrow, the qualification that any "other matters that the Board determines, by a three-quarters vote of Directors present at the meeting and voting" can also be redacted from the preliminary report or minutes represents a significant loophole. The fact that this can only be enacted through a  $\frac{3}{4}$  vote of Directors provides a safeguard to its abuse; however, its existence brings uncertainty in disclosure. The need for such a loophole would be significantly reduced if the Board developed a more specific and comprehensive set of conditions for non-disclosure, as organisations such as the Asian Development Bank and the United Nations Environmental Programme have done.

30. Furthermore, the provisions in the By-Laws around confidentiality are currently focused on the Board, while our review suggests that questions of what should be made public and what should be kept confidential exists in other parts of the organisation as well. Greater guidance at these levels would be beneficial not the least to staff. For example, confidentiality issues are pertinent for much of what the SSAC does, while issues of confidentiality emerge especially in relation to issues of re-delegation. A newly developed set of conditions for non-disclosure should therefore be applicable not only to the Board, but across the entire organisation.

**Recommendation 1.2:** ICANN should develop an Information Disclosure Policy that identifies a set of clear and narrowly defined conditions for non-disclosure that apply

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<sup>9</sup> The numbering used for the recommendations mirrors the numbering in the Summary of Recommendations at the end of the report

throughout the organisation (see Appendix 1 for examples of narrowly defined conditions for non-disclosure).

31. To ensure compliance with any organisational policy, it is important that there is high level oversight and leadership. Without this, implementation will only ever be piecemeal. To ensure implementation of the information disclosure within ICANN therefore, responsibility for overseeing the policy should be assigned to a senior manager.

32. Supporting this, a set of indicators should be developed to monitor the implementation of the policy, and an annual review should be undertaken which identifies how ICANN is complying with the policy, where there are problems, and the steps that are to going be taken to address these (see recommendation 5.1 in section 8.)

**Recommendation 1.3:** ICANN should consider assigning responsibility for overseeing organisation-wide compliance with the Information Disclosure Policy to a publicly named senior manager; and making publicly available an annual review that documents compliance with the policy.

33. ICANN discloses large amounts of information that, while reflecting the organisation's openness, makes locating information difficult. Redesigning the website will make information more accessible; yet ICANN should also consider putting in place a function to support stakeholders in finding information. This could be similar to a 'contact us' function by enabling an individual to contact an ICANN staff member whose responsibility includes assisting stakeholders to locate information. The support function could include fields where an individual could specify the type of document they are trying to find to help narrow the search parameters. For example, the function could include fields for the supporting organisation; whether the document is policy related or other.

**Recommendation 1.4:** ICANN should consider assisting stakeholders in locating online information through a function that enables them to contact a staff member with a specific document query.

34. As mentioned above, accessibility of information is key to transparency. Given the wide range of stakeholders that are affected by the decisions and activities of global organisations, many have adopted multiple working languages. Publicly disclosing information in more than just one language is now common practice.

35. Currently, on its website ICANN has translated basic information about the organisation and its operations, and has done this in 10 languages (including English). Across other documents, however, there is less consistency. Naturally, the organisation cannot translate everything; it must identify the key documents that need to be accessible to a wide range of stakeholders to foster informed engagement

in the policy development process, but also to enable stakeholders to exercise scrutiny of ICANN.

36. To approach this issue in a structured and consistent way, ICANN should develop a translation policy. This might identify what documents and publications should be translated, into what languages and how they would be disseminated. It could be broken up into the following categories for example: documents and publications that address ICANNs overall business strategy (e.g. annual reports; operational policies, procedures, and guidelines; and strategy papers); documents that are provided to an audience for public consultation; and Web content.

**Recommendation 1.5:** To foster accessibility of documentation and processes throughout all ICANN constituent bodies, ICANN should consider developing a translation policy that identifies which documents are translated and includes provisions on management and infrastructure issues for translation (see Appendix 2 for key elements of a translation policy).

#### **4.2 Transparency of high level governance and decision making**

37. Transparency is also about the degree to which stakeholders are able to follow the course of a decision and understand the rationale behind how it was made. Openness about decision making at Board level becomes a key indication of an organisation's transparency.

38. Compared with other global organisations, the ICANN Board meets standards of good practice. It is committed to disclosing a preliminary report five working days after every Board meeting, and this identifies any actions taken. It discloses minutes that provide a detailed summary of official business conducted (including identifying speakers by name) and voting transcripts. The background documentation disseminated to the Board is also provided. While there have been issues in the past with the preliminary report of the Board being disclosed within the five-day period (with requests for reconsideration being filed on the issue), the overall level of transparency of the ICANN Board is high when benchmarked against other global organisations. Of the ones listed below, ICANN's is the only Board that discloses voting records.

<b>Information provided in Board Reporting</b>	<b>ICANN</b>	<b>ILO</b>	<b>GEF</b>	<b>FAO</b>	<b>WHO</b>	<b>GAVI</b>	<b>Global Fund</b>
<b>Minutes*</b>	Y	Y	Y	Y	Y	Y	Y
<b>Lists participants</b>	Y	Y	Y	Y	Y	Y	Y
<b>List of documents</b>	Y	Y	Y	Y	Y	Y	Y
<b>voting record</b>	Y	N	N	N	N	N	N
<b>Includes name of those speaking</b>	Y	Y	N	N	Y	N	N
<b>Available in various languages</b>	N	Y	Y	Y	Y	N	Y

\*A record of official business conducted and formal decisions taken

39. Despite this general openness, there remains a lack of clarity among many in the ICANN community as to how and why the Board reaches certain decisions; specifically, how it weighs up the input of different stakeholders (Supporting organisations, advisory committees and the public) and how it incorporates these into the decision-making process.

40. As is the case with most global institutions, given the vast array of stakeholders that engage with ICANN, it is not possible for the Board to adapt decisions that address each and every concern. This would lead to paralysis within the organisation. However, ICANN needs to be more open and communicate more clearly how and why stakeholder concerns are or are not taken into account.

41. Ambiguity around how input and feedback are used can create distrust among stakeholders, frustration with the process of engagement and can ultimately lead to declining levels of participation. Stakeholders need to know they have been heard. The Board needs to more explicitly acknowledge how various pieces of input have had an impact on the final decision.

42. The By-Laws already state that, after taking action on policies that substantially affect the operation of the Internet or third parties (including the imposition of any fees and charges) the Board needs to “publish in the meeting minutes the reasons for any action taken, the vote of each director and the statements of directors requiring publication of such statement.” While ICANN needs to ensure this provision is implemented consistently, the Board should take further steps in its reporting. While providing a reason as to why a decision was made, it is important that the Board also provides an explanation as to why stakeholder input was considered or not as relevant to the decision-making process.

43. For the most important decisions, specifically those that relate to policy considerations, the ICANN Board should produce a report (separate from the

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<sup>10</sup> International Labour Organisation (ILO); Global Environment Facility (GEF); Food and Agriculture Organisation (FAO); World Health Organisation (WHO); Global Alliance for Vaccines and Immunisation (GAVI); Global Fund To Fight AIDS Tuberculosis and Malaria (Global Fund)

minutes) that summarizes the main comments and input received from stakeholders – in instances where an issue provokes significant public comment, it may be necessary to group these responses into broad themes – and clearly identifies how the final decision was / was not affected by these. This will inevitably place an extra burden on the Board, thus the detail deserves thorough consideration. Yet as a multi-stakeholder organisation dependent on the engagement of stakeholders for its continued success, ICANN needs to consider undertaking this step.

**Recommendation 1.6:** For the most important decisions, specifically those that relate to policy considerations, the Board should consider producing a report (separate to the minutes) that explains how all stakeholder input was used in coming to a final decision.

44. Currently the main way through which the Board communicates future decisions is through the Board agendas; these are disclosed seven days in advance of the meeting (as stated in the By-Laws). While it is not practical to expect the Board to disclose the final agenda earlier than this, stakeholders need to have adequate warning of what issues are under consideration so as to prepare and provide meaningful input into Board decisions; for this to happen, the current period of agenda disclosure does not suffice.

45. Institutions such as the World Bank, International Monetary Fund and African Development Bank have overcome this problem by developing a publicly available schedule of Board discussions planned over a twelve-week period. In this, the agenda for each meeting is updated on a day-to-day basis as items are added or taken off. Such a schedule could be integrated into the Meeting schedule that ICANN already has on the website for their Board meetings.

**Recommendation 1.7:** To provide stakeholders with advance warning of issues for consideration by the Board, ICANN should consider developing a web-based schedule of Board discussions that are planned over a twelve-week period where the agendas are updated in real time.

46. While the ICANN Board is mandated by the By-Laws to disclose the minutes of its meetings, its eight subcommittees are not. The Executive Subcommittee is the exception: although not mandated by the By-Laws, this body discloses minutes of its meetings.

47. The subcommittees play an important role in the governance of ICANN, having all the legal authority of the Board except for the authority to change the By-Laws, approve the budget and repeal a decision of the board. It is imperative that they conform to the same standards of transparency as the rest of the organisation.

**Recommendation 1.8:** The subcommittees of the ICANN Board should consider disclosing minutes of their meetings on the website. This should be guided by the

### **4.3 Transparency within Supporting Organisations and Advisory Committees**

48. It is currently difficult to follow the course of the policy development process (PDP) across each of the Supporting Organisations, because of how the information and documentation is structured on the website. The ccNSO, for example, places all the information related to a PDP under announcements ('What's New' section of the website). Over time, this information gets lost within the other news items

49. To enable stakeholders to follow the different stages of a consultation process and how different input shaped and informed the policy document, Supporting Organisations should organise the information and documentation provided online that relates to a PDP in a more accessible and consistent manner.

**Recommendation 1.9:** Across Supporting Organisations, all documentation and information provided online that relates to policy development processes should be organised in a more accessible and consistent manner.

50. As a result of the ICANN *bottom up* process, each supporting organisation and advisory committee works according to its own procedures. While this is encouraging, it results in a lack of consistency in how information is presented across each of the respective websites. To increase the accessibility of information from supporting organisations and advisory committees, ICANN should develop a common template for their websites that locates information in similar formats / places.

51. For example, each website could categorize information according to a number of common headers such as About Us, Governance, Policy, etc. A set of common subsections could be used within each of these. For example, a Supporting Organisation might list under Governance: Council Members, Council Meetings and the rules of procedure. Under the Meetings subsection there might be a meeting schedule and minutes and agendas of meetings.

52. Providing information within a shared framework offers visitors an easier way to access information across the different constituent bodies. A common template would increase the user friendliness across the different bodies of ICANN.

**Recommendation 1.10:** ICANN should consider developing a shared framework of presenting online information across its Supporting Organisations and Advisory Committees (e.g. rules of procedure, charter, minutes, agendas etc) to ensure user friendliness of web pages (see Appendix 3).

## **5. Participation**

53. An accountable organisation understands and responds to the needs and interests of its key stakeholders. This is best achieved through stakeholder engagement and participatory approaches to decision making. Accountable global organisations establish mechanisms that enable stakeholders to input into decisions that affect them. This may require engagement at the policy level or the strategic level as well as at operational level.

54. External stakeholder engagement must go beyond acquiring approval for, or acceptance of, a decision or activity (or including stakeholders in operational activities). Participation is about organisations taking into account what stakeholders are saying and providing them with the opportunity to influence how and what decision are made. A key principle of effective participation is that the organisation is open to change.

55. As a multi-stakeholder organisation, ICANN draws its legitimacy from the way it engages and balances the views and interests of different stakeholders in its decision-making processes. This relates to high level decision making, as well as to stakeholder engagement in policy and operations.

56. ICANN's approach to stakeholder engagement is in many ways already quite developed. Take the policy development process for example; through its By-Laws ICANN describes in detail the different stages at which stakeholders need to be engaged in the development of policy. Few other global organisations make a commitment of this type in their governing documents. The engagement of stakeholders is further strengthened with stakeholder groups such as individual Internet users also having formal representation in the ICANN structures through bodies such as ALAC. The recent recruitment of a General Manager of Public Participation is also good practice.

57. While ICANN is starting from a good position, there are a number of areas where participation could be strengthened.

### **5.1 Organisation-wide public engagement**

58. Public engagement is key to the legitimacy and relevance of ICANN decisions and policy. Supporting Organisations and Advisory Committees undertake consultations on policy, as does the Board. To foster consistency across the different supporting organisations in how consultations are conducted and to ensure their potential is maximised, ICANN should develop a set of guidelines on how to conduct online public consultations (given that online consultation is one of the preferred methods of external stakeholder engagement).

59. Other organisations that have taken this approach use the guidelines to identify key considerations and principles that inform the different stages of the online consultation process. Such guidelines increase awareness amongst staff of the key principles of public consultations, enabling them to increase their effectiveness in administering stakeholder engagement processes, and thereby improving the quality of public participation. They provide stakeholders with a guide as to what they should expect from any engagement, and enable them to hold the organisation to account for this.

60. Organisations such as the OECD have developed such document, which they have found very useful. To encourage implementation of such guidelines across the organisation, a senior member of staff is usually assigned responsibility for overseeing dissemination and compliance.

**Recommendation 2.1:** To foster consistent engagement with the public across ICANN constituent bodies, ICANN should consider developing a set of guidelines on how to conduct an effective and meaningful online public consultation and assign responsibility for oversight to a senior member of staff (see Appendix 4 for key elements of guidelines on public engagement).

## **5.2 Participation of Board members in high-level governance and decision making**

61. To provide the Board of any organisation with the support they need to undertake their responsibilities and make informed decisions, it is good practice to have a secretariat. While a number of staff members within ICANN are assigned support role to the Board, additional administrative support is required to facilitate more effective participation of Directors in the decision making of ICANN.

62. For example, our review highlighted that timely and concise briefings for Directors prior to Board meetings were sometimes lacking and that this lead to some Directors feeling that they did not have adequate time to prepare for important policy discussions. A secretariat would go some way towards mitigating this problem; it would be responsible for channelling communications from staff to Board members and ensuring information is disseminated to Directors in a timely manner.

63. Similar Board support is provided in other global organisations. In the case of the United Nations Development Programme, for example, the secretariat to the Executive Board reviews and edits all documentation for submission to the Board, makes logistical arrangements for Board meetings each year and provides information and other support services to Board members. It is staffed by four people, a director, senior editor, documents officer and an administrative associate.

**Recommendation 2.2:** ICANN should consider establishing a small secretariat function to support the Board. This would facilitate communication from Staff to the Board, ensure documentation was disseminated in a timely manner and provide general administrative support to individual Board members.

64. It is the role of the Board to understand and reflect the changing needs of the organisation it governs. As the organisation grows and evolves and in parallel to ensuring fair representation of membership, the Board also needs to take into account the qualifications of its members to ensure that they have the skills and the vision to respond to these evolving needs.

65. This is true for ICANN as it is of any other type of organisations. Given the role of the Nominating Committee in the selection of Board members, it is therefore

important that this body is aware of the skill needs of the Board when it nominates the eight of the 21 Directors.

66. Greater communication between these two bodies on the skills needed on the Board might in turn inform the development of new selection criteria. This could be linked into an annual self-assessment of the Board<sup>11</sup>.

**Recommendation 2.3:** The ICANN Board should consider communicating its skill needs to the Nominating Committee. This process should be linked into an annual Board self-assessment (see Recommendation 3.3).

67. As well as selecting Board Directors, the Nominating Committee is also responsible for selecting members to the GNSO and ccNSO Councils and ALAC. Similar to the Board, these too need to ensure that they have the necessary skills on their governing bodies. In this respect, it is also important that the Nominating Committee is aware of the skill needs of the GNSO, ccNSO and ALAC when it selects members to these bodies.

**Recommendation 2.4:** The GNSO Council, ccNSO Council and ALAC should consider communicating their skill needs to the Nominating Committee.

68. The Nominating Committee forms for eight months of every year to select a total of 19 positions throughout the ICANN structure. The workload that comes with participation on this committee is considerable. A substantial amount of this work falls on the Chair. For example, in the 2005-2006 Report on Nominating Committee activities it is noted that "... [t]he work load of each of these Committees has been very substantial, and represents a major workload assumed by each member and especially by the Chair." As a consequence of this workload the Chair was unable to produce the 2005 and 2006 Annual Reports on Nominating Committee activities (a document mandated by the By-Laws) on time undermining provision in the By-Laws.

69. In light of this, ICANN should consider providing additional administrative support to the Nominating Committee. Similar to the Board, this could be in the form of a small secretariat that would provide basic support in the processing of applications and the selection process.

**Recommendation 2.5:** ICANN should consider providing additional administrative support to the Nominating Committee in the form of a small secretariat function.

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<sup>11</sup> This self-assessment would be separate from the independent review of the Board. It would be less formal, undertaken on a more regular basis and focused on learning.

70. The role of the Nominating Committee Chair is complex as is the process of selecting a new one each year. Given the importance of this body, ICANN should consider extending the time that the Chair stays in their post from 1 year to 2 years to allow time for them to acclimatise to the position and gain experience before moving on.

**Recommendation 2.6:** ICANN should consider extending the time that the Nominating Committee Chair stays in their post from 1 year to 2 years.

71. There is currently a lack of clarity around the roles and responsibility of Directors on the ICANN Board. This is manifesting itself at two levels. Firstly at the level of general duties that individual Directors need to fulfil as part of the wider Board membership; and secondly, the roles that Directors play in relation to the Supporting Organisations that elect them.

72. Directors elected by Supporting Organisations should bring the needs and views of these constituencies to the attention of the Board without necessarily endorsing or voting in favour of that view. Currently the By-Laws state that “Directors shall serve as individuals that have the duty to act in what they reasonably believe are the best interests of ICANN and not as representatives of the entity that selected them, their employers, or any other organisations and constituencies.”

73. Although Directors are part of a collective governing body, they also have individual duties. They are expected to attend meeting regularly, contribute actively to deliberations and put the interests of ICANN above any other interests. A detailed set of written expectations or a position description for Directors can help individual Board members to better understand their role.

**Recommendation 2.7:** ICANN should consider ensuring more clarity around Board Directors’ duties, roles and responsibilities. One option would be to introduce a position description for Board members.

74. It is good practice to enable those formally a part of an organisation to hold Directors to account for gross negligence, misconduct, or dereliction of duty. Providing conditions under which Directors can be removed from the Board is common among global companies. Shareholders have the authority to remove a Director (usually with a super-super majority), but the initiation of the process to dismiss a Director can start with a single shareholder placing the item on an annual meeting’s agenda.

75. ICANN’s By-Laws provide the Board of Directors with the authority to remove other Directors by a  $\frac{3}{4}$  majority of all Directors. However, ICANN policies do not expand on how the process to remove a Director is initiated and who can initiate the process. To strengthen accountability to its constituent organisations, ICANN should put in place procedures that enable them to initiate a process that may result in the removal of a Director. Such a process can be as simple as contacting the Chair of the Board or Ombudsman to highlight reasons for dismissal.

**Recommendations 2.8:** ICANN should consider introducing a procedure to enable members of Supporting Organisations and Advisory Committees to initiate a process to dismiss Directors for negligence, misconduct, or dereliction of duty.

### **5.3 Participation in Supporting Organisations**

76. The GNSO develops policies that have a significant impact on Internet users. For this reason, it needs to engage more with this group. A non-voting liaison from ALAC that currently sits on the GNSO Council does provide a communication link between the two bodies, but this does not enable sufficient participation of individual users. To facilitate this process, more effective channels of communication need to be opened between the GNSO and ALAC. A more meaningful channel for ALAC to input into the policy process of the GNSO needs to be developed.

**Recommendation 2.9:** The GNSO should consider ways of better integrating the views and perspectives of individual Internet users, through ALAC, into its policy activities.

## **6 Monitoring, evaluation and learning**

77. Evaluation is an essential component of accountability. It can show if and how an organisation is accountable for its performance, how it is achieving its goals and objectives and meeting agreed standards. Evaluation allows an organisation to give an account to stakeholders of what it has achieved, and it also allows stakeholders to compare an organisation's performance to the promises it made.

78. Evaluation also enables an organisation to learn. The evaluation process and findings should inform ongoing activities and decision-making processes, thus allowing the organisation to address emerging issues and improve performance.

79. Evaluation within ICANN currently takes place at a number of different levels. A monitoring system is in place to track the implementation of the ICANN operational plan. An independent review is mandated of each of the ICANN supporting Organisations and Advisory Committees. Self-evaluation takes place among a number of the supporting organisations, advisory committees and governance functions, but not all.

80. While acknowledging the work that ICANN is already undertaking in this area, a number of improvements could be made, as follows:

### **6.1 Organisation-wide evaluation and learning**

81. An organisation's Annual Report is a main document for communicating to stakeholders the activities and achievements undertaken over the past year. Increasingly among corporations and non-governmental organisations, this is also used as a channel through which organisations can communicate how they are performing in relation to key objectives, and how they are learning from both successes and failures.

82. The first ICANN Annual Report was published in 2006. This provided a comprehensive summary of the activities of ICANN according to its divisions, supporting organisations and advisory committees. An effort was also made to communicate performance in relation to the responsibilities identified under the Joint Project Agreement. While this represents an excellent first step and provides a level of detail that surpasses that provided by many international non-governmental organisations, there are a number of ways in which it could be further improved.

83. Notably, the Annual Report needs to focus more on communicating ICANN's performance in relation to its key objectives rather than listing activities. The information presented at the back of the report (p32-37) is relevant, but it currently lacks detail and does not enable the reader to track progress year on year. Moreover, it only identifies what activities ICANN has undertaken to achieve its goals; it makes no reference to where some of the more critical areas / problems emerge and how the organisation proposes to address them in the year ahead.

84. Being open about the problems and proposing solutions is essential as this provides an indication to stakeholders that the organisation is open and learning.

Anglo American provides an example of good practice in relation to this<sup>12</sup>. In their 2005 Sustainable Development Report they highlight 39 key targets into a table and indicate if they were achieved, not achieved, if an interim target was achieved, or if more work is required. In addition, they identify what changes will be made to address problems and what next year's targets are. Reporting along these lines allows stakeholders to see an accurate picture of progress and also to track performance year on year against a set of core targets.

85. ICANN already makes public their Operating Plan Status report. However, this is not accessible to the average Internet user – it lists too much information (and does not identify any of the challenges). In consultation with stakeholders, ICANN needs to identify those objectives that are most important to the majority of the ICANN community and report performance in relation to these in their Annual Report.

**Recommendation 3.1:** ICANN should consider engaging with the ICANN community to identify organisational goals and objectives that are perceived to be most important and report on performance (including successes, setbacks and solutions) in relation to these in the Annual Report.

86. To facilitate organisational learning, it is important that processes are in place to ensure lessons learnt within different departments or divisions, Supporting Organisations and Advisory Committees are disseminated widely within the organisation.

87. While as a small organisation ICANN could rely on more informal channels for disseminating lessons, as the organisation grows, it will become necessary for more formal mechanisms to be put in place. Mechanisms for disseminating lessons can take a variety of forms such as practice notes, virtual knowledge networks, internal newsletters, learning workshops. A number of examples of good practice exist within other global organisations from across the public, private and non-states sectors. The OECD for example, has an internal learning network called the Civil Society Coordinators Network. This is a group of individuals working in OECD that are involved in engaging with civil society; they have occasional meetings on engagement issues, organise internal meetings with civil society members and have regular exchanges through a distribution list. In other organisations such as ActionAid International, a specific person is responsible for summarising evaluation reports and disseminating them across the entire organisation. Pfizer Inc has also created both regional and function networks to share best practices and discuss learning. For example, each geographic region (Asia, Europe, Latin America and Africa/Middle East) has a regional infrastructure that supports meetings and communication.

**Recommendation 3.2:** ICANN should consider developing mechanisms to facilitate the dissemination of lessons learnt across Supporting Organisations, Advisory Committees, staff and volunteers.

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<sup>12</sup> Anglo American plc (2005) Report to Society: A Climate of Change, see <http://www.angloamerican.co.uk/static/uploads/Anglo%20American%202005.pdf> p. 6-7.

## **6.2 Self-evaluation of the Board**

88. Annual reviews of Board effectiveness are emerging as a key indicator of organisational performance across the public, private and non-profit sectors. It is considered good practice that the Board annually defines its duties, identifies performance in relation to the goals it set for itself, and suggests actions for better fulfilling them.

89. Although the ICANN By-Laws already state that an independent review of the Board should take place, if feasible, at least once every 3 years (the next is to take place in October) a Board self-assessment would be separate from this. Independent reviews provide an objective perspective on performance, while self-evaluations are more focused on internal learning. An annual self-assessment by the Board would provide an opportunity for the Board to check their performance as a group, and to see if there are opportunities for change that could deliver better results. This would be less formal than an independent review.

90. Some of the questions the ICANN Board may want to address in the course of a self-evaluation:

- Are Board discussions well-informed and well-run? Are they focused on the most relevant issues?
- Are the subcommittees working as they should and do they have the right relationship with the rest of the board?
- Do directors feel their skills are used and their contribution is valued?
- How is the chair performing in his/her role?
- What is the quality of the relationship between the board and management?
- What is the state of relationships with owners, beneficiaries and other stakeholders?
- How well is the strategic plan linked to the work within the organisation?
- How well the key indicators and reporting processes have helped the board in its monitoring role?<sup>13</sup>

**Recommendation 3.3:** The ICANN Board should consider undertaking an annual self-assessment, similar to that of the Nominating Committee. This should focus on decision-making processes, skill needs on the Board, etc.

## **6.3 Evaluation of the policy development process**

91. Creating the space at the end of a process to reflect on what worked well and what did not work so well can foster a culture of learning and strengthen organisational effectiveness. ICANN needs to be continually improving the policy development processes, as a key component of ICANN activities. To facilitate this, a system needs to be put in place whereby at the end of a policy development process those involved can openly assess the process in a constructive manner.

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<sup>13</sup> <http://governance.tpk.govt.nz/how/selfevaluation.aspx>

**Recommendation 3.4:** Supporting Organisations should consider undertaking post-action reviews at the end of the policy development process.

#### **6.4 Self-evaluation of Supporting Organisations and Advisory Committees**

92. Currently a number of Supporting Organisations and Advisory Committees, including ALAC, GNSO and GAC undertake self-evaluation of their activities (SSAC is in the process of conducting a self-evaluation for the first time). In all cases, this has been noted as a useful process that has led to learning and changes to operating practices. In the case of GAC for example, self-assessments led to changes in their working methods and a decision to strengthen the advisory committee's transparency.

93. Because of the capacity and time restraints that voluntary members of Supporting Organisation Councils and Advisory Committees, self-evaluations have not always been undertaken on a regular basis; when they have been undertaken, they have not been publicly shared (ALAC is the exception to this). Given the role that self-assessments play in fostering learning and enabling increased effectiveness, such processes should become more formalised in ICANN.

94. All ICANN bodies should undertake annual reviews of their work and make these available. Such reviews would not result in detailed reports, but rather focus on learning and steps forward. In this respect, the document that is made public does not have to be resource intensive.

**Recommendation 3.5:** All ICANN Supporting Organisations and Advisory Committees should consider undertaking an annual self-assessment of their work and share key learning and ways forward.

95. To assist Supporting Organisations and Advisory Committees in undertaking self-evaluations, to foster a degree of consistency in how the evaluations are undertaken and ensure that they meet accepted good practice principles, ICANN should produce a guiding document for staff and volunteers on how to undertake such exercises. The policy support officers for each of the supporting organisation could be trained in how to implement such guidelines.

**Recommendation 3.6:** To help foster consistency in how self-assessments are undertaken and to provide staff and volunteers with guidance on good practice principles for evaluations, ICANN should consider developing evaluation guidelines and provide training to the policy support officers.

## 7 Complaint and Response Mechanisms

96. Enabling stakeholders to raise valid complaints about a decision or action and ensuring they receive an adequate response is a critical aspect of an organisation's accountability. A complaint handling mechanism is the means through which stakeholders can actually hold an organisation to account.

97. ICANN has developed three separate but interrelated mechanisms for dealing with complaints: the Ombudsman, Reconsideration Committee, and Independent Review Panel of Board actions. Together they offer a robust approach to complaints handling; providing internal oversight of Board decisions and staff actions, and thus reducing the likelihood of litigation.

While the various parts of the complaints systems are well developed, there are areas where improvements could be made.

### 7.1 Organisation wide complaints and response

98. The Ombudsman, Reconsideration Committee and the Independent Review Panel of Board actions, although independent of each other, function together to create a complaints system within ICANN. Each mechanism represents a step in a process of handling a complaint or grievance. As it stands, ICANN does not clearly describe the integrated nature of these mechanisms.

99. Effort needs to be put into drawing the links between the three functions and communicating how they collectively make up the organisation's complaints system. Currently each of the mechanisms are identified and described under the "Accountability and Review" section of the ICANN website. This page should be redesigned to highlight the complaints function as a three-step process made up of the three separate mechanisms and how complaints work their way through the system. Information should be provided not only on the functions of each mechanism, but the overall process of issuing a complaint with ICANN, which mechanism would suit a specific complaint, what appeals mechanisms are in place should ICANN's response not be satisfactory, and whom to contact for assistance in filing a complaint.

**Recommendation 4.1:** ICANN should clearly describe the integrated nature of the Ombudsman, Reconsideration Committee and Independent Review Panel of Board actions. The links between the three functions and their integrated nature need to be properly communicated.

100. While ICANN has three mechanisms for investigating complaints from members of the ICANN community, the organisation does not have a policy or system in place that provides staff with channels through which they can raise complaints in confidentiality and without fear of retaliation. Having such a policy (often referred to as a whistleblower policy) is good practice among global organisations. A whistleblower policy that provides such protections serves as an important means of ensuring accountability to staff as well as preventing fraudulent behaviour, misconduct and corruption within an organisation.

101. The United Nation's whistleblower policy is an example of good practice. It includes a definition of whistleblowing consistent with good practice and provides multiple channels for reporting violations thus offering safeguards against

institutionalized conflict of interest, protection for outside parties, and mandatory discipline for those who retaliated against complainants. To embed the whistleblower policy in the organisation's culture, the UN also trains staff and senior management on the implementation of the policy.

102. While whistleblower protections already exist under both Californian state law through the California Labour Code and Federal law through the Sarbanes-Oxley Act, ICANN should comply with good practice and develop an organisation-wide whistleblower policy. This would clearly state the protections afforded to staff, provide multiple channels through which a complaint can be made and clearly identify the steps of the complaints process.

**Recommendation 4.2:** ICANN should consider implementing processes that act as deterrents to abuses of power and misconduct which would protect staff who might want to raise such instances. Specifically, ICANN should consider developing a whistleblower policy that enables staff to raise concerns in a confidential manner and without fear of retaliation; and developing appropriate systems to foster compliance (see Appendix 5 for examples of good practice).

## **7.2 Ombudsman**

103. The Ombudsman plays an important role within ICANN as an informal alternative dispute resolution mechanism. Since its formation, it has reduced the number of complaints handled through the formal complaint channels of the Reconsideration Committee. As the Ombudsman's office continues to reach out to the community and raises awareness of the function within the ICANN community, there is the distinct possibility that the number of complaints it has to handle will increase. The office's user group is the entire Internet community, yet it is currently staffed by a single full time Ombudsman and an adjunct Ombudsman that provides holiday cover. To ensure the continued effectiveness of the office, ICANN should continue to support the Ombudsman through the adjunct Ombudsman and also consider recruiting an additional full time member staff to provide administrative support to the office.

**Recommendation 4.3:** ICANN should consider strengthening the capacity of the Ombudsman's office by recruiting full time administrative support for the Ombudsman.

## **7.3 Reconsideration Committee**

104. To be effective as a mechanism that stakeholders can use to query Board decisions, it is important that the Reconsideration Committee is accessible to its users. Key to this is that stakeholders are aware of the mechanism and how to use it; and that they are not prevented from accessing it because of procedural barriers.

105. As it currently stands, there is no statement in the By-Laws or otherwise, stating that a request for reconsideration can be made in multiple languages. Although ICANN would undoubtedly address a request not made in English, it is important that accessibility is built into the mechanism rather than addressing it on an ad hoc basis. This points to the need for a commitment to be made and the systems

put in place to support the handling of requests for reconsideration in multiple languages.

106. Likewise, the Reconsideration Committee needs to take more active steps in disseminating information on how this mechanism can be used. While the Ombudsman has made considerable efforts to reach out to the community and raise awareness of what the Ombudsman office does and how to use the mechanism, the Reconsideration Committee has yet to do this. Given that both are part of ICANN's overall complaints system, it is important that both are equally accessible to stakeholders.

**Recommendation 4.4:** ICANN should consider making the Reconsideration Committee more accessible to all stakeholders; this can be done by developing systems to support the handling of requests for reconsideration in multiple languages and actively raising awareness of the mechanism and its use among the Internet community.

107. The ICANN By-laws state that “[t]he final decision of the Board [in relation to the recommendations of the Reconsideration Committee] shall be made public as part of the preliminary report and minutes of the Board meeting at which action is taken.” While this is good practice, the actions should also be reported online next to the documents on the Reconsideration Committee website that relate to the specific request for reconsideration. This would make it easier for the reader to follow the reconsideration process from start to finish (the initial request, the committee response, the recommendations and the board actions). This was something that ICANN seemed to do up until February 2000. Practice now however, is to state the date on which the Board took action, but not to provide a link to the appropriate minutes. Board actions could also be incorporated into the Annual Report provided by the Reconsideration Committee to the Board.

**Recommendation 4.5:** The Reconsideration Committee should consider publicly disseminating the actions taken by the Board alongside the documentation relating to the specific request for reconsideration so that stakeholders are able to follow the process from start to finish.

108. In the Ombudsman framework there is a specific commitment made by the Board to respond to Ombudsman recommendations within 60 days of the next Board meeting. There is no similar commitment made in relation to responding to Reconsideration Committee recommendations. A commitment to a provide timely response is important because it prevents protracted processes and also ensures the complainant is not forced to wait for a response an unnecessarily long period of time.

**Recommendation 4.6:** The Board should consider making a commitment to responding to the recommendations of the Reconsideration Committee within a specific period of time.

109. The By-Laws state that the committee, upon deciding to take forward a reconsideration request will deliver its recommendations within 90 days. Of the eight requests for reconsideration (that have been made since the reconsideration policy was revised in Oct 2000 and the commitment to the 90 days was made), three have

not been handled in the stated time. Based on the response rate of the Reconsideration Committee from 1999 onwards, of the 29 requests made only 13 recommendations were delivered within a 90 day period. This evidence suggests that the Reconsideration Committee has historically struggled to deliver their recommendations in the time period that it now commits to. ICANN will need to review the capacity of the committee to respond to requests within this time period.

**Recommendation 4.7:** ICANN should consider reviewing the capacity of the Reconsideration Committee to supply recommendations within 90 days of receiving a request for reconsideration with the purpose of either increasing the capacity of the Committee or increasing the stated response time.

110. When Board members who participated in the original decision are the only people reconsidering that decision possible issues arise related to the objectivity of the process. While having current Board members present for reconsideration does provide insight on the issue, there is a need for at least one non-executive individual to provide independent, objective thought. This role would essentially be one of facilitation where member would inject some impartiality into the Committee's reconsiderations. Such an individual could be an ex-Board member to ensure familiarity with the organisation. Another Reconsideration Committee member could also alleviate capacity issues and assist the committee in achieving response targets.

**Recommendation 4.8:** ICANN should consider introducing an independent member onto the Reconsideration Committee to act as a facilitator. The individual would provide impartial and objective assessment to Committee members on reconsiderations.

#### **7.4 Independent Review of board actions**

111. The Independent Review of Board actions mechanism plays an important role in the accountability of ICANN. Although it has never been used to date, as the organisation evolves, ICANN needs to make sure it is well developed and meets the same high standards of the other parts of its complaints system.

112. The mechanism's lack of use might be related to the limited amount of information available on ICANN's website on how it works. Other than what is in the By-Laws, there is no information on the ICANN website on how to initiate a complaint through this process and no information on how the complaint will be dealt with. This is despite Section 3.13 of the By-Laws stating that "the IRP operating procedures...shall be posted on the Website when they become available."

113. For any additional information on the independent review of board actions you have to go to the International Center for Dispute Resolution (ICDR) which handles the independent review process. Here the ICDR identifies the rules and procedures; however there is lack of clarity around if the rules and procedures apply to ICANN related complaints or not (a Google search for "ICANN" in the ICDR site turned up zero hits).

114. To increase the initial accessibility of the Independent Review of Board actions mechanism, ICANN should develop a separate page on their website with an explanation of the basic process and how complaints can be initiated.

**Recommendation 4.9:** ICANN should develop a separate page on their website that provides the rules of procedure for the Independent Review of Board actions, as mandated by the By-Laws, and which also provides an explanation of how to make a complaint through the Independent Review of Board actions function, and the steps that are involved in the review process.

115. The By-Laws state that the party that loses is liable to cover the costs of the Independent Review Panel, unless exceptional circumstances apply (this decision is based on consideration of the reasonableness of the parties' positions and their contribution to the public interest), then the winning party might be asked to cover half the costs. Understanding that this has been put in place to prevent frivolous complaints, there is the potential that the cost could pose a barrier to certain stakeholders using the mechanism. Similar complaints mechanisms in other global organisations do not require the losing party to cover the costs. The World Bank Inspection Panel which allows communities affected by a World Bank project to file a formal complaint is free, as is Oxfam Australian mining Ombudsman which investigates complaints from communities in relation to mining companies conduct.

116. Given this is an important means through which a formal independent review of Board decisions can be made, it should not exclude any stakeholder groups from the immediate ICANN community. ICANN should consider removing the burden of payment from the complainant in line with current good practice.

**Recommendation 4.10:** ICANN should consider strengthening the accessibility of the Independent Review Panel mechanism to the ICANN community by removing the burden of making the losing party cover the costs of the independent review as a means of increasing the accessibility of the mechanism.

117. ICANN first developed an independent review procedure in March 2000, when it put in place an Independent Review Policy. This policy called for the creation of a 6 member Independent Review Panel (IRP) Nominating Committee composed of two appointments from each of the Supporting Organisations. The Nominating Committee was then to select 9 persons to the panel based on criteria such as: judicial experience, independence from the ICANN process, knowledge and interest in Internet matters, and willing to under take the role without compensation. These candidates were then either accepted or rejected by the Board by a two-thirds vote.

118. In 2002, two years after the IRP Nominating Committees' formation however, the ICANN General Counsel submitted a Report on the "Status of the Independent Review Nominating Committee" to the ICANN Board which highlighted that due to the lack of participation by a quorum of the IRP Nominating Committee, the committee had been unable to complete its task. The report also highlighted the challenges of finding candidates given the criteria identified in the Independent Review Policy. As a result of these problems, the report proposed a review of this policy, with a view toward amending it. In light of this, the IRP was changed to its

current form.

119. While implementing recommendations 4.9 and 4.10 will strengthen the IRP's procedural fairness and accessibility, given the mechanism has never been used, it is difficult to tell how these reforms will play out in practice and the effect they will have on the overall functioning of the mechanisms.

120. The major problem with the IRP as it currently stands is that it is not institutionalised; the Panel only comes into being when a complaint is filed with the international arbitration provider. As a mechanism that plays an important role in overseeing the actions of the Board, it should have a more stable character and have a more prominent role within ICANN. The World Bank's inspection panel for example, which is often held up as case of good practice for external oversight, is a permanent function; it has 3 people sitting on the panel, one full time and the other two part time for five year non-renewable terms and they are supported by 7 support staff.

121. Having a core group of individuals that serve for a set period of time allows for a degree of institutional knowledge to build up and for greater consistency across decisions.

122. While, we appreciate that ICANN have attempted to craft a more institutionalised and stable independent review panel before and might be reluctant to go down this route again, looking at good practice among other global organisation, we suggest that they look at this option again. If they chose to do so, there are a number of issues which, based on good practice, they might want to do differently. Notably, the criteria they used to identify candidates were too stringent; similar mechanism use less detailed criteria. The Asian Development Bank for example use the following criteria for the selection of candidates: (i) the ability to deal thoroughly and fairly with the request brought to them; (ii) integrity and independence from Management; (iii) exposure to developmental issues and living conditions in developing countries; and (iv) knowledge of and experience with the operations of the Asian Development Bank or comparable institutions, and/or private sector experience. These are far less stringent. Also, it is good practice to compensate panel members; ICANN were not offering this when they last sort to recruit Panel members

**Recommendation 4.11:** ICANN should consider creating a more institutionalised and stable Independent Review Panel.

## 8 Conclusions and Recommendations

123. The review of ICANN has identified a number of areas where ICANN practices observe principles of accountability, and a number of areas where there is room for improvement.

124. Overall, ICANN is a very transparent organisation. It shares a large quantity of information through its website, probably more than any other global organisation. What ICANN should consider addressing however is the accessibility of this information and consistency with which it is made available. The ongoing efforts to redesign the ICANN website will go along way to making information more accessible, but to address the issue of the consistency ICANN should consider providing clearer guidelines to its constituent bodies on what, when and how information should be made available.

125. When benchmarked against other global organisations, the overall level of transparency of the ICANN Board is also high; where ICANN should improve their practice is in explaining more clearly how stakeholder input is used when making decisions.

126. As a multi-stakeholder organisation, ICANN engages in participatory decision making. The participation of stakeholders in the development of policy for example, is mandated by the By-Laws. To strengthen its approach to participation however, ICANN should focus their efforts across a number of areas. Given the importance of public engagement to the legitimacy and relevance of ICANN decisions and policy, ICANN should ensure the public are being engaged consistently across the different constituent bodies according to principles of good practice. If basic good practice principles such as explaining to stakeholders how their inputs impacted the final decision are not met, levels of engagement will fall.

127. Another area where ICANN should focus its efforts is in providing additional administrative support to the Board, so as to facilitate better engagement of Directors in the governance of the organisations. As with much of ICANN, the Board is made up of volunteers who need to balance their ICANN responsibilities with full time jobs. To ensure Directors are able to participate effectively and efficiently in the decision making they need to be provided with additional support by ICANN staff.

128. ICANN has numerous formal procedures in place for monitoring and evaluating activities. For example they have a system for tracking performance in relation to their operational plan. They also conduct regular Independent reviews of the ICANN Supporting Organisations and Advisory Committees. Both are important for helping the organisation meet stated goals and commitments. Where ICANN should focus their efforts is on encouraging more self-evaluation and learning within the organisation.

129. While some Supporting Organisations and Advisory Committees already self-evaluate, it is done on an ad hoc basis. And while ICANN are developing ways of disseminating lessons across different parts of the organisation (staff, volunteers, Supporting Organisations and Advisory Committees) these are not institutionalised to the same extent as in other global organisations. ICANN should therefore take steps

towards creating structures and processes that foster greater learning within the organisation.

130. In relation to complaint and response procedures, ICANN has developed three separate but interrelated mechanisms: the Ombudsman, Reconsideration Committee, and Independent Review Panel of Board actions. Together they offer a robust approach to complaints handling; providing internal oversight of Board decisions and staff actions, and thus reducing the likelihood of litigation. While each of these mechanisms need further strengthening, their existence is in compliance with good practice.

131. Where ICANN should focus their efforts is in creating greater coherence across the complaints functions, and better communicating their integrated nature externally. They also need to consider the accessibility of the different functions and ensure language and costs are not a barrier to their use by stakeholders. Specifically, in relation to the Independent Review Panel, ICANN should consider developing this into a more institutionalised and stable oversight mechanism.

132. Through the course of the review a number of issues emerged that did not fit into any of the four dimensions, but related more to general issues of accountability. These are listed below along with the recommendations.

## **8.1 Compliance with accountability and transparency commitments**

133. Our review revealed that while ICANN have the policies and procedures in place to foster transparency and accountability they are not always consistently followed. We came across a number of examples such as the IRP operating procedures that the Board are supposed to have developed has yet to happen; until recently the Board struggled to make Board minutes available within the committed time frame; and the Board also failed to respond to the Ombudsman's recommendations within the stated timeframe.

134. While the Ombudsman, Reconsideration Committee and the Independent Review Panel provide complaints based approaches to compliance, to generate greater trust among stakeholder, ICANN needs to take a more proactive approach.

135. To address this issue, ICANN should consider a regular independent audit of their compliance with accountability and transparency commitments. Alternatively, it could develop a permanent compliance function to emphasize prevention by identifying shortcomings as they emerge and before they become systemic problems. In either case, a regular report on compliance should be produced and publicly disseminated.

136. For either approaches, independence should also be ensured. Global organisations such as the International Finance Corporation have addressed this issue by locating their audit/compliance function in the office of the Ombudsman.

***Recommendation 5.1:*** ICANN should consider having an independent report produced, perhaps annually, that would measure the organisation's compliance with transparency and accountability commitments made in its By-Laws.

## **8.2 Shared organisational culture**

137. In an organisation such as ICANN where there is a mixture of volunteers and staff conducting the work and where many people are working remotely, there are challenges associated with ensuring all parties share the same values and beliefs about what kinds of goals the organization should pursue, how they should interact with the outside world and the appropriate kinds or standards of behaviour that should be used to achieve these goals.

138. To help cement a shared culture, ICANN should develop a code of conduct that identifies the values and norms common to ICANN that should guide how staff and volunteers conduct their work, interact with each other and interact with the outside world. The code could also delineate at a very general level the commitments required of volunteers when participating in ICANN structures and the scope of staff responsibilities.

**Recommendation 5.2:** ICANN should consider developing a code of conduct for all staff and volunteers that identifies the goals of the organisation, the appropriate kinds or standards of behaviour that should be used to achieve these goals, and how they should interact with the outside world.

## **8.3 Communicating mission**

139. An issue that emerged on a regular basis through out this review was that there is ambiguity around what it is that ICANN does (and should do.) This has considerable impact on issues of accountability, as it ultimately relates to what people perceive the organisation as being accountable for. The example of Registerfly is indicative of this.

140. We are aware of the challenges associated with this; the Internet is continually evolving and so too must ICANN; it needs to adapt to fit emerging realities. ICANN has a technical mandate, but this does not exist within a vacuum.

141. As ICANN evolves, they need to better communicate to the external world what their mission is, clearly stating what they do and what they do not do.

**Recommendation 5.3:** ICANN needs to communicate more effectively to the outside world what its core activities are.

## **8.4 Strategic issues to consider**

142. As mentioned previously, the focus of this review has specifically been on organisational and procedural accountability and transparency. As a result there are a number of more strategic issues that have not be covered, but which are important for ICANN to consider as they move forward on their accountability and transparency.

143. The issue of stakeholder representation on the Board, and more specifically the representation of individual Internet users is important. ICANN experimented with the direct election of Internet users to the Board between 2000 and 2002, but it was deemed an unworkable model. Individual Internet users now have indirect

influence over the composition of the Board through ALAC which elects 5 members to the Nominating Committee which in turns selects 8 Directors to the Board.

144. Numerous reviews have been undertaken on these issues and we would encourage ICANN to look at the proposals made in these as they move forward on strengthening their accountability and transparency. As with all global organisations, it is these more strategic issues that are often the most intractable in relation to accountability; they need to be given due consideration and be properly addressed

## 9 Action Plan – Way forward

The following section summarizes the recommendations, splitting them into long- and short-term components. Whether the recommendation is considered as a long- or short-term goal is attributed to if it reflects a strategic or technical nature.

No.	Background	Recommendations	
		Strategic / Long Term	Technical / Short Term
<b>1</b>	<b>Transparency &amp; access to Information</b>		
1.1	While ICANN is committed to transparency, the information (type and level of detail) made publicly available by its different bodies lacks consistency. For example, while Board minutes are publicly disseminated, only one of the Board's eight subcommittees discloses minutes from its meetings via the ICANN website; this is also the case with meeting agendas. As a basic good practice principle for transparent decisions making, meeting agendas need to be made available to relevant stakeholders in advance of the meeting. In ICANN, this principle is currently only applied by the Board and the GNSO Council.	Foster the consistent disclosure of information throughout the organisation	ICANN should consider developing a formal Information Disclosure Policy that clearly states what, when and how information will be made available at different levels of the organisation
1.2	High levels of openness and transparency both at the Board level and among its Supporting Organisations and Advisory Committees is necessary. However, there are circumstances where information needs to remain confidential due to legal, contractual or security issues. This is acceptable (as full transparency can at times be detrimental to an organisation's decision-making processes or activities) as long as narrowly defined criteria for non-disclosure are provided.		ICANN should develop an Information Disclosure Policy that identifies a set of clear and narrowly defined conditions for non-disclosure that apply throughout the organisation.

1.3	<p>To ensure compliance with any organisational policy, it is important that there is high level oversight and leadership. Without this, implementation will only ever be piecemeal. To ensure implementation of the information disclosure policy within ICANN, oversight responsibility should be assigned to a senior manager. An annual review should also be undertaken which identifies how ICANN is complying with the policy, where some of the gaps lie and how they will be addressed.</p>		<p>A publicly named senior manager should be assigned ICANN should consider assigning responsibility for overseeing organisation-wide compliance with the Information Disclosure Policy to a publicly named senior manager; and making publicly available an annual review that documents compliance with the policy.</p>
1.4	<p>ICANN discloses large amounts of information that, while reflecting the organisation's openness, makes locating information difficult. Redesigning the website will make information more accessible; yet ICANN should also consider putting in place a function to support stakeholders in finding information. This could be similar to a 'contact us' function by enabling an individual to contact an ICANN staff member whose responsibility includes assisting stakeholders to locate information.</p>		<p>ICANN should consider assisting stakeholders in locating online information through a function that enables them to contact a staff member with a specific document query.</p>
1.5	<p>On its website, ICANN has translated basic information about the organisation and its operations, and has done this in 10 languages (including English). Across other documents, however, there is less consistency. ICANN should identify the key documents that need to be accessible to a wide range of stakeholders to foster informed engagement in the policy development process, but also to enable stakeholders to exercise scrutiny over ICANN.</p>	<p>Foster accessibility of documentation and processes throughout all ICANN constituent bodies.</p>	<p>ICANN should consider developing a translation policy that identifies which documents are translated and includes provisions on management and infrastructure issues for translation</p>

1.6	<p>Despite the openness of ICANN, there remains a lack of clarity among many in the ICANN community as to how and why the Board reaches certain decisions; specifically, how it weighs up the input of different stakeholders (Supporting Organisations, Advisory Committees and the public) and how it incorporates these into the decision-making process. The By-Laws already state that after taking action on policies that substantially affect the operation of the Internet or third parties the Board needs to “publish in the meeting minutes the reasons for any action taken, the vote of each director and the statements of directors requiring publication of such statement.” The Board should take further steps in its reporting.</p>		<p>For the most important decisions, specifically those that relate to policy considerations, the Board should consider producing a report (separate to the minutes) that explains how all stakeholder input was used in coming to a final decision.</p>
1.7	<p>Currently the main way through which the Board communicates future decisions is through the Board agendas; these are disclosed seven days in advance of the meeting (as stated in the By-Laws). While it is not practical to expect the Board to disclose the <i>final</i> agenda earlier than this, stakeholders need to have adequate warning of what issues are under consideration so as to prepare and provide meaningful input into Board decisions; for this to happen, the current period for agenda disclosure does not suffice.</p>	<p>ICANN should consider providing stakeholders with advance warning of issues for consideration by the Board.</p>	<p>ICANN should consider developing a web-based schedule of Board discussions that are planned over a twelve-week period where the agendas are updated in real time.</p>
1.8	<p>The subcommittees play an important role in the governance of ICANN, having all the legal authority of the Board except for the authority to change the By-Laws, approve the budget and repeal a decision of the Board. It is imperative that they conform to the same standards of transparency as the rest of the organisation.</p>		<p>The subcommittees of the ICANN Board should consider disclosing minutes of their meetings (this should be guided by the Information Disclosure Policy).</p>
1.9	<p>It is currently difficult to follow the course of the policy development process (PDP) across each of the Supporting Organisations, because of how the information and documentation is structured on the website. The ccNSO, for example, places all the information related to a PDP under announcements (‘What’s New’ section of the website). Over time, this information gets lost within the other news items.</p>		<p>Across Supporting Organisations, all documentation and information provided online that relates to policy development processes should be organised in a more accessible and consistent manner.</p>

1.10	A result of the ICANN bottom up process is that each Supporting Organisation and Advisory Committee works according to its own procedures. While this is encouraging, it results in a lack of consistency in how information is presented across each of the respective websites. Not having information in similar places and formats reduces user accessibility.		ICANN should consider developing a shared framework of presenting online information across its Supporting Organisations and Advisory Committees (e.g. rules of procedure, charter, minutes, agendas etc) to ensure user friendliness of web pages.
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No.	Background	Recommendations	
		Strategic / Long Term	Technical / Short Term
<b>2</b>	<b>Participation</b>		
2.1	Public engagement is key to the legitimacy and relevance of ICANN decisions and policy. Supporting Organisations and Advisory Committees undertake consultations on policy, as does the Board. To foster consistency across the different Supporting Organisations in how consultations are conducted and to ensure their potential is maximised, ICANN should develop a set of guidelines for staff and volunteers on how to conduct online public consultations.	Foster consistent engagement with the public across ICANN constituent bodies	ICANN should consider developing a set of guidelines on how to conduct an effective and meaningful online public consultation and assign responsibility for oversight to a senior member of staff.
2.2	To provide the Board of any organisation with the support they need to undertake their responsibilities and make informed decisions, it is good practice to have a secretariat. While a number of staff members within ICANN are assigned support roles to the Board, additional administrative support is required to facilitate more effective participation of Directors in the decision-making process.		ICANN should consider establishing a small secretariat function to support the Board. This would facilitate communication from Staff to the Board, ensure documentation was disseminated in a timely manner and provide general administrative support to individual Board members.
2.3	As ICANN grows and evolves and in parallel to ensuring fair representation of membership, the Board needs to take into account the qualifications of its members to ensure that they have the skills and the vision to respond to the organisation's evolving needs. Given the role of the Nominating Committee in the selection of Board members, it is important that this body is aware of the skill needs of the Board when it nominates the eight of the 21 Directors.		The ICANN Board should consider communicating its skill needs to the Nominating Committee. This process should be linked into an annual Board self-assessment (see recommendation 3.3).

2.4	<p>As well as selecting Board Directors, the Nominating Committee is also responsible for selecting members to the GNSO and ccNSO Councils and ALAC. Similar to the Board, these too need to ensure that they have the necessary skills on their governing bodies. In this respect, it is also important that the Nominating Committee is aware of the skill needs of the GNSO, ccNSO and ALAC when it selects members to these bodies.</p>		<p>The GNSO Council, ccNSO Council and ALAC should consider communicating their skill needs to the Nominating Committee.</p>
2.5	<p>The Nominating Committee forms for eight months of every year to nominate a total of 19 positions throughout the ICANN structure. The workload that comes with participation on this committee is considerable. A substantial amount of this work falls on the Chair.</p>		<p>ICANN should consider providing additional administrative support to the Nominating Committee in the form of a small secretariat function.</p>
2.6	<p>The role of the Nominating Committee Chair is complex as is the process of selecting a new one each year. Given the importance of this body, ICANN should consider extending the time that the Chair stays in their post from 1 year to 2 years to allow time for them to acclimatise to the position.</p>		<p>ICANN should consider extending the time that the Nominating Committee Chair stays in their post from 1 year to 2 years.</p>
2.7	<p>There is currently a lack of clarity around the roles and responsibility of Directors on the ICANN Board. This is manifesting itself at two levels. Firstly at the level of general duties that individual Directors need to fulfil as part of the wider Board membership; and secondly, the roles that Directors play in relation to the Supporting Organisations that elect them.</p> <p>Directors elected by Supporting Organisations should bring the needs and views of these constituencies to the attention of the Board without necessarily endorsing or voting in favour of that view. Although Directors are part of a collective governing body, they also have individual duties. They are expected to attend meeting regularly, contribute actively to deliberations and put the interests of ICANN above any other interests</p>	<p>ICANN should consider ensuring more clarity around Board Directors' duties, roles and responsibilities.</p>	<p>One option would be to introduce a position description for Board members.</p>

2.8	<p>It is good practice among global organisations to enable those formally part of an organisation to hold Directors to account for gross negligence, misconduct, or dereliction of duty. ICANN's By-Laws provide the Board of Directors with the authority to remove other Directors by a ¾ majority of all Directors. However, ICANN policies do not expand on how the process to remove a Director is initiated and who can initiate the process.</p>		<p>ICANN should consider introducing a procedure to enable members of Supporting Organisations and Advisory Committees to initiate a process to dismiss Directors for negligence, misconduct, or dereliction of duty.</p>
2.9	<p>GNSO needs to engage more with individual Internet users in public consultations. A non-voting liaison from ALAC that currently sits on the GNSO Council does provide a communication link between the two bodies, but this does not enable sufficient participation of individual users. To facilitate this process, more effective channels of communication need to be opened between the GNSO and ALAC. A more meaningful channel for ALAC to input into the policy process of the GNSO needs to be developed.</p>	<p>The GNSO should consider ways of better integrating the views and perspectives of individual Internet users, through ALAC, into its policy activities.</p>	

No.	Background	Recommendations	
		Strategic / Long Term	Technical / Short Term
3	<b>Monitoring, Evaluation and Learning</b>		
3.1	ICANN produced its first Annual Report in 2006; while this represents an excellent first step and provides a level of detail that surpasses that of many international non-governmental organisations, there are a number of ways in which it could be improved. It would benefit from more detail and the inclusion of information that would enable the reader to track progress year on year. Currently, the report identifies what activities ICANN has undertaken to achieve its goals; it makes no reference to challenges and how the organisation proposes to address them in the year ahead. ICANN already makes public the Operating Plan Status report. However, this is not accessible to the average Internet user.	ICANN should consider engaging with the ICANN community to identify organisational goals and objectives that are perceived to be most important.	ICANN should consider reporting on performance (including successes, setbacks and solutions) in the Annual Report.
3.2	While as a small organisation ICANN could rely on more informal channels for disseminating lessons, as the organisation grows, it will become necessary for more formal mechanisms to be put in place to facilitate organisational learning across staff, volunteers, Supporting Organisations and Advisory Committees.		ICANN should consider developing mechanisms to facilitate the dissemination of lessons learnt across Supporting Organisations, Advisory Committees, staff and volunteers.

3.3	Annual reviews of Board effectiveness are emerging as a key indicator of organisational performance across the public, private and non-profit sectors. It is considered good practice that the Board annually defines its duties, identifies performance in relation to the goals it set for itself, and suggests actions for better fulfilling them. Although the ICANN By-Laws already state that an independent review of the Board should take place, if feasible, at least once every three years, a Board self-assessment would be separate from this. Independent reviews provide an objective perspective on performance, while self-assessments are more focused on internal learning.	The ICANN Board should consider undertaking an annual self-assessment, similar to that of the Nominating Committee. This would focus on decision making processes, skill needs on the Board, etc.
3.4	Creating the space at the end of a process to reflect on what worked well and what did not work so well can foster a culture of learning and strengthen organisational effectiveness. ICANN needs to be continually improving the policy development processes, as a key component of ICANN activities.	Supporting Organisations should consider undertaking post-action reviews at the end of the policy development process.
3.5	A number of Supporting Organisations and Advisory Committees, including ALAC, GNSO and GAC undertake self-evaluation of their activities (SSAC is in the process of conducting a self-evaluation for the first time). In all cases, this has been noted as a useful process that has led to learning and changes to operating practices. These however have not always been undertaken on a regular basis and the results have not always been publicly shared (ALAC is the exception to this). Given the role that self-assessments play in fostering learning and enabling increased effectiveness, such processes should become more formalised in ICANN.	All ICANN Supporting Organisations and Advisory Committees should consider undertaking an annual self-assessment of their work and share key learning and ways forward.

3.6	To assist Supporting Organisations and Advisory Committees in undertaking self-evaluations, to foster a degree of consistency in how the evaluations are undertaken and ensure that they meet accepted good practice principles, ICANN should produce a guiding document for staff and volunteers on how to undertake such exercises.	Foster consistency in how self-assessments are undertaken and provide staff and volunteers with guidance on good practice principles for evaluations	ICANN should consider developing evaluation guidelines and provide training to policy support officers.
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No.	Background	Recommendations	
		Strategic / Long Term	Technical / Short Term
<b>4</b>	<b>Complaint and Response / Compliance Mechanisms</b>		
4.1	The Ombudsman, Reconsideration Committee and the Independent Review Panel of Board actions, although independent of each other, function together to create a compliance system within ICANN. Each mechanism represents a step in a process of handling a complaint or grievance. As it stands, ICANN does not clearly describe the integrated nature of these mechanisms. Effort needs to be put into drawing the links between the three functions and communicating how they collectively make up the organisation's complaints system		ICANN should clearly describe the integrated nature of the Ombudsman, Reconsideration Committee and Independent Review Panel of Board actions. The links between the three functions and their integrated nature need to be properly communicated.
4.2	While ICANN has three mechanisms for investigating complaints from members of the ICANN community, the organisation does not have a policy or system in place that provides staff with channels through which they can raise complaints in confidentiality and without fear of retaliation. Having such a policy (often referred to as a whistleblower policy) is good practice among global organisations	ICANN should consider implementing processes that act as deterrents to abuses of power and misconduct and which would protect staff who might want to raise such instances.	ICANN should consider developing a whistleblower policy that enables staff to raise concerns in a confidential manner and without fear of retaliation; and developing appropriate systems to foster compliance
4.3	Since the creation of the Ombudsman, the number of complaints handled through the formal complaint channel of the Reconsideration Committee has dropped. As the Ombudsman's office continues to reach out to the community and raises awareness of the function within the ICANN community, there is the possibility that the number of complaints it has to handle will increase. The office's user group is the entire Internet community, yet it is currently staffed by a single full time Ombudsman and an adjunct Ombudsman that provides holiday cover	ICANN should consider strengthening the capacity of the Ombudsman's office	ICANN should consider recruiting full-time administrative support for the Ombudsman.

4.4	<p>To be effective as a mechanism that stakeholders can use to query Board decisions, it is important that the Reconsideration Committee is accessible to its users. Key to this is that stakeholders are aware of the mechanism and how to use it; and that they are not prevented from accessing it because of procedural barriers. There is currently no statement in the By-Laws or otherwise, stating that a request for reconsideration can be made in multiple languages. Likewise, the Reconsideration Committee needs to take more active steps in disseminating information on how the mechanism can be used.</p>	<p>ICANN should consider making the Reconsideration Committee more accessible to all stakeholders.</p>	<p>ICANN should consider developing systems to support the handling of requests for reconsideration in multiple languages and actively raising awareness of the mechanism and its use among the Internet community.</p>
4.5	<p>The ICANN By-Laws state that Board decisions on the recommendations of the Reconsideration Committee shall be made public as part of the preliminary report and minutes of the Board meeting at which action is taken. While this is good practice, the actions should also be reported online next to the documents on the Reconsideration Committee website that relate to the specific request for reconsideration. This would make it easier for the reader to follow the reconsideration process from start to finish (the initial request, the committee response, the recommendations and the board actions). This was something that ICANN seemed to do up until February 2000. Practice now however, is to state the date on which the Board took action, but not to provide a link to the appropriate minutes.</p>		<p>The Reconsideration Committee should consider publicly disseminating the actions taken by the Board alongside the documentation relating to the specific request for reconsideration so that stakeholders are able to follow the process from start to finish.</p>
4.6	<p>In the Ombudsman framework there is a specific commitment made by the Board to respond to Ombudsman recommendations within 60 days of the next Board meeting. There is no similar commitment made in relation to responding to Reconsideration Committee's recommendations.</p>		<p>The Board should consider making a commitment to responding to the recommendations of the Reconsideration Committee within a specific period of time.</p>

4.7	<p>The By-Laws state that the Reconsideration Committee, upon deciding to take forward a reconsideration request will deliver its recommendations within 90 days. Of the eight requests for reconsideration (that have been made since the reconsideration policy was revised in Oct 2000 and the commitment to the 90 days was made), three have not been handled in the stated time. Based on the response rate of the Reconsideration Committee since 1999, of the 29 requests made only 13 recommendations were delivered within a 90 day period. This evidence suggests that the Reconsideration Committee has historically struggled to deliver their recommendations in the time period that it now commits to.</p>		<p>ICANN should consider reviewing the capacity of the Reconsideration Committee to supply recommendations within 90 days of receiving a request for reconsideration with the purpose of either increasing the capacity of the Committee or increasing the stated response time.</p>
4.8	<p>When Board members who participated in the original decision are the only people reconsidering that decision possible issues arise related to the objectivity of the process. While having current Board members present for reconsideration does provide insight on the issue, there is a need for at least one non-executive individual to provide independent, objective thought. This role would essentially be one of facilitation where member would inject some impartiality into the Committee's reconsiderations.</p>		<p>ICANN should consider introducing an independent member onto the Reconsideration Committee to act as a facilitator. The individual would provide impartial and objective assessment to Committee members on reconsiderations.</p>
4.9	<p>The independent review of Board actions mechanism plays an important role in the accountability of ICANN. Although it has never been used to date, as the organisation evolves, ICANN needs to make sure it is well developed and meets the same high standards of the other parts of its complaints system. Currently, there is limited amount of information available on ICANN's website on how it works. Other than what is in the By-Laws, there is no information on the ICANN website on how to initiate a complaint through this process and no information on how the complaint will be dealt with.</p>		<p>ICANN should develop a separate page on their website that provides the rules of procedure for the Independent Review of Board actions, as mandated by the By-Laws, and which also provides an explanation of how to make a complaint through the Independent Review of Board actions function, and the steps that are involved in the review process.</p>

4.10	<p>The Independent Review states that the party that loses is liable to cover the costs of the Independent Review Panel, unless exceptional circumstances apply, then the winning party might be asked to cover half the costs. Understanding that this has been put in place to prevent frivolous complaints, there is the potential that the cost could pose a barrier to certain stakeholders using the mechanism.</p>	<p>ICANN should consider strengthening the accessibility of the Independent Review Panel mechanism to the ICANN community.</p>	<p>ICANN should consider removing the burden of making the losing party cover the costs of the Independent Review as a means of increasing the accessibility of the mechanism.</p>
4.11	<p>A major problem with the Independent Review mechanism is that it is not institutionalised; it only comes into being when a complaint is filed with the international arbitration provider. As a mechanism that plays an important role in overseeing the actions of the Board, it should have a more stable character and prominent role within ICANN. ICANN attempted to craft a more institutionalised and stable Independent Review Panel between 2000 and 2002. They should look at this option again, as good practice for external complaints mechanisms, suggests there are a number of areas where they might want to approach the issue differently (e.g. less stringent criteria for membership to the panel).</p>	<p>ICANN should consider creating a more institutionalised and stable Independent Review Panel.</p>	

No.	Background	Recommendations	
		Strategic / Long Term	Technical / Short Term
<b>5</b>	<b>Overarching Accountability issues</b>		
5.1	Our review revealed that while ICANN has the policies and procedures in place to foster transparency and accountability, these are not always consistently followed. While the Ombudsman, Reconsideration Committee and the Independent Review of Board actions provide complaints based approaches to compliance, to generate greater trust among stakeholder, ICANN needs to take a more proactive approach. To address this issue, ICANN should consider a regular independent audit of their compliance with accountability and transparency commitments. Alternatively, it could develop a permanent compliance function to emphasize prevention by identifying shortcomings as they emerge and before they become systemic problems.		ICANN should consider having an independent report produced, perhaps annually, that would measure the organisation's compliance with transparency and accountability commitments made in its By-Laws.
5.2	In ICANN there is a mixture of volunteers and staff conducting the work; many people are working remotely. This creates challenges associated with ensuring all parties share the same values and beliefs about what kinds of goals the organization should pursue, how they should interact with the outside world and the appropriate kinds or standards of behaviour that should be used to achieve these goals.		ICANN should consider developing a code of conduct for all staff and volunteers that identifies the goals of the organisation, the appropriate kinds or standards of behaviour that should be used to achieve these goals and how they should interact with the outside world.
5.3	Within the ICANN community there is ambiguity around what it is that ICANN does (and should do). This has considerable impact on issues of accountability, as it ultimately relates to what people perceive the organisation as being accountable for.	ICANN needs to communicate more effectively to the outside world what its core activities are.	

## **Acronyms**

ALAC: At-Large Advisory Committee

ccNSO: Country-Code Names Supporting Organization

ccTLD: Country Code Top Level Domain

ASO: Address Supporting Organization

GAC: Governmental Advisory Committee

GNSO: Generic Names Supporting Organization

gTLD: Generic Top Level Domain

ICANN: Internet Corporation for Assigned Names and Numbers

IETF: Internet Engineering Task Force

ISP: Internet Service Provider

NomCom: Nominating Committee

RIR: Regional Internet Registry

RSAC: Root Server System Advisory Committee

SO: Supporting Organization

SSAC: Security and Stability Advisory Committee

TLG: Technical Liaison Group

TLD: Top Level Domain

## Appendices:

### Appendix 1 – Information Disclosure Policy

Key elements of an information disclosure policy

- A commitment to respond to requests for information and provide a justification for denial
- Clarity about the timeframe for responding to information requests
- A narrowly defined set of conditions for non-disclosure
- An appeal process if an information request is denied

#### Example of narrowly defined conditions for non-disclosure:

The Asian Development Bank in its [Public Communication Policy](#) is one of the few global organisations that identify a narrow set of conditions for the non-disclosure of information. These are listed below.<sup>14</sup>

- Internal information that, if disclosed, would or would be likely to compromise the integrity of ADB's deliberative and decision-making process by inhibiting the candid exchange of ideas and communications, including internal documents, memoranda, and other similar communications to or from Directors, their Alternates, Director's Advisors, members of Management, ADB staff, and ADB consultants.
- Information exchanged, prepared for, or derived from the deliberative and decision-making process between ADB and its members and other entities with which ADB cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among ADB and its members and other entities with which ADB cooperates by inhibiting the candid exchange of ideas and communications, particularly with respect to policy dialogue with developing member countries.
- Information obtained in confidence from a government or international organization that, if disclosed, would or would be likely to materially prejudice ADB's relations with that party.
- Individual records, including terms of employment, performance evaluations, and personal medical information of Directors, their Alternates, and Director's Advisors, members of Management, and ADB staff and consultants, as well as proceedings of internal appeal mechanisms and investigations, except to the extent permitted by staff rules and Board of Directors rules and regulations.
- Information provided to ADB by a party that, if disclosed, would or would be likely to materially prejudice the commercial interests, financial interests, and/or competitive position of such party.
- Confidential business information.

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<sup>14</sup> The Public Communication Policy of the Asian Development Bank: Disclosure and Exchange of Information, June 2005.

- Information related to procurement processes, including pre-qualification information submitted by prospective bidders, tenders, proposals, or price quotations.
- Information that, if disclosed, would or would be likely to endanger the life, health, or safety of any individual.
- Information that, if disclosed, would or would be likely to materially prejudice the administration of justice.
- Information subject to the attorney–client privilege, or whose disclosure might prejudice an investigation.
- The source of a corruption allegation.

ADB states that information that falls within these conditions can still be made public if ADB determines that the public interest in disclosing the information outweighs the harm that may be caused by such disclosure. The “public interest override” may be triggered by, for example, a request for information that reveals a serious public safety or environmental risk.

#### **Example of key elements of a disclosure policy:**

The United Nations Environment Programme (UNEP) employs the key principles of information disclosure in its policy and procedures on the availability of documentary information for GEF-related projects. The principles are listed below.<sup>15</sup>

- UNEP will make available the requested document within 15 working days of receipt of the request
- If the time limit will not be met, UNEP will write to the requester with a notification of an extension of the time limit and the reasons for the extension.
- UNEP lists eight narrowly defined conditions for not disclosing information:
  - information provided by a government or international organisations in the expectation that the information will be kept confidential;
  - records related solely to personnel files;
  - records related to employees, including performance evaluation;
  - trade secrets and commercial or financial information obtained from a person and privileged and confidential;
  - personnel files that constitute a clearly unwarranted invasion of personal privacy;
  - drafts of correspondence;
  - correspondence or messages of a deliberative nature prior to finalisation of documents or agreements;
  - identity of independent technical advisors of GEF projects.
- Requesters may appeal a denied request for information to the Executive Director who may convene a GEF Information Appeals Committee. The requester will be notified within thirty working days from the receipt of the appeal.

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<sup>15</sup> UNEP Administrative Note, Policy and Procedures related to public availability of documentary information on GEF operations, September 1993.

## Appendix 2 – Translation policy

Within global organisations, a balance often needs to be struck between proactive translation and reactive translation. This involves two elements: First, identifying core groups of information/documentation that are important both to the communication of the organisations message and to facilitate the participation of stakeholders and actively translating these. Second, developing a set of criteria/guidelines that staff can use to inform their ad hoc decision on what to translate.

The World Bank, for example, identifies a number of core areas where translation needs to take place. This includes:<sup>16</sup>

- Documents and publications that address the institution’s overall business and strategic thinking that are destined for a wide international audience (such institutional annual reports; operational policies, procedures, and guidelines; and issues and strategy papers)
- Documents provided to an audience for public consultation. Documents provided for international public consultation would be translated into relevant international languages, subject to the business sponsor’s judgment. Documents provided for local public consultation would be translated into the language(s) used by the parties to be consulted.

For other documentation and information, a set of criteria/guidelines should be identified that help staff make decisions on translations. ADB for example lists the following:<sup>17</sup>

- *Nature and Purpose of the Document.* How does the document fit into the organisation’s priorities? Who are the audiences of this document? Do they understand English? Will the document meet its purpose if it is not translated?
- *The Number of People Who Need the Information.* Do enough people need the information contained in the document to merit translation?
- *Life Span of Document.* Will this document be in effect or relevant long enough to merit translation?
- *Length of Document.* How long is the document? Will this length make it difficult, lengthy, or expensive to translate? Will this length make it unlikely that the audience would read it? Should only a portion of the document (e.g., summary) be translated?
- *Time Required for Translation.* How much time would it take to translate the document? Would it be available in a timely manner such that the audience could benefit from and make use of the information?

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<sup>16</sup> World Bank (2003) A Document Translation Framework for the World Bank Group, available at, [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2003/11/17/000112742\\_20031117091909/Rendered/PDF/261450TranslationFramework.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2003/11/17/000112742_20031117091909/Rendered/PDF/261450TranslationFramework.pdf)

<sup>17</sup> ADB (2007) Translation Framework, available at <http://www.adb.org/Documents/Guidelines/Translation-Framework/translation-framework-2007.pdf>

- *Dollar Costs and Opportunity Costs.* What is the cost of translating the document? Given this cost, does it make sense to translate? Would using funds to translate this document limit the organisation's ability to fund other translations of future documents that may be more important, impactful, and/or strategic?

Also important to a translation policy is the inclusion of information on how stakeholders can request the translation of a document. This is a principle currently lacking from most translation policies of global organisations, but one that is very important to accountability.

### ***Additional approaches to translations***

The World Bank offers some insight into how other international institutions manage translation, as seen in the following excerpt from the Bank's [Translation Framework](#):<sup>18</sup>.

Some international institutions have a language policy that mandates a set of official and working languages for organizational use, meetings and documents, recruitment, and public information. For some, their founding charters include a clause enumerating the organization's official and working languages, and their translation practice and policy derive from their language policy or approach. These organizations routinely translate all official documents into their official languages—which all have equal status—and translation is generally provided either through a central unit or outsourced to external vendors, or both as necessary.

***United Nations:*** The United Nations has six official languages (Arabic, Chinese, English, French, Russian, and Spanish); all the documents of the General Assembly, its committees and subcommittees and subsidiary organs, and the Security Council are produced in all official languages. Each United Nations institution selects official and working languages from the six official languages for its own constituency. In addition, Germany, Austria, Switzerland, and Liechtenstein finance a section of the Secretariat that translates into German all resolutions and decisions of the United Nations General Assembly, the Security Council, and the Economic and Social Council. The United Nations has about 460 staff involved in translation.

***European Union:*** At the European Union, all 23 official languages of member countries have equal status; however, not all languages are used in all European institutions for every occasion. The European Union translates all laws, job postings, procurement requests for bids, and so on, into all the official languages. The European Union has the world's largest translation bureau, with about 3,000 staff at an annual cost of US\$475 million. In 1999 this figure corresponded to about 40 percent of the administrative budget of the European Union, which accounted for 2 percent of the overall budget.

***OECD:*** The official languages of the Organisation for Economic Co-operation and Development (OECD) are French and English: official documents are translated into these two languages. The OECD also translates official documents into German at the request of the German government, which

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<sup>18</sup> World Bank (2003) *op cit*

reimburses the associated costs to OECD. The OECD has a translation unit of 87 staff, which handles all requests for translation. The unit's budget for 2002 was about US\$8.9 million (plus the German section, which accounted for about US\$1.7 million).

**IMF:** The IMF's By-Laws provide that English is the working language. The IMF translates documents, speeches, and papers into English, and from English into other languages, as business requires. The languages into which IMF documents are most commonly translated are Arabic, Chinese, English, French, German, Portuguese, Russian, and Spanish. The IMF has about 90 staff in its Language Services Department, which handles all translation requests. They produce about 30 million words yearly, of which about 50 percent is outsourced.

**African Development Bank (AfDB):** The official languages are English and French. Documents are routinely translated into these languages, according to member countries' needs. AfDB also translates information—consultations, disclosed information, publications, and so on—into other languages, depending on its external communication needs. The Vice Presidency for Corporate Management includes the Languages Services Unit, which employs translation and interpretation staff.

**European Bank for Reconstruction and Development (EBRD):** English, French, German, and Russian are the working languages. The EBRD's policy is that the languages should be used "according to the Bank's day-to-day needs, and taking into consideration the interests of efficiency and economy." The EBRD has seven translation staff in London, and they outsource most of their translations. The EBRD is reviewing its public information and disclosure policies, and translation is a crucial issue in these reviews. A draft proposal recommends "on a one-year basis the Bank translate each approved Country Strategy into the relevant official national language as set out in the relevant laws. In those countries where there is more than one official language, and where one of those languages is a designated working language of the Bank, the translation will only be provided in such working language."

**World Bank Group:** The working language of the World Bank Group is English. Until 2003, the World Bank Group did not have a well-articulated policy or approach to document translation. In 2003, it issued a document translation framework that lays out a pragmatic and decentralized approach towards translation. Under this approach, the responsibility for decisions on translation (including what, when, and how) is vested in each document's business sponsor. Each institution within the World Bank Group funds and makes decisions about translation depending on its business needs and the language approach that would allow it to reach the widest relevant audience for its work.

The framework provides the following "good practice principles" to guide decision makers as they choose which documents to translate: (i) documents and publications that address the institution's overall business and strategic thinking and that are destined for a wide international audience; (ii) documents provided to an audience for public consultation; and (iii) documents and publications that address country- and project-specific information. The World Bank does not translate documents owned by borrowers.

## **Appendix 3 – Outline for Supporting Organisation and Advisory Committee website templates**

### **About Us**

- What the SO or AC does and what's it responsible for
- Joining information (becoming a member of the SO/AC)
- Mailing list

### **Governance**

- Council
  - o Council members
    - Terms
    - Backgrounds
  - o Meetings
    - Schedule
    - Minutes
      - Current
      - Past
  - o Documents
    - Operating procedures
    - By-Laws pertaining to relevant body
- ICANN Participants
  - o Persons selected by SO/AC for other ICANN bodies, either Board, NomCom, or other SOs and ACs

### **Policy**

- Current Policies
- PDP
  - o Ongoing
    - Each ongoing PDP
      - Broken into milestones of PDP
      - Each report produced by Issue/staff manager
  - o Past PDPs

### **Constituencies**

- various constituencies listed

## Appendix 4 – Guidelines for Public Consultation

Key elements of guidelines for public engagements are:

- The conditions under which external stakeholders can expect to be engaged and at what level of decision making
- Details on how external stakeholders can initiate engagement on issues that are of concern to them
- A commitment that the organisation will clearly communicate in a timely manner the purpose of the engagement and that the results of engagement will be made public unless otherwise specified by external stakeholders
- A commitment that the organisation will change policy or practice as a result of engagement else an explanation is provided to stakeholders

### [OECD guidelines for online public consultations](#)<sup>19</sup>

The OECD guidelines for online public consultation divide the consultation process up into a number of different stages and identify the key considerations and principles that need to guide activities at these different stages. The Civil Society Liaison Manager oversees these guidelines:

#### **LEADING UP to the consultation:**

Begin the consultation process long before the consultation per se.

- Advertise upcoming online consultations several months in advance of the actual consultation so that organisations expect and prepare for it.
- Ask civil society organisations (CSOs) which follow your work to help circulate the information.
- Ask for suggestions about appropriate organisations to consult.

#### **LAUNCHING the consultation:**

Explain the consultation procedure and how you will treat responses.

A consultation document should be sent out to your contacts at the time of the launch of the consultation and posted on your website. It should:

- Explain who will use the responses and for what purpose.
- Explicitly state to whom to respond to direct queries to, giving a name, address, telephone number and e-mail address (the project manager), and highlight the information.
- Clearly state the deadline for responses, any alternative ways of contributing and the language(s) in which responses are preferred.

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<sup>19</sup> OECD, Guidelines for Online Public Consultation, available at [https://www.oecd.org/document/40/0,2340,en\\_2649\\_34495\\_37539752\\_1\\_1\\_1\\_1,00.html](https://www.oecd.org/document/40/0,2340,en_2649_34495_37539752_1_1_1_1,00.html)

- Make it clear that responses, including the names and addresses of respondents, may be made public unless confidentiality is specifically requested.
- State the date when and the web address where the summary of responses will be published.

Simplify the process; provide all relevant documentation.

- Include relevant documents on the subject along with the online questionnaire or survey. Not only does this lead to a more informed consultation exercise, but it also ensures that stakeholders have a better understanding of the issues.
- Provide a well-written executive summary that covers the main points so that those consulted can decide whether the consultation is relevant to them or not.
- Provide material on previous consultation(s) on the same topic, if any.
- Avoid jargon and only use technical terms where absolutely necessary. Explain complicated concepts as clearly as possible and, where there are technical terms, provide a glossary.
- Ask focused questions, and be clear about the specific points on which you are seeking views. Encourage respondents to provide evidence, where appropriate, to support their responses. Make it clear if there are particular areas where their input would be especially valuable. Responses are likely to be more useful and focused if the respondents know where to concentrate their efforts.

Allow adequate time for responses.

- Allow 8 to 12 weeks for responses – and, just as importantly, allow enough time between the end of the consultation and the formal discussion of the results to distil the responses and summarise them in a way that is can easily comprehensible. Where a consultation takes place over a holiday, remember to allow extra response time (up to an additional four weeks).

### **FOLLOWING the consultation:**

Analyse and summarise responses for formal discussion and publication on the website.

- Compile and analyse the comments, then draw up a short summary, emphasising the main points. This should be presented for formal discussion and posted on the website at the end of the process.
- Do not simply count votes when analysing responses. Particular attention should be paid to possible new approaches to the question consulted on; further evidence of the impact of the proposals; and strength of feeling among similar pressure groups.
- Make every effort to ensure that discussion takes the public input into account.

Report back to the public via the website and other channels.

- It is not enough to simply publish the responses on the website. It is also important to present the final product under debate, and, where possible, any impact that the public input may have had on the discussion.
- Aim to publish the summary of public responses on the website at the end of the process. Other forms of feedback might also be considered, such as a note expressing appreciation for the public input and offering any information possible about its impact for publication on the website.
- Information should also be provided on themes that came out of the consultation which were not covered by the questions.
- Wherever possible, a summary of the next steps for the project should also be included.
- Consider sending any or all of the above elements to the organisations that helped circulate the information about the public consultation on their websites.

Monitor your effectiveness.

- Invite respondents to comment on the consultation process and suggest ways of further improving it.
- Explicitly state whom to contact if respondents have comments or complaints about the consultation process. This should be someone outside the team running the consultation.
- Look at usefulness, scope and coverage, numbers and types of comments received for future reference.

## Appendix 5 – Whistleblower policy

### Key Elements of a whistleblower policy

- Commitment to maintain confidentiality of complainants
- Guarantee of non-retaliation against complainants
- Clear description of how a complaint can be made and how it will be investigated
- Assurances of the independence of those assessing, investigating and responding to complaints
- An appeals process if a stakeholder is not satisfied with an investigation's outcome
- Require all negative consequences suffered by victims of proven whistleblower retaliation are reversed and that anyone found to have retaliated against a complainant receives mandatory discipline

### Example of the key elements of a whistleblower policy in use:

The [UN Anti-Retaliation Policy](#) is considered to be one of the most thorough whistleblower policies available for internal and external stakeholders. The policy incorporates many of the best practice principles, as seen below in the Government Accountability Project's assessment of the document:<sup>20</sup>

- A broad mandate protecting freedom of expression for those who disclose misconduct that threatens the body's core human rights mission.
- Multiple internal channels for reporting corruption and abuse – Ethics Office, Office of Internal Oversight Services, and department head -- thus providing safeguards against institutionalized conflict of interest.
- Qualified protection for external, public whistleblowing to the media or outside organizations, overriding the institutionalized gag order requiring advance permission for any communications outside organizational walls and thus closing a loophole that frequently cancels real whistleblower protection. The United Nations is the first IGO to endorse public freedom of expression.
- Protection for 'outside parties' including contractors, consultants and even citizens affected by United Nations activities when they bear witness to misconduct.
- Protection for refusal to violate the law, allowing whistleblowers to speak out when ordered to betray not only the Charter of the United Nations and any regulations or rules derived from it but any national or international law.
- Modern legal burdens of proof comparable to the state-of-the-art provision of the U.S. Whistleblower Protection Act, guaranteeing fairness on standards of evidence of retaliation an individual must demonstrate to win the case.
- The right to use the policy in the Joint Appeals Board and Administrative Tribunal process that already exists to challenge termination or other adverse action.
- Mandatory discipline for those found guilty of retaliation.
- A commitment to thorough training for staff and management, as well as posting of the new rights, to help insure the reforms are properly understood and take root in the institutional culture.

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<sup>20</sup> See [http://www.whistleblower.org/content/press\\_detail.cfm?press\\_id=315](http://www.whistleblower.org/content/press_detail.cfm?press_id=315)

## **Appendix 6 – Individuals Interviewed**

These individuals provided invaluable comments during the review process. This report is neither the reflection of their collective views or of the views of any particular interviewee.

### **Alphabetical by last name:**

Carlos Afonso  
Donna Austin  
Doug Brent  
Stace Burnette  
Vint Cerf  
Susan Crawford  
Ute Decker  
Alister Dixon  
Avri Doria  
Frank Fowle  
Tamra Frankel  
Jeanette Hoffman  
John Jeffrey  
Janis Karklins  
Paul Levins  
Denise Michel  
Milton Mueller  
Dave Piscatello  
Kurt Pritz  
Rita Roden  
Barbara Roseman  
Theresa Swinehart  
Mohamed Sharil Tarmizi  
Paul Twomey  
Laruen Weinstein

## Appendix 7 – Referenced Documents

List of key organisational documents consulted for the assessment

### General or non-specific documents

- ICANN Bylaws (28 February 2006)
- Crawford, Susan, "Meeting White Paper," ICANN (6 November 2005).
- Preliminary Report, Regular Meeting of the Board, Rio de Janeiro, 27 March 2003
- Submissions to the ICANN Accountability and Transparency Management Operating Principles
- Submissions to the President's Strategy Committee
- Annual Report (2005-2006)
- Memorandum of Understanding Status report (2005)
- Memorandum of Understanding Status report (2006)
- Proposed Budget (2006-2007)
- Operational Plan (2006-2007)
- Operating Plan Status Report (30 November 2006)
- Joint Project Agreement (2006)
- Reconsideration Committee Annual Report (2006)
- Conflicts of Interest Policy
- Nominating Committee Operating Procedures (2007)
- Nominating Committee Final Report (2005-2006)
- ICANN Summary of Input on Transparency and Accountability Management Operating Principles
- Reconsideration Committee Annual Report (2004)
- Uniform Domain Name Dispute Resolution Policy (1999)

### Board

- Board Minutes
- Voting Transcripts

### Ombudsman

- Case Report from Ombudsman to Board (2007)
- Case Report from Ombudsman to the Board (2006)
- Ombudsman Annual Report (2006)
- Ombudsman Annual Report (2005)
- Ombudsman Framework (2005)
- Ombudsman Management Principles (2005)
- Ombudsman Value Statement
- Results Based Management Framework for Ombudsman (2005)
- November, Independent Review of Lit Review (2006)

### ASO

- ASO Council Minutes
- ASO Memorandum of Understanding (2004)
- Policy Development Procedures

## **GNSO**

- GNSO Council Minutes
- Sharry, Patrick. "A review of the Council of the Generic Names Supporting Organization of the Internet Corporation for Assigned Names and Numbers," ICANN (2004).

## **ccNSO**

- Accountability Framework Guidelines
- Best Practice Guidelines for ccTLD Managers (March 2001)
- ccNSO Council Minutes
- ccNSO Rules
- Re/Delegation Guidelines for ccTLD Managers
- Report of the ccNSO Budget Working Group to the ccNSO Council

## **ALAC**

- At-Large Framework Formation
- Case Report from Ombudsman to the Board (2007)
- Case Report from Ombudsman to the Board (2006)

## **GAC**

- GAC Communiqué – Marrakech (June 2006)
- 2005, GAC Operating Principles
- Address of the President and CEO of ICANN to Sub Committee A (14 November 2005)
- Statement by the Chairman of the GAC, ICANN to Sub Committee A (14 November 2005)

## **SSAC**

- Security Committee Charter (2002)
- SSAC Work Plan Page (2006)

## **External documents**

- Bastow, Simon, et al. "A Review of the Generic Names Supporting Organization (GNSO)," *LSE* (2006).
- Center for Democracy and Technology. *Assessing ICANN: Towards Civil Society Metrics to Evaluate the ICANN Experiment* (31 July 2003).
- Frankel, Tamar, "Accountability and Oversight of the Internet Corporation for Assigned Names and Numbers," *Boston University School of Law Research Paper Series*, Public Law & Legal Theory Research Paper No. 02-15 (August 2002).

- Hasbrouck, Edward. Submission to National Telecommunications and Information Administration (July 2006)
- International Institute for Sustainable Development for the Canadian Internet Registration Authority. *Accountability and Transparency in Internet Governance* (December 2006).
- Klein, Hans “the feasibility of global democracy: understanding ICANN’s at-large election,” *the Journal of Policy, Regulation and Strategy for Telecommunications Information and Media* (v3, n4, August 2001).
- Klein, Hans and Mueller, Milton. “What to Do About ICANN: A Proposal for Structural Reform,” *Internet Governance Project* (5 April 2005).
- Koppell, Jonathan GS, “Pathologies of Accountability: ICANN and the challenge of ‘Multiple Accountabilities Disorder,’” *Yale School of Management*.
- Mueller, Milton. “Political Oversight of ICANN: A Briefing for the WSIS Summit,” *Internet Governance Project* (1 November 2005).
- Report of the NGO and Academic ICANN Study. *ICANN, Legitimacy, and the Public Voice: Making Global Participation and Representation Work* (August 2001).
- Society of Critical Care Medicine, *Volunteer Code of Conduct and Conflict of Interest, Assignment of Rights, Disclosure Policy* (2005).
- Weinstein, Lauren, and Neumann, Peter G., “Abolition,” *People for Internet Responsibility* (2000).



2.1.3 June 2007 Announcement of ICANN  
Response to One World Trust Review of  
ICANN's Accountability and Transparency  
[http://www.icann.org/transparency/mop-  
update-07jun07.htm](http://www.icann.org/transparency/mop-update-07jun07.htm)

## ICANN Response to One World Trust Review of ICANN's Accountability and Transparency — Structures and Practices

7 June 2007

1. [Transparency & access to Information](#)
2. [Participation](#)
3. [Monitoring, Evaluation and Learning](#)
4. [Complaint and Response / Compliance Mechanisms](#)
5. [Overarching Accountability issues](#)

No.	Background	Recommendations	Response
<b>1</b>	<b>Transparency &amp; access to Information</b>		
1.1	While ICANN is committed to transparency, the information (type and level of detail) made publicly available by its different bodies lacks consistency. For example, while Board minutes are publicly disseminated, only one of the Board's eight subcommittees discloses minutes from its meetings via the ICANN website; this is also the case with meeting agendas. As a basic good practice principle for transparent decisions making, meeting agendas need to be made available to relevant stakeholders in advance of the meeting. In ICANN, this principle is currently only applied by the Board and the GNSO Council.	ICANN should consider developing a formal Information Disclosure Policy that clearly states what, when and how information will be made available at different levels of the organisation	An Information Disclosure Policy will be included in the draft Management Operating Principles document to be released for discussion at the San Juan meeting.
1.2	High levels of openness and transparency both at the Board level and among its Supporting Organisations and Advisory Committees is necessary. However, there are circumstances where information needs to remain confidential due to legal, contractual or security issues. This is acceptable (as full transparency can at times be detrimental to an organisation's decision-making processes or activities) as long as narrowly defined criteria for nondisclosure are provided.	ICANN should develop an Information Disclosure Policy that identifies a set of clear and narrowly defined conditions for nondisclosure that apply throughout the organisation.	An Information Disclosure Policy will be included in the draft Management Operating Principles document to be released for discussion at the San Juan meeting.
1.3	To ensure compliance with any organisational policy, it is important that there is high level oversight and leadership. Without this, implementation will only ever be piecemeal. To ensure implementation of the information disclosure policy within ICANN, oversight responsibility should be assigned to a senior manager. An annual review should also be undertaken which identifies how ICANN is complying with the policy, where some of the gaps lie and how they will be addressed.	A publicly named senior manager should be assigned ICANN should consider assigning responsibility for overseeing organisation-wide compliance with the Information Disclosure Policy to a publicly named senior manager; and making publicly available an annual review that documents compliance with the policy.	The Vice President - Corporate Affairs will produce an annual review of compliance with the Information Disclosure Policy and publish the findings in the Annual Report.

<p>1.4</p>	<p>ICANN discloses large amounts of information that, while reflecting the organisation's openness, makes locating information difficult. Redesigning the website will make information more accessible; yet ICANN should also consider putting in place a function to support stakeholders in finding information. This could be similar to a 'contact us' function by enabling an individual to contact an ICANN staff member whose responsibility includes assisting stakeholders to locate information.</p>	<p>ICANN should consider assisting stakeholders in locating online information through a function that enables them to contact a staff member with a specific document query.</p>	<p>A "Need help locating a document" button will be placed on the website which will offer staged assistance with locating documents, beginning with existing search mechanisms and concluding with an email box.</p>
<p>1.5</p>	<p>On its website, ICANN has translated basic information about the organisation and its operations, and has done this in 10 languages (including English). Across other documents, however, there is less consistency. ICANN should identify the key documents that need to be accessible to a wide range of stakeholders to foster informed engagement in the policy development process, but also to enable stakeholders to exercise scrutiny over ICANN.</p>	<p>ICANN should consider developing a translation policy that identifies which documents are translated and includes provisions on management and infrastructure issues for translation</p>	<p>A Translation Policy will be included in the draft Management Operating Principles document to be released for discussion at the San Juan meeting.</p>
<p>1.6</p>	<p>Despite the openness of ICANN, there remains a lack of clarity among many in the ICANN community as to how and why the Board reaches certain decisions; specifically, how it weighs up the input of different stakeholders (Supporting Organisations, Advisory Committees and the public) and how it incorporates these into the decision-making process. The By-Laws already state that after taking action on policies that substantially affect the operation of the Internet or third parties the Board needs to "publish in the meeting minutes the reasons for any action taken, the vote of each director and the statements of directors requiring publication of such statement." The Board should take further steps in its reporting.</p>	<p>For the most important decisions, specifically those that relate to policy considerations, the Board should consider producing a report (separate to the minutes) that explains how all stakeholder input was used in coming to a final decision.</p>	<p>For decisions that have involved intense discussion in the community, the Board has historically provided a report and individual members have provided statements on why they have voted. Determining what decisions are 'important' requires further discussion. This will be done in the context of discussion about the draft Management Operating Principles. There is a need to summarise the inputs on issues and the impact they had on Board discussion. It may be that this amplification can be done in the context of the minutes although many have said a separate report is required.</p>

1.7	<p>Currently the main way through which the Board communicates future decisions is through the Board agendas; these are disclosed seven days in advance of the meeting (as stated in the By-Laws). While it is not practical to expect the Board to disclose the <i>final</i> agenda earlier than this, stakeholders need to have adequate warning of what issues are under consideration so as to prepare and provide meaningful input into Board decisions; for this to happen, the current period for agenda disclosure does not suffice.</p>	<p>ICANN should consider providing stakeholders with advance warning of issues for consideration by the Board. ICANN should consider developing a web-based schedule of Board discussions that are planned over a twelve-week period where the agendas are updated in real time.</p>	<p>A web based calendar will be developed, but a 12 week timeframe is not practical for the ICANN Board given the immediacy of many discussion items. The Board Secretary will examine any improvements that can be made to the timeframe.</p>
1.8	<p>The subcommittees play an important role in the governance of ICANN, having all the legal authority of the Board except for the authority to change the By-Laws, approve the budget and repeal a decision of the Board. It is imperative that they conform to the same standards of transparency as the rest of the organisation.</p>	<p>The subcommittees of the ICANN Board should consider disclosing minutes of their meetings (this should be guided by the Information Disclosure Policy).</p>	<p>This will be considered in the development of the Information Disclosure Policy and in the context of the Board Review.</p>
1.9	<p>It is currently difficult to follow the course of the policy development process (PDP) across each of the Supporting Organisations, because of how the information and documentation is structured on the website. The ccNSO, for example, places all the information related to a PDP under announcements ('What's New' section of the website). Over time, this information gets lost within the other news items.</p>	<p>Across Supporting Organisations, all documentation and information provided online that relates to policy development processes should be organised in a more accessible and consistent manner.</p>	<p>The process page of the website now captures this information.</p>
1.10	<p>A result of the ICANN bottom up process is that each Supporting Organisation and Advisory Committee works according to its own procedures. While this is encouraging, it results in a lack of consistency in how information is presented across each of the respective websites. Not having information in similar places and formats reduces user accessibility.</p>	<p>ICANN should consider developing a shared framework of presenting online information across its Supporting Organisations and Advisory Committees (e.g. rules of procedure, charter, minutes, agendas etc) to ensure user friendliness of web pages.</p>	<p>Recommendation accepted. The process page of the website will be further developed to capture this information.</p>

| [back to top](#) |

No.	Background	Recommendations	Response
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2	Participation		
2.1	Public engagement is key to the legitimacy and relevance of ICANN decisions and policy. Supporting Organisations and Advisory Committees undertake consultations on policy, as does the Board. To foster consistency across the different Supporting Organisations in how consultations are conducted and to ensure their potential is maximised, ICANN should develop a set of guidelines for staff and volunteers on how to conduct online public consultations.	Foster consistent engagement with the public across ICANN constituent bodies ICANN should consider developing a set of guidelines on how to conduct an effective and meaningful online public consultation and assign responsibility for oversight to a senior member of staff.	A document providing guidelines for effective consultation will be included in the draft Management Operating Principles document to be released for discussion at the San Juan meeting. ICANN will commit to the adoption of the OECD guidelines public consultation.
2.2	To provide the Board of any organisation with the support they need to undertake their responsibilities and make informed decisions, it is good practice to have a secretariat. While a number of staff members within ICANN are assigned support roles to the Board, additional administrative support is required to facilitate more effective participation of Directors in the decision-making process.	ICANN should consider establishing a small secretariat function to support the Board. This would facilitate communication from Staff to the Board, ensure documentation was disseminated in a timely manner and provide general administrative support to individual Board members.	This recommendation is being implemented with the 2007-8 budget.
2.3	As ICANN grows and evolves and in parallel to ensuring fair representation of membership, the Board needs to take into account the qualifications of its members to ensure that they have the skills and the vision to respond to the organisation's evolving needs. Given the role of the Nominating Committee in the selection of Board members, it is important that this body is aware of the skill needs of the Board when it nominates the eight of the 21 Directors.	The ICANN Board should consider communicating its skill needs to the Nominating Committee. This process should be linked into an annual Board self-assessment (see recommendation 3.3).	This does occur but the recommendation will be considered further as part of the Nominating Committee Review.
2.4	As well as selecting Board Directors, the Nominating Committee is also responsible for selecting members to the GNSO and ccNSO Councils and ALAC. Similar to the Board, these too need to ensure that they have the necessary skills on their governing bodies. In this respect, it is also important that the Nominating Committee is aware of the skill needs of the GNSO, ccNSO and ALAC when it selects members to these bodies.	The GNSO Council, ccNSO Council and ALAC should consider communicating their skill needs to the Nominating Committee.	This recommendation will be considered as part of the Nominating Committee Review.

2.5	The Nominating Committee forms for eight months of every year to nominate a total of 19 positions throughout the ICANN structure. The workload that comes with participation on this committee is considerable. A substantial amount of this work falls on the Chair.	ICANN should consider providing additional administrative support to the Nominating Committee in the form of a small secretariat function.	This recommendation will be considered as part of the Nominating Committee Review.
2.6	The role of the Nominating Committee Chair is complex as is the process of selecting a new one each year. Given the importance of this body, ICANN should consider extending the time that the Chair stays in their post from 1 year to 2 years to allow time for them to acclimatise to the position.	ICANN should consider extending the time that the Nominating Committee Chair stays in their post from 1 year to 2 years.	This recommendation will be considered as part of the Nominating Committee Review.
2.7	There is currently a lack of clarity around the roles and responsibility of Directors on the ICANN Board. This is manifesting itself at two levels. Firstly at the level of general duties that individual Directors need to fulfil as part of the wider Board membership; and secondly, the roles that Directors play in relation to the Supporting Organisations that elect them. Directors elected by Supporting Organisations should bring the needs and views of these constituencies to the attention of the Board without necessarily endorsing or voting in favour of that view. Although Directors are part of a collective governing body, they also have individual duties. They are expected to attend meeting regularly, contribute actively to deliberations and put the interests of ICANN above any other interests	ICANN should consider ensuring more clarity around Board Directors' duties, roles and responsibilities. One option would be to introduce a position description for Board members.	This recommendation will be considered further as part of the Board Review to see if any further detail and information can be provided.
2.8	It is good practice among global organisations to enable those formally part of an organisation to hold Directors to account for gross negligence, misconduct, or dereliction of duty. ICANN's By-Laws provide the Board of Directors with the authority to remove other Directors by a $\frac{3}{4}$ majority of all Directors. However, ICANN policies do not expand on how the process to remove a Director is initiated and who can initiate the process.	ICANN should consider introducing a procedure to enable members of Supporting Organisations and Advisory Committees to initiate a process to dismiss Directors for negligence, misconduct, or dereliction of duty.	Fiduciary and other responsibilities already apply to director misconduct and dereliction but this recommendation will be considered further as part of the Board Review.
2.9	GNSO needs to engage more with individual Internet users in public consultations. A non-voting liaison from ALAC that currently sits on the GNSO Council does provide a communication link between the two bodies, but this does not enable sufficient participation of individual users. To facilitate this process, more effective channels of communication need to be opened between the GNSO and ALAC. A more meaningful channel for ALAC to input into the policy process of the GNSO needs to be developed.	The GNSO should consider ways of better integrating the views and perspectives of individual Internet users, through ALAC, into its policy activities.	This recommendation will be considered as part of the work currently being undertaken by the GNSO Improvements Working Group.

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No.	Background	Recommendations	Response
<b>3</b>	<b>Monitoring, Evaluation and Learning</b>		
3.1	ICANN produced its first Annual Report in 2006; while this represents an excellent first step and provides a level of detail that surpasses that of many international nongovernmental organisations, there are a number of ways in which it could be improved. It would benefit from more detail and the inclusion of information that would enable the reader to track progress year on year. Currently, the report identifies what activities ICANN has undertaken to achieve its goals; it makes no reference to challenges and how the organisation proposes to address them in the year ahead. ICANN already makes public the Operating Plan Status report. However, this is not accessible to the average Internet user.	ICANN should consider engaging with the ICANN community to identify organisational goals and objectives that are perceived to be most important. ICANN should consider reporting on performance (including successes, setbacks and solutions) in the Annual Report.	ICANN already identifies organisational goals and objectives through the Strategic Planning and the Operating Plan process. The next Annual Report will attempt to make a clearer link between goals and performance.
3.2	While as a small organisation ICANN could rely on more informal channels for disseminating lessons, as the organisation grows, it will become necessary for more formal mechanisms to be put in place to facilitate organisational learning across staff, volunteers, Supporting Organisations and Advisory Committees.	ICANN should consider developing mechanisms to facilitate the dissemination of lessons learnt across Supporting Organizations, Advisory Committees, staff and volunteers.	This recommendation will be examined further. Staff will work with Supporting Organizations and Advisory Committees to determine how this might be implemented.
3.3	Annual reviews of Board effectiveness are emerging as a key indicator of organisational performance across the public, private and non-profit sectors. It is considered good practice that the Board annually defines its duties, identifies performance in relation to the goals it set for itself, and suggests actions for better fulfilling them. Although the ICANN By-Laws already state that an independent review of the Board should take place, if feasible, at least once every three years, a Board self-assessment would be separate from this. Independent reviews provide an objective perspective on performance, while self-assessments are more focused on internal learning.	The ICANN Board should consider undertaking an annual self-assessment, similar to that of the Nominating Committee. This would focus on decision making processes, skill needs on the Board, etc.	This recommendation will be considered as part of the Board Review.
3.4	Creating the space at the end of a process to reflect on what worked well and what did not work so well can foster a culture of learning and strengthen organisational effectiveness. ICANN needs to be continually improving the policy development processes, as a key component of ICANN activities.	Supporting Organizations should consider undertaking post-action reviews at the end of the policy development process.	Staff will work with Supporting Organizations and Advisory Committees to determine how this might be implemented.
3.5	A number of Supporting Organisations and Advisory Committees, including ALAC, GNSO and GAC undertake self-evaluation of their activities (SSAC is in the process of conducting a self-evaluation for the first time). In all cases, this has been noted as a useful	All ICANN Supporting Organizations and Advisory Committees should	Staff will work with Supporting Organizations and Advisory Committees to

	process that has led to learning and changes to operating practices. These however have not always been undertaken on a regular basis and the results have not always been publicly shared (ALAC is the exception to this). Given the role that self-assessments play in fostering learning and enabling increased effectiveness, such processes should become more formalised in ICANN.	consider undertaking an annual self-assessment of their work and share key learning and ways forward.	determine how this might be implemented.
3.6	To assist Supporting Organisations and Advisory Committees in undertaking self-evaluations, to foster a degree of consistency in how the evaluations are undertaken and ensure that they meet accepted good practice principles, ICANN should produce a guiding document for staff and volunteers on how to undertake such exercises.	Foster consistency in how self-assessments are undertaken and provide staff and volunteers with guidance on good practice principles for evaluations ICANN should consider developing evaluation guidelines and provide training to policy support officers.	Staff will work with Supporting Organizations and Advisory Committees to determine how this might be implemented.

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No.	Background	Recommendations	Response
<b>4</b>	<b>Complaint and Response / Compliance Mechanisms</b>		
4.1	The Ombudsman, Reconsideration Committee and the Independent Review Panel of Board actions, although independent of each other, function together to create a compliance system within ICANN. Each mechanism represents a step in a process of handling a complaint or grievance. As it stands, ICANN does not clearly describe the integrated nature of these mechanisms. Effort needs to be put into drawing the links between the three functions and communicating how they collectively make up the organisation's complaints system	ICANN should clearly describe the integrated nature of the Ombudsman, Reconsideration Committee and Independent Review Panel of Board actions. The links between the three functions and their integrated nature need to be properly communicated.	The draft Management Operating Principles being developed for discussion in San Juan will include a section on dispute resolution processes that better explains the links between functions.
4.2	While ICANN has three mechanisms for investigating complaints from members of the ICANN community, the organisation does not have a policy or system in place that provides staff with channels through which they can raise complaints in confidentiality and without fear of retaliation. Having such a policy (often referred to as a whistleblower policy) is good practice among global organisations	ICANN should consider developing a whistleblower policy that enables staff to raise concerns in a confidential manner and without fear of retaliation; and developing appropriate systems to foster compliance	A whistleblower policy will be developed by General Counsel that outlines ICANN's local obligations under law as well as a statement of principle to develop a uniform approach across ICANN offices.

4.3	<p>Since the creation of the Ombudsman, the number of complaints handled through the formal complaint channel of the Reconsideration Committee has dropped. As the Ombudsman's office continues to reach out to the community and raises awareness of the function within the ICANN community, there is the possibility that the number of complaints it has to handle will increase. The office's user group is the entire Internet community, yet it is currently staffed by a single full time Ombudsman and an adjunct Ombudsman that provides holiday cover</p>	<p>ICANN should consider recruiting full-time administrative support for the Ombudsman.</p>	<p>ICANN will work with the Ombudsman's office to determine the necessity for additional staffing given Budget considerations and the current review of administrative support being undertaken by the ICANN management.</p>
4.4	<p>To be effective as a mechanism that stakeholders can use to query Board decisions, it is important that the Reconsideration Committee is accessible to its users. Key to this is that stakeholders are aware of the mechanism and how to use it; and that they are not prevented from accessing it because of procedural barriers. There is currently no statement in the By-Laws or otherwise, stating that a request for reconsideration can be made in multiple languages. Likewise, the Reconsideration Committee needs to take more active steps in disseminating information on how the mechanism can be used.</p>	<p>ICANN should consider making the Reconsideration Committee more accessible to all stakeholders. ICANN should consider developing systems to support the handling of requests for reconsideration in multiple languages and actively raising awareness of the mechanism and its use among the Internet community.</p>	<p>This will be considered as part of a Translation Policy that will be included in the draft Management Operating Principles document for discussion at the San Juan meeting.</p>
4.5	<p>The ICANN By-Laws state that Board decisions on the recommendations of the Reconsideration Committee shall be made public as part of the preliminary report and minutes of the Board meeting at which action is taken. While this is good practice, the actions should also be reported online next to the documents on the Reconsideration Committee website that relate to the specific request for reconsideration. This would make it easier for the reader to follow the reconsideration process from start to finish (the initial request, the committee response, the recommendations and the board actions). This was something that ICANN seemed to do up until February 2000. Practice now however, is to state the date on which the Board took action, but not to provide a link to the appropriate minutes.</p>	<p>The Reconsideration Committee should consider publicly disseminating the actions taken by the Board alongside the documentation relating to the specific request for reconsideration so that stakeholders are able to follow the process from start to finish.</p>	<p>This will be implemented on publicly available information regarding consideration requests.</p>
4.6	<p>In the Ombudsman framework there is a specific commitment made by the Board to respond to Ombudsman recommendations within 60 days of the next Board meeting. There is no similar commitment made in relation to responding to Reconsideration Committee's recommendations.</p>	<p>The Board should consider making a commitment to responding to the recommendations of the Reconsideration Committee within a specific period of time.</p>	<p>This recommendation will be considered further as part of the Board Review.</p>
4.7	<p>The By-Laws state that the Reconsideration Committee, upon deciding to take forward a reconsideration request will deliver its recommendations within 90 days. Of the</p>	<p>ICANN should consider reviewing the capacity of the</p>	<p>This recommendation will be considered as</p>

	<p>eight requests for reconsideration (that have been made since the reconsideration policy was revised in Oct 2000 and the commitment to the 90 days was made), three have not been handled in the stated time. Based on the response rate of the Reconsideration Committee since 1999, of the 29 requests made only 13 recommendations were delivered within a 90 day period. This evidence suggests that the Reconsideration Committee has historically struggled to deliver their recommendations in the time period that it now commits to.</p>	<p>Reconsideration Committee to supply recommendations within 90 days of receiving a request for reconsideration with the purpose of either increasing the capacity of the Committee or increasing the stated response time.</p>	<p>part of the Board Review.</p>
<p>4.8</p>	<p>When Board members who participated in the original decision are the only people reconsidering that decision possible issues arise related to the objectivity of the process. While having current Board members present for reconsideration does provide insight on the issue, there is a need for at least one non-executive individual to provide independent, objective thought. This role would essentially be one of facilitation where member would inject some impartiality into the Committee's reconsiderations.</p>	<p>ICANN should consider introducing an independent member onto the Reconsideration Committee to act as a facilitator. The individual would provide impartial and objective assessment to Committee members on reconsiderations.</p>	<p>The purpose of the Reconsideration Committee is to review the processes that were followed to determine whether they were in accordance with the ICANN Bylaws. It is only one element in the suite of dispute resolution processes that are available. There are other separate, fully independent review processes if complainants feel that they need to pursue their claim beyond Reconsideration. These will be further examined in the process of the Board Review to see if further independence can be introduced across the different dispute mechanisms available.</p>
<p>4.9</p>	<p>The independent review of Board actions mechanism plays an important role in the accountability of ICANN. Although it has never been used to date, as the organisation evolves, ICANN needs to make sure it is well developed and meets the same high standards of the other parts of its complaints system. Currently, there is limited amount of information available on ICANN's website on how it works. Other than what is in the By-Laws, there is no information on the ICANN website on how to initiate a complaint through this process and no information on how the complaint will be dealt with.</p>	<p>ICANN should develop a separate page on their website that provides the rules of procedure for the Independent Review of Board actions, as mandated by the By-Laws, and which also provides an explanation of how to make a complaint</p>	<p>A page will be added to the website for this purpose.</p>

		through the Independent Review of Board actions function, and the steps that are involved in the review process.	
4.10	The Independent Review states that the party that loses is liable to cover the costs of the Independent Review Panel, unless exceptional circumstances apply, then the winning party might be asked to cover half the costs. Understanding that this has been put in place to prevent frivolous complaints, there is the potential that the cost could pose a barrier to certain stakeholders using the mechanism.	ICANN should consider strengthening the accessibility of the Independent Review Panel mechanism to the ICANN community. ICANN should consider removing the burden of making the losing party cover the costs of the Independent Review as a means of increasing the accessibility of the mechanism.	This recommendation has multiple implications and will be explored in an issues paper that will be taken to the Board for consideration.
4.11	A major problem with the Independent Review mechanism is that it is not institutionalised; it only comes into being when a complaint is filed with the international arbitration provider. As a mechanism that plays an important role in overseeing the actions of the Board, it should have a more stable character and prominent role within ICANN. ICANN attempted to craft a more institutionalised and stable Independent Review Panel between 2000 and 2002. They should look at this option again, as good practice for external complaints mechanisms, suggests there are a number of areas where they might want to approach the issue differently (e.g. less stringent criteria for membership to the panel).	ICANN should consider creating a more institutionalised and stable Independent Review Panel.	This recommendation has multiple implications and will be explored in an issues paper that will be taken to the Board for consideration.

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No.	Background	Recommendations	Response
<b>5</b>	<b>Overarching Accountability issues</b>		
5.1	Our review revealed that while ICANN has the policies and procedures in place to foster transparency and accountability, these are not always consistently followed. While the Ombudsman, Reconsideration Committee and the Independent Review of Board actions provide complaints based approaches to compliance, to generate greater trust among stakeholder, ICANN needs to take a more proactive approach. To address this issue, ICANN should consider a regular independent audit of their compliance with accountability and transparency commitments. Alternatively, it could develop a permanent compliance function to emphasize prevention by identifying	ICANN should consider having an independent report produced, perhaps annually, that would measure the organisation's compliance with transparency and accountability commitments made in its By-Laws.	Recommendation accepted. This will be undertaken for inclusion in the next Annual Report.

	shortcomings as they emerge and before they become systemic problems.		
5.2	In ICANN there is a mixture of volunteers and staff conducting the work; many people are working remotely. This creates challenges associated with ensuring all parties share the same values and beliefs about what kinds of goals the organization should pursue, how they should interact with the outside world and the appropriate kinds or standards of behaviour that should be used to achieve these goals.	ICANN should consider developing a code of conduct for all staff and volunteers that identifies the goals of the organisation, the appropriate kinds or standards of behaviour that should be used to achieve these goals and how they should interact with the outside world.	Discussion will occur in the context of the consultation on the draft management operating principles as to the appropriateness of such a code and what it might contain. This will be commenced at the San Juan meeting.
5.3	Within the ICANN community there is ambiguity around what it is that ICANN does (and should do). This has considerable impact on issues of accountability, as it ultimately relates to what people perceive the organisation as being accountable for.	ICANN needs to communicate more effectively to the outside world what its core activities are.	Standard language will be developed to more effectively communicate ICANN's core activities. This is an ongoing task due to the technical nature of ICANN's mission and the extent of the material already available.

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## 2.1.4 Announcement of ICANN 2007 Annual Report

<http://www.icann.org/announcements/announcement-23dec07.htm>

## ICANN Posts 2007 Annual Report

Annual Report highlights organization's achievements and progress over past 12 months

*23 December 2007*

**MARINA DEL REY, Calif.** : The Internet Corporation for Assigned Names and Numbers (ICANN) today released its second annual report, covering in detail the organization's achievements and progress over the past 12 months.

"I am delighted to announce the release of our second annual report," said Dr Paul Twomey, ICANN's President and CEO. "As an organization we have made great progress this year, both in terms of policy work and in the quality of our operations. We have also made great efforts in relation to transparency and accountability".

In addition to updates on the progress ICANN's supporting organizations and advisory committees have made during 2007, the report also includes a section on the progress towards the completion of the Joint Project Agreement (JPA) with the United States Department of Commerce.

"The JPA is in the midst of its scheduled mid-term review, and the annual report highlights that ICANN has achieved the responsibilities outlined in the Agreement," Dr Twomey said

"ICANN will also release documents in the near future that include its submission to the JPA review and I ask commenters to examine this documentation prior to making their own submissions," Dr Twomey added.

The complete annual report is available online at:

<http://www.icann.org/annualreport/annual-report-2006-2007.pdf> [PDF, 1,927K]

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### **About ICANN:**

ICANN is responsible for the global coordination of the Internet's system of unique identifiers like domain names (like .org, .museum and country codes like .uk) and the addresses used in a variety of Internet protocols that help computers reach each other over the Internet. Careful management of these resources is vital to the Internet's operation, so ICANN's global stakeholders meet regularly to develop policies that ensure the Internet's ongoing security and stability. ICANN is an internationally organized, public benefit non-profit company. For more information please visit: [www.icann.org](http://www.icann.org).

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## 2.1.5 ICANN 2007 Annual Report

<http://www.icann.org/annualreport/annual-report-2006-2007.pdf>

ANNUAL REPORT 2007



INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS



"Over the past eight years, ICANN's model of full participation by all interested stakeholders in decisions and policy-making has progressively evolved and strengthened. It is clear that your expertise and resource commitments are a testament to the validity of the ICANN model.

"Given how relatively young ICANN is, and given the enormously important work it is called upon to perform, there's been great progress. In particular, the Joint Project Agreement executed in 2006 was an important step forward and reflects the maturity of the ICANN model.

"These aren't just my views. These are the views largely shared by the over 700 contributions received when the new Joint Project Agreement was executed.

"Our public consultation process also revealed broad support for the continued transition to the private sector. The majority of interested stakeholders endorsed the original principles put forward to guide this transition—stability and security, competition, bottom-up policy coordination and broad representation."

**John Kneuer**

*Assistant Secretary of Commerce for Communications and Information  
National Telecommunications and Information Administration*

*U.S. Department of Commerce*

Opening address, ICANN 30th international meeting, Los Angeles, California, 29 October 2007

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# BOARD OF DIRECTORS 2007

**Vinton G. Cerf**

Chairman of the Board  
November 1999–November 2007

**Roberto Gaetano**

Vice-Chair  
December 2006–December 2009

**Paul Twomey**

President and Chief Executive Officer  
Ex-officio member

**Alejandro Pisanty**

November 1999–June 2007

**Raimundo Beca**

May 2004–June 2007

**Vittorio Bertola**

At-Large Advisory Committee Liaison

**Susan P. Crawford**

December 2005–December 2008

**Steve Crocker**

Security and Stability Advisory Committee Liaison

**Francisco da Silva**

Technical Liaison Group Liaison

**Peter Dengate Thrush**

January 2005–May 2008

**Demi Getschko**

January 2005–June 2009

**Steven Goldstein**

December 2006–December 2009

**Joichi Ito**

December 2004–November 2007

**Ambassador Janis Karklins**

Governmental Advisory Committee Liaison  
beginning March 2007

**Thomas Narten**

IETF Liaison

**Rajasekhar Ramaraj**

December 2006–December 2009

**Njeri Rionge**

June 2003–December 2008

**Rita Rodin**

June 2006–May 2008

**Vanda Scartezini**

December 2004–December 2007

**Mohamed Sharil Tarmizi**

Governmental Advisory Committee Liaison  
until March 2007

**David L. Wodelet**

June 2006–June 2009

**Suzanne Woolf**

Root Server System Advisory Committee  
Liaison

# BOARD OF DIRECTORS 2008

**Peter Dengate Thrush**

*January 2005–May 2008  
Elected Chairman of the Board November 2007*

**Roberto Gaetano**

*Vice-Chair  
December 2006–October 2009*

**Paul Twomey**

*President and Chief Executive Officer  
Ex-officio member*

**Harald Tveit Alvastrand**

*November 2007–October 2010*

**Dennis Jennings**

*November 2007–October 2010*

**Susan P. Crawford**

*December 2005–November 2008*

**Rajasekhar Ramaraj**

*December 2006–October 2009*

**Steven Goldstein**

*December 2006–October 2009*

**Jean-Jacques Subrenat**

*November 2007–October 2010*

**Njeri Rionge**

*June 2003–November 2008*

**Ambassador Janis Karklins**

*Governmental Advisory Committee Liaison*

**Thomas Narten**

*IETF Liaison*

**Reinhard Scholl**

*Technical Liaison Group Liaison*

**Steve Crocker**

*Security and Stability Advisory Committee Liaison*

**Suzanne Woolf**

*Root Server System Advisory Committee Liaison*

**Wendy Seltzer**

*At-Large Advisory Committee Liaison*

**Demi Getschko**

*December 2005–May 2009*

**Rita Rodin**

*June 2006–May 2008*

**Bruce Tonkin**

*June 2007–April 2010*

**Raimundo Beca**

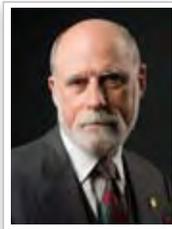
*May 2004–April 2010*

**Dave Wodelet**

*June 2006–May 2009*

## WITH THANKS...

The entire ICANN community extends its sincerest gratitude and highest esteem to these Board members for their contribution to the Internet. We all benefit in so many ways as a consequence of their commitment, energy, determination and style in the arena of ideas, policy, technology, diplomacy and operations. We appreciate their service on a global scale and hope they will find time to continue to join us occasionally and continue to share their insights, ideas and energy.



**Vinton G. Cerf**

*November 1999–November 2007*

Chairman of the Board, November 2000–November 2007



**Alejandro Pisanty**

*November 1999–June 2007*

Vice-Chair, November 2001–December 2006

Chairman of the ICANN Committee on Evolution and Reform

Chairman of the Board Governance Committee

Member of the Executive Committee, Finance Committee,

and the Reconsideration Committee

Key member of the ICANN Board and Governmental Advisory Committee joint working group



**Joichi Ito**

*December 2004–November 2007*

Member of the Finance, Compensation, Conflicts of Interest, and Audit committees



**Vittorio Bertola**

At-Large Advisory Committee liaison to the ICANN Board for 2007



**Francisco da Silva**

*December 2002–December 2004*

Technical Liaison Group liaison to the ICANN Board for 2004

Technical Liaison Group liaison to the ICANN Board through 2007

## WITH THANKS...



**Vanda Scartezini**

*December 2004–December 2007*

Chair of the ICANN Audit Committee, member of the Board Governance, Conflicts of Interest, Meetings and Compensation committees, and the joint ICANN Board and ICANN Governmental Advisory Committee working group  
Vice-Chair of ALAC for 2008



**Daniel Dardailier**

Technical Liaison Group liaison to the ICANN Board for 2006



**Hagen Hultzsch**

*June 2003–December 2006*

Chairman of the ICANN Finance Committee and ICANN Board Conflicts of Interest Committee  
Member, ICANN Board Governance Committee  
Chair, Nominating Committee, 2008–2009



**Veni Markovski**

*June 2003–December 2006*

Chairman of the ICANN Board Meetings Committee  
Member, Board Governance and Finance Committee



**Hualin Qian**

*June 2003–December 2006*

Member of the ICANN Board Meetings and Conflicts of Interest committees

# ICANN'S MISSION

## **The limited and distinct mission of ICANN is clearly set out in Article I of its bylaws:**

The mission of the Internet Corporation for Assigned Names and Numbers (ICANN) is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems. In particular, ICANN:

1. Coordinates the allocation and assignment of the three sets of unique identifiers for the Internet, which are:
  - a. Domain names (forming a system referred to as DNS)
  - b. Internet protocol (IP) addresses and autonomous system (AS) numbers, and
  - c. Protocol port and parameter numbers
2. Coordinates the operation and evolution of the DNS root name server system
3. Coordinates policy development reasonably and appropriately related to these technical functions

## ICANN'S Core Values

In performing ICANN's mission, the following core values guides its decisions and actions.

1. Preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet.
2. Respecting the creativity, innovation, and flow of information made possible by the Internet by limiting ICANN's activities to those matters within ICANN's mission requiring or significantly benefiting from global coordination.
3. To the extent feasible and appropriate, delegating coordination functions to or recognising the policy role of other responsible entities that reflect the interests of affected parties.
4. Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.
5. Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment.
6. Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest.
7. Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.
8. Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.
9. Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected.
10. Remaining accountable to the Internet community through mechanisms that enhance ICANN's effectiveness.
11. While remaining rooted in the private sector, recognising that governments and public authorities are responsible for public policy and duly taking into account governments' or public authorities' recommendations.

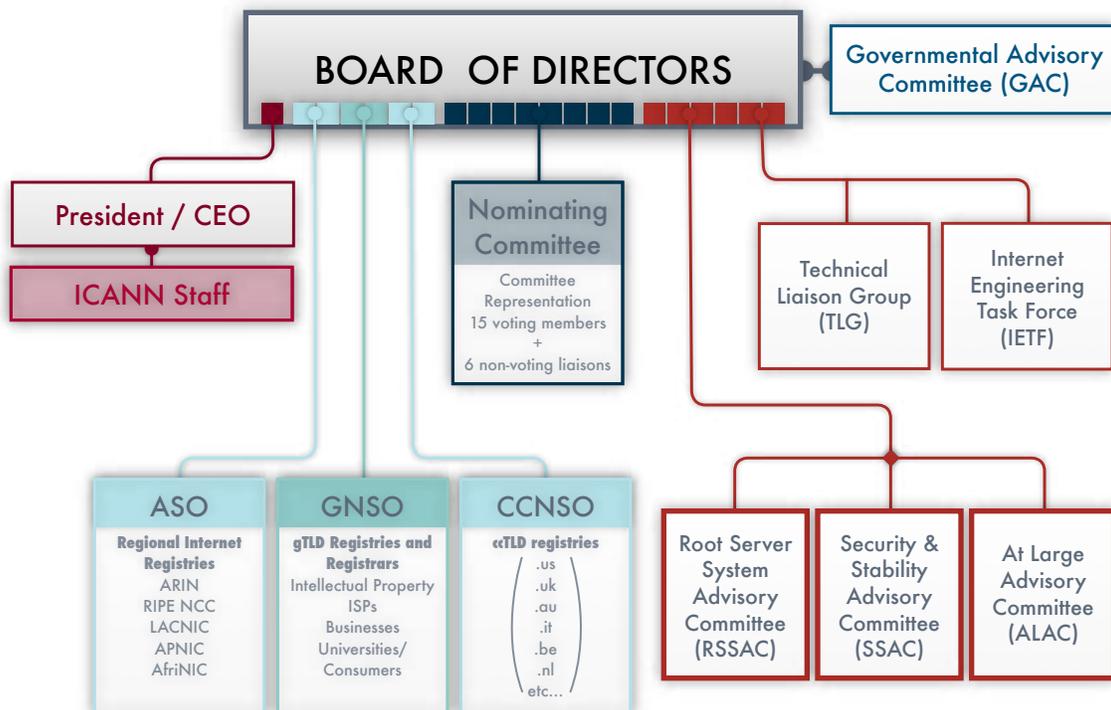
These core values are deliberately expressed in very general terms, so that they may provide useful and relevant guidance in the broadest possible range of circumstances. Because they are not narrowly prescriptive, the specific way in which they apply, individually and collectively, to each new situation will necessarily depend on many factors that cannot be fully anticipated or enumerated; and because they are statements of principle rather than practice, situations will inevitably arise in which perfect fidelity to all eleven core values simultaneously is not possible. Any ICANN body making a recommendation or decision shall exercise its judgment to determine which core values are most relevant and how they apply to the specific circumstances of the case at hand, and to determine, if necessary, an appropriate and defensible balance among competing values.

# ICANN'S STRUCTURE

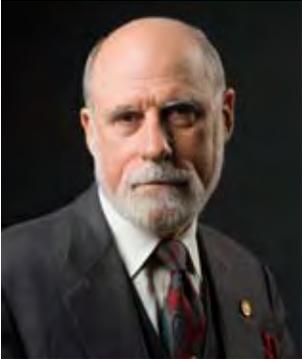
Within ICANN's structure, governments and international treaty organizations work with business organizations and individuals to maintain the stability of the global Internet.

Innovation as well as continuing growth bring constant challenges to stability. Working together, ICANN participants address issues that are directly concerned with ICANN's mission of technical coordination.

ICANN is governed by an international Board of Directors. The policy development process (PDP) originates in three supporting organizations: the Generic Names Supporting Organization, the Address Supporting Organization and the Country Code Names Supporting Organization. Advisory committees composed of representatives from individual user organizations and technical communities work with the supporting organizations to develop policy. In addition, over 120 governments and government institutions advise the Board via the Governmental Advisory Committee.



## THE RETIRING CHAIRMAN OF THE BOARD OF DIRECTORS



In the past 12 months, ICANN has made significant progress, particularly on its Board-developed objectives and commitments as expressed in the Joint Project Agreement (JPA) between ICANN and the National Telecommunications and Information Agency of the U.S. Department of Commerce. Because you will find progress reports along these lines elsewhere in this annual report, I will not outline them in detail but, rather, look ahead towards the next year.

Significant momentum has been built up in the testing of Internationalized Domain Names (IDNs) at the top level of the Domain Name System (DNS) in preparation for opening up opportunities for new ccTLDs and generic TLDs. Processes for accepting and validating proposed new TLDs including IDNs are in development, anticipating that calls for formal applications for new TLDs could come as early as mid-calendar 2008. The introduction of internationalized ccTLDs adds a new twist because the strings associated with these new TLDs will not have been specified beforehand in either the ISO 3166-1 two-letter table or any other table. They will have to be derived from proposals from parties interested in operating such new ccTLDs. There can be collisions between the generic and the country code TLD proposals, so new dispute resolution practices will be needed to establish rules for standing to object to a proposal from another entity.

We are also anticipating the rapid run out of IPv4 address space and hence a strong need to introduce IPv6 into full operation. That this is a significant undertaking is an understatement. That it has to be undertaken by every operating element of the public Internet is also understood. ICANN needs to convey to the Internet community persistently and persuasively that we all need to put the Internet into full IPv6 operation well before we run out of IPv4 addresses in 2010.

We are similarly urgently in need of increased security in the Domain Name System. The implementation of DNSSEC (digital authentication of zone files) represents a major step towards increasing the integrity of the DNS. Digitally authenticated responses to DNS queries allow automatic validation of the resulting answers and defends against various attempts to falsify DNS responses. ICANN must demonstrate its readiness to produce digitally signed root zone files as a key milestone towards implementation of DNSSEC.

One of the great strengths of ICANN's model is that its performance and structure undergo constant review. In fact, a schedule of reviews of organizational elements and operational objectives is in place at all times. ICANN must work diligently to analyze the external reviews of its component operations (supporting organizations, advisory committees, the Board, and others) and to assess its performance against the JPA objectives adopted by the Board. It will be aided in this process by the recent call for responses from the Internet community by the U.S. Department of Commerce on the continued transition to the private sector of the technical coordination and management of the Internet's domain name and addressing system.

ICANN has come a long way in its constant refinement of the multi-stakeholder model of policy development and transparency and it has the opportunity and obligation to continue to improve this process during the next year. It also has the opportunity to enhance efficient interaction between the Governmental Advisory Committee and the rest of the ICANN structures to achieve enhanced cooperation in policy areas involving public interests. By the same token, Civil Society has the opportunity to help to animate and refine the operation of the new At-Large Advisory Committee that has been set up to ensure public input on issues of concern and to convey to the public matters that should be of interest to every Internet user.

As I step down from my appointment to the ICANN Board after eight years of service, it is my belief that the organization has reached an important milestone in its maturity. I believe it is well prepared to carry out its mission and to meet the inevitable challenges posed by the rapidly evolving Internet. One thing has not changed: ICANN can only succeed if it continues to benefit from the willing commitment of all stakeholders to make the ICANN process work. Cooperation, coordination, and collaboration with other entities in the Internet universe and with its many stakeholders are essential to the successful development and implementation of policy for the Internet's system of unique identifiers and the operation of a single, global, interoperable Internet. I am confident that ICANN can and will carry out its mandate to the satisfaction of the billion users of today and the billions more to come.

**Vinton G. Cerf**

*Chairman, November 2000-November 2007*

## THE INCOMING CHAIRMAN OF THE BOARD OF DIRECTORS



The activities reported in this annual report cover calendar year 2007, and Vint Cerf was Chairman for most of that period. However, the annual report is required to be signed by the Chairman of the Board, a position I was elected to on 2 November 2007. So, while Vint has addressed the items in the report, I'd like to thank Vint and address the future of ICANN.

Vint stepped down after nine years of extraordinary service, eight of those years as Chairman. During that time ICANN has grown and matured as an organization in a way many of us may have hoped for but could not have predicted when we first drafted or critiqued the bylaws of what was then known as NEWCO back in 1997.

A great deal has been achieved during Vint's term as Chair, and it was a pleasure to participate in the very well-merited acknowledgment ceremony held in his honor at the Los Angeles meeting in October.

After nine years since its inception, ICANN is well placed to face the challenges of the future. The fact that it is so well positioned is a tribute to Vint Cerf and the staff led by CEO Paul Twomey. This team has taken us out of foundation mode to become the right organization to meet future challenges.

Those challenges include the introduction of internationalized scripts into the Domain Name System, the introduction of a process for introducing potentially thousands of generic top-level domains in the next few years, and increasing international support and acceptance of the role ICANN plays as the coordinator of the Internet's critical resources. The special relationship ICANN has enjoyed with the government of the United States of America will come under scrutiny during the mid-term review of the Joint Project Agreement between ICANN and the U.S. Department of Commerce, scheduled to take place in the first quarter of 2008. Within the term of ICANN's current Strategic Plan, that agreement should come to an end.

I am honored to take the baton passed by Vint and look forward to leading the Board as it guides ICANN in meeting those challenges.

**Peter Dengate Thrush**  
*Chairman of the Board*

## THE PRESIDENT AND CHIEF EXECUTIVE OFFICER



This is ICANN's second annual report to the global Internet community. In this reporting period, ICANN made significant progress on operational excellence and accountability. We have perceptibly raised our game on how we plan, execute and report on our commitments to the global Internet community. An independent review found ICANN to be a very transparent organization that shares more information than probably any other global organization. Throughout 2007, we focused on making information about ICANN more accessible and easily understood so that people can follow and participate in our multi-stakeholder processes. The ICANN community made enormous progress on two developments that will change the Internet as we know it: the creation of new generic top-level domains (new gTLDs) and Internationalized Domain Names (IDNs).

ICANN's Generic Names Supporting Organization (GNSO) concluded almost two years of policy development work to develop a fair and efficient process for introducing new gTLDs. The GNSO's work was guided by advice from the Governmental Advisory Committee and by ICANN's core values of fostering choice and competition while preserving the security and stability of the Internet. The GNSO recommendations will be considered by the ICANN Board of Directors in early 2008. Pending approval by the Board, a big staff priority for 2008 will be the implementation of new gTLDs.

On Internationalized Domain Names, we passed several major milestones that bring us closer to making a truly multilingual Internet a reality. The first was the successful laboratory testing of IDNs in November 2006. This paved the way for the next and most exciting step: inserting test IDNs in 11 languages in the root zone. While these "example.test" domain names are for evaluation only, they are an important step towards the expected deployment of IDN TLDs in 2008.

ICANN itself is evolving, mirroring the changing nature of the global Internet community. More country-code TLD operators are signing accountability frameworks or exchanging letters with ICANN, and participation by governments in the Governmental Advisory Committee is increasing. The ICANN Board, supporting organizations and advisory committees comprise people from all over the world. ICANN's approximately 80 staff are nationals of 26 countries. They work from 11 locations worldwide and speak more than 30 languages.

As ICANN grows, we are developing permanent, clear operating principles and frameworks to guide our work on transparency and accountability. The draft ICANN Accountability and Transparency Frameworks and Principles, together with ongoing scheduled reviews of ICANN's component parts, are the foundation stone of ICANN's accountability. These frameworks encompass internal and external accountability, dispute resolution, consultation, translation, and standards of behavior. The frameworks and principles were developed through a 15-month multi-stakeholder process and express the community's confidence in ICANN's ability to be truly accountable to the global Internet community.

An essential part of accountability is people's ability to participate directly in ICANN's policy processes. In early 2007, we appointed a general manager of public participation, a position mandated in the Bylaws. This appointment focused internal efforts on immediate and lasting improvements in website navigability, remote participation, meetings, translation, an ICANN Blog, and weekly news magazines and monthly newsletters. ICANN now produces more up-to-date and accessible information that allows a wider range of people to participate in our processes. Looking forward to 2008, we will continue to improve the means of participation and also implement a translation policy to support more involvement from ICANN's stakeholders around the world.

ICANN's Global and Strategic Partnerships team led new outreach efforts in five continents in 2006 and 2007. The pilot fellowship program supported nearly 60 fellows from developing nations to attend the San Juan and Los Angeles meetings. University outreach events were held in Lisbon, Puerto Rico and Los Angeles. We continued to participate in the Internet Governance Forum (IGF) and took an active role in a range of discussions at the IGF in Rio de Janeiro in November of 2007. The 2007 IGF strengthened the concept of the multi-stakeholder model pioneered by ICANN as the best way to approach Internet issues.

One of my key focuses for this year was ensuring that ICANN's growth is matched by appropriate controls and procedures so that we function efficiently and continue to give good value to the community. This is part of our ongoing work to align day-to-day work with the community-mandated Strategic Goals. In late 2006, we implemented a project management methodology and later identified 11 key projects to manage in this way. In 2007, led by our new Chief Operating Officer, Doug Brent, we began a trimesterly planning and reporting system to synchronize with the community's working cycle centered on ICANN meetings. This lets us track our day-to-day work against the ICANN Operating Plan, executing against the current Strategic Plan. The President's Operational Review Panel reviewed each department in August and September of 2007. We are currently developing relevant performance metrics to report more effectively to the community on operational performance, beginning in 2008. I am confident that we have the systems and tools in place to further develop operational excellence and adherence to ICANN's community-mandated Strategic and Operating plans.

ICANN has begun a new chapter with the retirement of Vint Cerf as Chairman of the ICANN Board of Directors. His vision and extraordinary commitment and abilities helped the ICANN community to create the global, multi-stakeholder organization that is now viewed as a model around the world. ICANN has earned its place in the Internet universe and is here to stay, thanks in large part to Vint's meticulous stewardship. As our new Chairman, Peter Dengate Thrush, says in his message, ICANN's challenge going forward is to increase international participation and serve our global audience.

At the IGF in Rio, I issued a personal invitation to all the participants to join the 20,000-strong ICANN community and contribute to its work and evolution. I reiterate that invitation to everyone who uses the Internet anywhere in the world. The ICANN multi-stakeholder model is the best way to maintain a single, global, interoperable Internet. I invite you to become part of it.

**Paul Twomey**

*President and Chief Executive Officer*

## US DEPARTMENT OF COMMERCE

In September 2006, ICANN signed a new agreement with the U.S. Department of Commerce, thereby taking a significant step forward towards full responsibility for the Internet's system of centrally coordinated identifiers through ICANN's multi-stakeholder consultative model.

The Joint Project Agreement reflects the Department of Commerce endorsement of the ICANN model and affirms ICANN's capacity to take full responsibility for the coordination of these technical aspects of the Internet on an ongoing basis. The substantive work of the JPA has been completed successfully and will continue to be improved as the ICANN model continues to improve itself.

It is a clear demonstration of ICANN's maturity that the Joint Project Agreement with the Department of Commerce (see <http://www.icann.org/general/JPA-29sep06.pdf>) is a document that outlines three functions on the part of the Department and two on the part of ICANN. The day-to-day administrative tasks and supervisory relationship that characterized earlier versions of the MOU between ICANN and the Department have been concluded. While the Department is moving to less direct involvement in oversight over ICANN's day-to-day operations, the Department will continue to provide expertise and advice on transparency and accountability and on root server security, to participate in the activities of ICANN's Governmental Advisory committee in matters of public policy, and to monitor ICANN's performance in relation to the Joint Project Agreement.

ICANN, in turn, will fulfil its commitments in its 10-part Affirmation of Responsibilities and will report annually on its progress against its Bylaws, the Joint Project Agreement, and its Strategic and Operating plans. This is ICANN's second annual report in compliance with section II.C.2 of the JPA.

ICANN has successfully carried out its 10 affirmative responsibilities and its obligations under the JPA through the end of calendar year 2007. The graphic that follows highlights some of the successes ICANN has achieved in carrying out its key responsibilities.

### 1 Security and Stability

ICANN shall coordinate at the overall level the global Internet's systems of unique identifiers, in particular to ensure the stable and secure operation of the Internet's unique identifier systems.

Achieved, and ICANN will continue to make improvements going forward.

- Ensuring the stable and secure operation of the Internet's unique identifier systems has been and will continue to be ICANN's central mission. See Article I, Section 1 of ICANN's Bylaws at <http://www.icann.org/general/bylaws.htm#I>.
- In 2007, ICANN brought online additional systems based in Florida that improve the resiliency and performance of the L-root servers. We now operate the L-root from two locations using Anycast technology that assists in managing distributed denial of service attacks.
- Draft Registry Failover Plan and Best Practices was discussed by community during the Los Angeles meeting in October 2007 for implementation in first quarter 2008.
- Process for consideration of new registry services (the "funnel") explicitly considers security and stability issues for each proposed new service.
- ICANN entered into an agreement with Iron Mountain Intellectual Property Management to provide escrow services. The Registrar Data Escrow program began operation nearly a year ahead of schedule in December 2007. Registrars will begin enrolling in the program in first quarter 2008.
- IANA has fully deployed an automated request tracking system and continues to improve efficiency and productivity in request processing.
- The Security and Stability Advisory Committee (SSAC) produced reports and advice on attacks exploiting the DNS, Whois and adoption of IPv6 (IPv6 testing was in collaboration with ICANN's Root Server System Advisory Committee, RSSAC).
- SSAC work on Internationalized Domain Names (IDNs) included initiation of a study on the impact of IDN TLDs on the security and stability of the DNS.
- ICANN participated in and supported appropriate events and initiatives on security and stability, including workshops on DNSSEC and ccTLDs

## 2 Transparency

ICANN shall continue to develop, test and improve processes and procedures to encourage improved transparency, accessibility, efficiency and timeliness in the consideration and adoption of policies related to technical coordination of the Internet domain name system (DNS), and funding for ICANN operations. ICANN will innovate and aspire to be a leader in transparency for organizations involved in private sector management.

Achieved, and ICANN will continue to make improvements going forward.

- An independent report on ICANN's transparency and accountability said "ICANN is a very transparent organization. It shares a large quantity of information through its website, probably more than any other global organization." See <http://www.icann.org/announcements/announcement-17oct07.htm>.
- ICANN focused in 2007 on improving the accessibility of its information.
  - General Manager of Public Participation was appointed to prioritize and deliver on improved transparency, *accessibility* and efficiency
  - Improvements to ICANN website design and structure at ICANN Lisbon meeting March 2007
  - Creation of one-stop shop Public Comments page for all open consultations: see [http://www.icann.org/public\\_comment/](http://www.icann.org/public_comment/)
  - Creation of Processes page with information and links on all current ICANN policy and issue processes: <http://www.icann.org/processes/>
  - Creation of individual meeting sites that enable remote participation in ICANN meetings in 2007
  - Monthly news magazines and intersessional newsletters with extensive hyperlinks to other resources to provide easily digestible summaries of ongoing work
  - Production of easily readable and translatable fact sheets on issues of importance to the ICANN community including IPv6, DNS attacks
  - Translation of policy and information documents into other languages
  - Real-time language interpretation at ICANN meetings, including between English and French, Spanish, Mandarin and Russian at the Los Angeles meeting in October 2007
  - Doubling of translation and interpretation budget to facilitate non-English native speakers' involvement in ICANN
- Greater transparency and accessibility to ICANN Board work with comprehensive reports of Board meeting minutes posted within 72 hours. See <http://icann.org/minutes/>
- Implementation of procedure for New Registry Services (the "funnel") which informs community of proposed new services and invites comments as appropriate.
- ICANN's transparent strategic and operational planning and budget processes are the basis of ICANN's ongoing work.

## US DEPARTMENT OF COMMERCE

### 3 Accountability

ICANN shall continue to develop, test, maintain and improve on accountability mechanisms to be responsive to global Internet stakeholders in the consideration and adoption of policies related to the technical coordination of the Internet DNS, including continuing to improve openness and accessibility for enhanced participation in ICANN's bottom-up participatory policy development processes.

Achieved. ICANN has made significant improvements over the past year and has made an ongoing commitment to continue to make improvements going forward.

- ICANN has made major steps to clarify its accountability mechanisms in its ongoing commitment to serve and be accountable to global Internet stakeholders.
- Ongoing public review and improvements to draft Accountability and Transparency Frameworks and Principles.
- Accountability and Transparency Frameworks and Principles drafted for San Juan meeting, updated after a public consultation period and comments at the Los Angeles meeting, and are scheduled for publication January 2008.
- Continued functioning of ICANN's three complaint and response procedures: the Ombudsman, Reconsideration Committee, and Independent Review Panel of Board actions. These separate but interrelated accountability mechanisms were described by an independent review as "robust."
- Conducted strategic planning process for July 2008 through June 2011 using multiphase consultation with the ICANN community. Strategic planning sessions were simultaneously translated at ICANN meetings into English, Spanish, French and Arabic.
- The Operating Plan—a publicly available one-year action plan—and Budget were finalized in June 2007 after scheduled community consultations.
- The 2006–2007 planning cycle worked on ongoing improvement of the process itself. In this cycle, ICANN made the Strategic Plan outcomes more explicit so that performance against plan is measurable. The Strategic Plan was tied more directly to the yearly Operating plans. Current draft Strategic Plan and current Operating Plan are at <http://www.icann.org/planning/>.
- Improved remote audio and video participation in meetings means ICANN is accountable in real-time to all community members, not just those physically present. Staff created and monitored forums and chatrooms for input into meeting sessions.
- Created the ICANN Blog, which is written by staff and allows comments and interaction from the public. It was a key two-way communication method during the RegisterFly episode and was recognized by many community members as a help to registrants.
- ICANN staff represented the organization at many sectoral and international meetings to account for our actions and explain our multi-stakeholder model, including at the Internet Governance Forum (IGF) meetings in Athens and Rio de Janeiro.
- ICANN staff and Board members held an Open Forum on ICANN at the IGF meeting in Rio de Janeiro.
- In 2006–2007, the ccNSO reviewed ICANN's regional structure and made recommendations to ensure correct representation.
- ICANN's Regional Relations Managers represent ICANN and seek community views in Latin America and Caribbean, Russia and current and former CIS countries, Middle East, Australasia–Pacific. Global and Strategic Partnerships staff participate in regional and global organizations and discussions on issues related to ICANN's mandate.
- Regional registry and registrar gatherings were conducted in North America, Asia and Europe during 2007, and an open house was held for registrars at ICANN's US office. These outreach events and greater communication efforts improved relations with registries and registrars.
- 50 new registrars were accredited and now total more than 900. More important, the geographic diversity of registrars has increased, with applicants from Africa, Central and South America, Eastern Europe and Southeast Asia.
- ICANN introduced a new online RADAR interface for registrars. All registrars now have access to the initial version of this tool, which permits updates to contact information, requests for additional TLDs, and access to information for other registrars that can be used to facilitate domain name transfers and communication among registrars.
- ICANN's strategic and operational planning and budget processes ensure accountability to the global Internet community
- The auditors delivered an unqualified clean opinion on the fairness of the 2006 financial statements to the Audit Committee of the Board of Directors. ICANN has received unqualified clean opinions from independent auditors for all years since its inception.

## 4 Root Server Security and Relationship

ICANN shall continue to coordinate with the operators of root name servers and other appropriate experts with respect to the operational and security matters, both physical and network, relating to the secure and stable coordination of the root zone, to ensure appropriate contingency planning, and to maintain clear processes in root zone changes. ICANN will work to formalize relationships with root name server operators.

Achieved. ICANN maintains excellent relationships with the root name server operators. Overall security of the root server system will continue to be a topic of ongoing dialogue between ICANN and the USG.

- ICANN has made significant progress in its relationship with the Internet's root server operators. Root server operator engagement will continue to be an area of high priority with all operators of root servers, including the USG.
- ICANN worked closely with root name server operators to resist the major DDoS attack that occurred in February 2007.
- SSAC and RSSAC issued Advisory SAC 018, *Accommodating IP Version 6 Address Resource Records for the Root of the Domain Name System*. The report recommends that type AAAA resource records for root name servers be included in the root hints and root zone files and that root servers should return these in priming responses soon. The report also recommends phased deployment.
- ICANN asked the RSSAC to prepare a statement on IDN deployment next steps. See <http://www.icann.org/committees/dns-root/rssac-idn-statement.htm>.
- In ongoing efforts to improve the resiliency and performance of the L-root servers, in October new additional systems were brought online in Florida. These systems, copies of the original large cluster operating in Los Angeles, double L-root capacity. It also brings opportunity for direct peering with many ISPs in Latin America—Caribbean. Operating from two separate locations also means the use of Anycast technology that is also used by many other root server operators. This enables DNS server operators to distribute query loads and aids in managing DDoS attacks.

## 5 Top-Level Domain Management

ICANN shall maintain and build on processes to ensure that competition, consumer interests and Internet DNS stability and security issues are identified and considered in TLD management decisions, including the consideration and implementation of new TLDs and the introduction of IDNs. ICANN will continue to develop its policy development processes, and will further develop processes for taking into account recommendations from ICANN's advisory committees and supporting organizations and other relevant expert advisory panels and organizations. ICANN shall continue to enforce existing policy relating to Whois, such existing policy requires that ICANN implement measures to maintain timely, unrestricted and public access to accurate and complete Whois information, including registrant, technical, billing and administrative contact information. ICANN shall continue its efforts to achieve stable agreements with country code top-level domain (ccTLD) operators.

Achieved, and ICANN will continue to make improvements going forward.

- 11 IDN TLDs were inserted for evaluation purposes into the root zone. These were accompanied by a user test facility in the form of IDNwikis where users can do testing of fully localized URLs and emails in various applications. Available at: <http://IDNs.icann.org>.
- Significant progress was made on IDN policy implications. This work will continue in 2008 and involve the GNSO, ccNSO, GAC and ALAC.
- Outreach and communication initiatives on IDNs to raise awareness and understanding in the community included events at APTLD in Dubai, global media outreach, participation in the Arabic Domain Names Working Group meetings, and a joint event with TWNIC in Taipei.
- The GNSO concluded its work on the policy process on new gTLDs. Following multiple draft versions and public discussions, a Final Report of the GNSO Committee was posted for public comment in August 2007. In September 2007, the Council adopted the report's policy principles, recommendations and implementation guidelines for introducing new TLDs.
- In October 2007, the GNSO Council formally ended the policy development process on gTLD Whois without making any recommendations for specific policy changes to ICANN's Board. It also decided to do more data gathering and study of the issue in the future.
- Contractual compliance work on Whois continued. The 4th annual report on the Whois Data Problem Reports System about complaints of inaccurate Whois data was produced. The 4th annual report on registrar compliance with the Whois Data Reminder Policy was also published. An audit to assess Whois accuracy and availability begin in 2007 and will conclude in 2008.
- ICANN continues to enforce existing Whois policy, which requires that ICANN implement measures to maintain timely, unrestricted and public access to accurate and complete Whois information, including registrant, technical, billing and administrative contact information.
- In October 2007, the GNSO Council began a policy development process on domain tasting, a practice that has caused concern among many in the ICANN community and beyond.
- In November 2007, the GNSO Council began a policy development process on improving transfers of domain names between registrars.
- Draft Registry Failover Plan and Best Practices were discussed by community during Los Angeles meeting in October 2007 for implementation in first quarter 2008.
- In December 2007, ICANN began developing several compliance projects to improve Whois data accuracy and service accessibility.

## US DEPARTMENT OF COMMERCE

### 5 Top-Level Domain Management

- Process for consideration of new registry services (the “funnel”) explicitly considers security and stability issues for each proposed new registry service.
- ICANN entered into an agreement with Iron Mountain Intellectual Property Management to provide data escrow services. Registrar Data Escrow program began operation nearly a year ahead of schedule in December 2007. Registrars will begin enrolling in the program in first quarter 2008.
- Improvements are being made to the Registrar Accreditation Agreement to give greater protection to registrants.
- Accountability frameworks and exchanges of letters were signed with 29 ccTLD operators. A complete list appears in the Global Partnership section of this report. This brings the total to 36. 60% of ccTLD registrants are now covered by such agreements. In addition, Memorandums of Understanding were concluded with several significant organizations.
- In November 2006, the .asia agreement was signed, and the .asia TLD was launched in 2007.
- Outreach and communications on new TLDs and related top level domain management is an ongoing responsibility of the organization, and is reinforced through regional outreach initiatives.

### 6 Multi-Stakeholder Model

ICANN shall maintain and improve multi-stakeholder model and the global participation of all stakeholders, including conducting reviews of its existing advisory committees and supporting organizations, and will continue to further the effectiveness of the bottom-up policy development processes. ICANN will strive to increase engagement with the private sector by developing additional mechanisms for involvement of those affected by the ICANN policies.

Achieved, and ICANN will continue to make improvements going forward.

- ICANN is maintaining and improving its multi-stakeholder model partly through scheduled reviews of its supporting organizations and advisory committees as mandated by Section 4 of the ICANN bylaws.
- The GNSO review was completed in September 2006. During 2007, the GNSO and ICANN Board considered the recommendations and held discussions on how or whether to implement them. The GNSO developed its working group model of broader policy participation with less focus on voting. This model was further refined and recommended by the Board Governance Group’s working group on GNSO improvements.
- The Nominating Committee review was completed in late 2007 for consideration and implementation in 2008.
- The process has begun on reviews to conclude in 2008: RSSAC, ALAC, Board, ccNSO, and ASO.
- The Regional At-Large Organization (RALO) was finalized in 2006 and RALOs for all five regions became active in 2007. The transition to new leadership of the at-large structure was completed in late 2007, only six months from the commencement of their formation. The transition to new leadership of the At-Large organization was completed in late 2007.
- The Fellowship Program to encourage and fund participation in ICANN by interested parties in developing countries began in 2007. 33 fellows were supported at the San Juan meeting in June, and 23 at the Los Angeles meeting in October 2007. The program also included daily briefing sessions with presentations by ICANN community members and staff.
- ICANN is recognized by other organizations as a leader and innovator in multi-stakeholder policies and processes, and is regularly asked to present on the multi-stakeholder model.
- ICANN has engaged in face-to-face meetings with the global business community, including the US Council for International Business, US Chamber of Commerce, BITS/The Financial Services Roundtable, Information Technology Association of America, World Information Technology Software Alliance, International Chamber of Commerce, Fédération Internationale des Conseils en Propriété Industrielle, International Trademark Association, Business Software Alliance, Cyber Security Industry Alliance, Nippon Keidanren (日本経済団体連合会) and the Australian Institute of Company Directors, among other organizations (refer to the Global Partnerships section).

## 6 Multi-Stakeholder Model

- ICANN did student-targeted university outreach events in conjunction with the Lisbon, San Juan and Los Angeles meetings, focusing on technology and law students.
- Outreach efforts included an historic open house for North American registrars at ICANN's Marina del Rey office. Similar events were also hosted in Beijing, Hong Kong, Los Angeles, Miami, Seattle, Seoul and Tokyo. A European event took place December 2007 in Prague, Czech Republic.

## 7 Role of Governments

ICANN shall work with Governmental Advisory Committee members to review the GAC's role within ICANN so as to facilitate effective consideration of GAC advice on the public policy aspects of the technical coordination of the Internet.

Achieved, and ICANN will continue to make improvements going forward.

- The GAC produced policy advice to the Board on Whois and new gTLDs in two documents: GAC principles regarding new gTLDs, and GAC principles regarding gTLD Whois services.
- The GAC also provided advice to the Board on the draft ICANN procedure for handling Whois conflicts with national privacy laws.
- The GAC recently submitted a paper to the Board on Definitions of Accountability in the ICANN environment as input to the ongoing consultations on the Accountability and Transparency Frameworks and Principles.
- The GAC worked closely with the ccNSO to consider the public policy issues surrounding the selection of IDN ccTLDs associated with the ISO 3166-1 two letter country codes. They delivered an issues paper to the ICANN Board at the San Juan meeting in June 2007. The GAC and ccNSO will continue work on a process for implementing ccTLD IDNs in the short and longer terms.
- ICANN, through the joint Board-GAC working group, addressed ways to ensure continued improvement of the GAC's role in ICANN.
- In 2006, a joint GAC-Board working group looked at enhancing overall communication between ICANN and the GAC and related issues. GAC Whois and new gTLD principles and its work with the ccNSO on IDNs demonstrate the strong collaboration and communication set by the working group's efforts, which is now considering other areas of possible improvement.

## 8 IP Addressing

ICANN shall continue to work collaboratively on a global and regional level so as to incorporate regional Internet registries' policy-making activities into the ICANN processes while allowing them to continue their technical work. ICANN shall continue to maintain legal agreements with the RIRs (and such other appropriate organizations) reflecting this work.

Achieved, and ICANN will continue to make improvements going forward.

- ICANN and the Numbers Resource Organization of the Regional Internet Registries conducted a draft exchange of letters in November 2007. The respective negotiating teams agreed to document their relations and commitments in an exchange of letters, and agreed to seek approval from their respective Boards.
- The Address Supporting Organization (ASO) developed a global policy for IPv6 address allocations. This policy was ratified by the Board in September 2006.
- ICANN is conducting early awareness tracking of proposals for global policies under development in the addressing community on Autonomous System Numbers and remaining IPv4 Address Space.

# US DEPARTMENT OF COMMERCE

## 9 Corporate Responsibility

ICANN shall maintain excellence and efficiency in operations, including good governance and organizational measures to maintain stable, international private sector organization, and shall maintain relevant technical and business experience for members of the Board of Directors, executive management and staff. ICANN will implement appropriate mechanisms that foster participation in ICANN by global Internet stakeholders, such as providing educational services and fostering information sharing for constituents and promoting best practices among industry segments.

Achieved, and ICANN will continue to make improvements going forward.

- Achieving and maintaining operational excellence continues to be a central strategic goal operationalized through ICANN's operational planning. The Operating Plan is supplemented by use of project management methodology, goal setting and performance monitoring of trimesterly business initiatives for each ICANN department.
- ICANN made several key appointments to augment and strengthen its capabilities:
  - The new Chairman of the ICANN Board of Directors, Peter Dengate Thrush, and Vice Chair Roberto Gaetano were chosen unanimously by the Board at the annual general meeting in Los Angeles in October 2007
  - The Chair of the GNSO Council, Bruce Tonkin, was elected to the Board and succeeded as GNSO Chair by Avri Doria, a Nominating Committee appointee
  - ICANN created the new Chief Operating Officer and appointed Doug Brent to the role
  - New appointments are CFO, IT Director, HR Director, Director of Project Office and Director of Compliance
  - A Director of Compliance was appointed in late 2006. In 2007, compliance staffing added an audit manager and data analyst to ensure sufficient resources for contract enforcement
- The President's Operational Review Panel was convened in May 2007 to align performance with ICANN's Strategic Plan. In August and September it reviewed each department's operations and process development, highlighting process improvements for the next 12 months.
- To implement the Nominating Committee review recommendation, position descriptions for supporting organization roles are being developed in further detail.
- Educational services and information sharing, outreach and workshops by Global Partnerships and the Office of the Chief Technology Officer were conducted all over the world.
- Fostered information sharing at joint meetings of ICANN supporting organizations and with the appointment of liaisons from supporting organizations to other participatory structures.
- IANA's new RZM automated system will be operational in early 2008.

## 10 Corporate Administrative Structure

ICANN shall conduct a review of, and shall make necessary changes in, its corporate administrative structure to ensure stability, including devoting adequate resources to contract enforcement, taking into account organizational and corporate governance best practices.

Achieved, and ICANN will continue to make improvements going forward.

- Legal reviews are under way to ensure that ICANN's corporate structure continues to be well suited to its key responsibilities. ICANN is consulting with international law firms in numerous countries on governance and organizational structure issues, including research on analogous organizational frameworks in Austria, Australia, Belgium, Egypt, Ethiopia, France, the Netherlands, Singapore, Switzerland, Thailand, the U.K. and Uruguay.
- President's Strategy Committee (PSC) was established to make "observations and recommendations concerning strategic issues facing ICANN." The PSC took input at ICANN meetings during 2006 and 2007 and in online consultations on successive drafts of its report. The PSC made important clarifications to its report in October 2007. See <http://www.icann.org/psc/>. The recommendations made it clear that there was no intention in the PSC's work to move the headquarters of ICANN or the operation of the IANA function from the United States.
- The PSC explored ICANN's legal framework, policy making processes, administrative operations, transparency and accountability, and stable growth and operation of the DNS.
- Many PSC recommendations complement issues in ICANN's Strategic Plan and the JPA with the US Department of Commerce.
- A Director of Compliance was appointed in 2006. In 2007, compliance function staffing added an audit manager and data analyst.
- ICANN's global work saw continuing improvements of the global corporate administrative structures and addressing the needs of all stakeholders.

# ACTIVITIES OF THE NOMINATING COMMITTEE

The ICANN Nominating Committee is responsible for selecting eight members of ICANN's Board of Directors, three members of the Country Code Names Supporting Organization (ccNSO), three members of the Generic Names Supporting Organization (GNSO), and five members of the Interim At-Large Advisory Committee (ALAC). The Nominating Committee is composed of 23 members, 17 voting, and 6 nonvoting. The Chair is appointed by the Board, the Associate Chair is appointed by the Chair, and the previous Chair serves a second term as an Advisor to the new Chair. None of these positions is a voting position.

The 2007 Nominating Committee had two face-to-face meetings, the first for orientation and discussion regarding its processes and procedures took place following the São Paulo meeting in December 2006. The Formal Call for Statements of Interest was posted on 1 February 2007 with a closing date of 18 May 2007. Members of the Nominating Committee conducted extensive outreach during that time, which resulted in more than 90 statements of interest being received.

The second meeting to select the nominees took place in Vancouver in July 2007. During this meeting, the 2007 Nominating Committee selected:

- Three members of the ICANN Board of Directors
- Two members of the Council of the Generic Names Supporting Organization (GNSO)
- One member of the Council of the Country-Code Names Supporting Organization (ccNSO)
- Three members of the At-Large Advisory Committee (ALAC) (from the African, Latin American and Caribbean and Asia Pacific regions)

Those selected took their seats at the ICANN annual general meeting in Los Angeles in October.

Hagen Hultsch was appointed Chair of the 2008 Nominating Committee. Hagen took over from George Sadowsky, who chaired the Nominating Committee with enormous dedication for the past three years. The 2008 Nominating Committee had their first face-to-face meeting at the Los Angeles meeting.

## Nominating Committee Review

In December 2006, ICANN sought public comments on proposed terms of reference to guide the independent review of the Nominating Committee. ICANN's Board Governance Committee (BGC) approved a proposed plan for the Nominating Committee review.

The independent, objective review of the Nominating Committee began in July 2007, with opportunity for public review and comment on both the terms of reference and the results of the review. The review also was conducted with guidance of a NomCom Review Advisory Committee appointed by the Board. The report of the independent evaluator, Interisle Consulting Group, was posted for public comment on October 24 (see [http://www.icann.org/public\\_comment/#nomcomreview](http://www.icann.org/public_comment/#nomcomreview)).

A special workshop at the annual general meeting in Los Angeles in October presented the results of the review and included opportunities for Q&A. The independent review report makes important observations about the role, structure and operation of the NomCom and recommends changes that would have a significant impact on both the NomCom and ICANN.

# ICANN MEETINGS

ICANN holds three meetings each year in different locations around the world in order to engage the international community in ICANN's work. One meeting each year is considered the official annual general meeting, during which the Board is reconstituted and newly elected board members take their place. These meetings provide excellent opportunities for outreach and face-to-face policy discussion. Meetings are supported by a host city and sponsorships are sought to help defray the cost of running the meetings and to assist with logistics. ICANN marked a significant milestone with the holding of its 30th international meeting during 2007.

## Lisbon, Portugal 26–30 March 2007

More than 830 people from 81 countries gathered in Lisbon, Portugal, for ICANN's 28th international public meeting, one of the busiest and most issue-intensive meetings during which ICANN made substantial progress on numerous fronts.

ICANN continued to formalize its relationships with ccTLD operators, including three with .ly - Libya (General Post and Telecommunication Company), .ci - Côte d'Ivoire (Institut National Polytechnique Felix Houphouet Boigny), and .ru - Russia (Coordination Center for the ccTLD .ru).



*ICANN and the Coordination Center for the ccTLD .ru sign an exchange of letters. This is just one of three relationships with ccTLD operators formalized at the Lisbon meeting.*

## ICANN MEETINGS

A new GNSO working group was formed to develop recommendations on the Final Task Force Report on Whois Services presented to the GSNO in March 2007. With broad and balanced participation, the working group considered input and expected to report back to the GNSO Council within 120 days. The Council was then to decide whether to recommend any changes on Whois policy to the ICANN Board.

Other work at the Lisbon meeting included:

- A discussion of Registrar Accreditation Agreements and how to improve them, especially in the context of the enormous difficulties that registrants who have their domain names registered through the registrar known as RegisterFly.
- The creation of three new Regional At-Large Organizations that will give Internet users from Africa, Europe and Asia-Australia-Pacific direct input into ICANN.



*The European Regional At-Large Organization and ICANN formalize their relationship.*

## ICANN MEETINGS



*The African Regional At-Large Organization and ICANN formalize their relationship.  
The five RALOs became fully operational at the Lisbon meeting*

- A discussion of the Registrar Accreditation Agreement and how to improve it, especially in the context of the enormous difficulties of some registrants with domain names registered through the registrar know as RegisterFly.
- Presentations by Sweden and Bulgaria on the enhanced Domain Name System security enhancements in their respective top-level domains.
- The launch of ICANN's new website with better navigation and new features to increase ICANN's transparency and accountability.
- Updates on moving to IPv6 to expand the number of IP addresses available to global Internet users and the process of introducing Internationalized Domain Names to introduce non-Latin characters to the root.

Also at this meeting, ICANN released the One World Trust (<http://www.oneworldtrust.org>) independent review of ICANN's accountability and transparency, which stated that overall, ICANN is a very transparent organization, noting that it shares a large quantity of information through its website, probably more than any other global organization. The report also identifies areas for improvement. See <http://icann.org/announcements/announcement-4-29mar07.htm>

ICANN also released the next steps in the development of a draft set of Frameworks and Principles for Accountability and Transparency, in line with ICANN's hard work toward improving openness and transparency.

Public participation was a key aim at this meeting. Interested parties unable to be physically present could participate through webcasting, chatrooms, and the ability to ask questions to speakers through the new public participation website.

# ICANN MEETINGS

## San Juan. Puerto Rico 25–29 June 2007

ICANN's 29th international public meeting in San Juan, Puerto Rico, was attended by more than 1,000 participants from over 115 countries. The San Juan meeting was the second of the three public ICANN meetings in 2007.

Major topics of interest at this meeting were Internationalized Domain Names, or IDNs, and new generic top-level domains. Progress in San Juan put ICANN on track for the new applications and approvals policy to be ready for a potential 2008 introduction of new TLDs. ICANN has overseen two earlier increases to the number of gTLDs: the addition of seven TLDs, including .info and .name in 2000, and the addition of another six in a process that began in 2004.

Another area crucial to the expansion of the Internet is the amount of address space available. IPv4 address space is projected to be fully distributed in just a few years. Part of the work at the San Juan meeting was understanding deployment of IPv6. IPv6 provides a larger availability of address space than IPv4, which has 4.2 billion addresses, with about 340 trillion, trillion, trillion IPv6 addresses.

Physical attendees and on-line participants took part in more than 30 sessions and workshops intended to help ICANN continue improving the global coordination of the Internet's unique identifiers.

Work at the San Juan meeting included:

- Update on the testing process of introducing IDNs to the Internet.
- Discussions around ICANN's Registrar Accreditation Agreement, or RAA, the accreditation process and the data escrow process.
- A public forum on the draft set of Frameworks and Principles for Accountability and Transparency.
- The debut of an enhanced public participation website, new global maps of ICANN related information, and a daily newsletter summarizing the previous day's activities.



*A daily newsletter was introduced at the San Juan meeting. It has become a permanent feature.*

An agreement signed with the fifth Regional At-Large Organization (RALO), the North American RALO, will provide global Internet users increased official opportunities for input with ICANN. The entire global at-large structure is now in place.

The first of these structures, the Latin American and Caribbean RALO, or LAC RALO, was set up in December 2006 at the São Paulo meeting, so progress in providing access to ICANN discussions for Internet users has been a high priority. RALOs are the main forum and coordination point for public input to ICANN on a regional basis.

## ICANN MEETINGS



*Members of the North American Regional At-Large Organization pause for a photo while signing their agreement with ICANN Board Chair Vint Cerf and President and CEO Paul Twomey. The formation of the NARALO completes the RALO structures worldwide.*

The LAC RALO held its first General Assembly at San Juan, just three months after its formation. From the formation of the first RALO to the fifth required only six months, an extraordinary achievement in outreach and involvement of the Internet community in each region of the world.

ICANN continued to formalize its relationships with ccTLD operators, including three accountability frameworks with .nl - Netherlands (Stichting Internet Domeinregistratie Nederland), .fj - Fiji (University of the South Pacific), and .pr – Puerto Rico (The Gauss Research Laboratory Inc.).



*Signing of an accountability framework between ICANN and the Netherlands gives cause for celebration.*

## ICANN MEETINGS

*With the signing of the accountability framework with Fiji, the number of formal relationships between ICANN and ccTLD operators is nearing 30.*



*It seems only fitting that an accountability framework with Puerto Rico should be signed in San Juan.*



San Juan also marked the end of the term of Alejandro Pisanty of Mexico, who has served on the ICANN Board since 1999. During that time he served as Vice-Chair, led the Evolution and Reform Committee which transformed ICANN in 2000 to 2003, was the first chair of the Board Governance Committee, and co-chaired the Board-GAC Joint Working Group.

# ICANN MEETINGS

## Los Angeles, California 29 October–2 November 2007

More than 1,100 participants from 132 countries gathered in Los Angeles for ICANN's 30th international public meeting to undertake the work of strengthening the single, global, interoperable Internet. The 30th meeting provided an excellent forum for ICANN to lay out progress on Internationalized Domain Names and new generic top-level domains, and to chart a course forward on other complex and difficult issues.

Along with their regular ICANN work, participants found many occasions to celebrate the years of careful stewardship by Vint Cerf, who joined the ICANN Board in 1999 and served as its Chairman from 2000 until this meeting. Peter Dengate Thrush, a New Zealand barrister and long-time Board appointee from the ccNSO, was elected unanimously as the new Chairman of the Board.

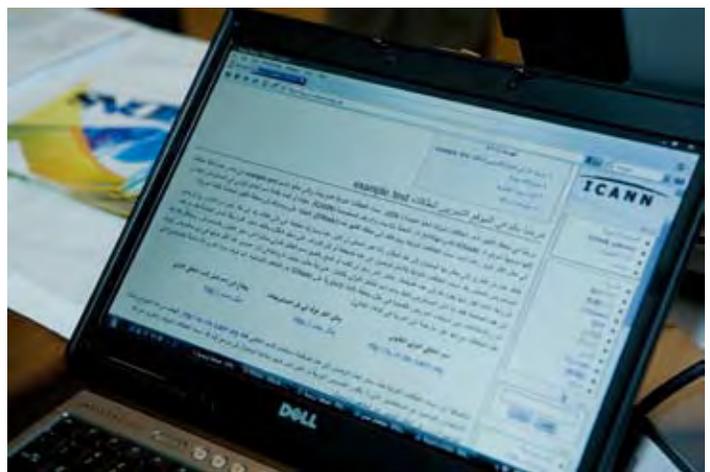
Work at the meeting included:

- Formation of an IDN working group to explore the process for developing a fast-track policy and process for introducing and assessing IDNs.
- Review and discussion of ICANN's draft Accountability and Transparency Frameworks and Principles.
- Calling on the ICANN community, including the GNSO, ccNSO, ASO, GAC, and ALAC, to provide input on the ccNSO Council's resolution relating to ICANN's geographic regions.
- Having staff continue work on an implementation analysis for new gTLDs and report to the Board and community on implementation issues before the ICANN meeting in New Delhi in February 2008.

A record seven accountability frameworks were signed with country-code TLD operators from the Asia-Pacific region and from Europe, bringing the total to 36. ICANN also signed an accreditation agreement with the second registrar based in Africa, AFRIREGISTER of Burundi. This meeting also saw Memorandums of Understanding signed with the Inter-American Telecommunication Commission of the Organization of American States (CITEL) and the Commonwealth Telecommunications Organization (CTO). In addition, the China Internet Network Information Center became a member of the Country-Code Names Supporting Organization.

A key development during the meeting was the U.S. Department of Commerce's announcement of its consultation with interested stakeholders on the mid-term review of the Joint Project Agreement with ICANN.

The insertion of test IDNs in 11 languages in the root zone for evaluation in October stirred interest around the globe, and the IDN evaluation booth drew hundreds of participants eager to experiment with setting up their own test wiki pages. As part of ICANN's campaign to help raise awareness of this remarkable change in the Internet, Los Angeles attendees received T-shirts, pens and other giveaways imprinted with the slogan "My Name. My Language. My Internet."



*IDN example.test evaluation booth at Los Angeles drew hundreds of attendees eager to see their names on wiki pages set up for the 11 test languages.*

# ICANN MEETINGS



*An Internet café aided attendees to communicate and to keep up with the work going on throughout the meeting.*

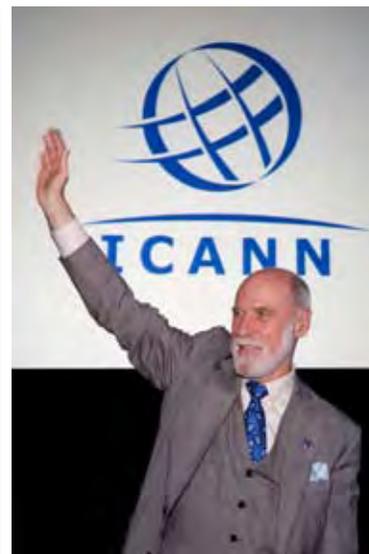


*A workshop on translation policies drew varied comments and suggestions, as well as acknowledgment that improvements in this area are overdue.*

A gala event honoring retiring Board Chairman Vint Cerf, was held on the Tuesday evening of the meeting at Sony Studios. Dr. Twomey, ICANN's President and Chief Executive Officer, led the tributes at the event, which included speeches from Ira Magaziner, who oversaw U.S. Government policy on the Internet that led to the creation of ICANN, and Steve Crocker, Chair of ICANN's Security and Stability Advisory Committee and a life-long friend of Vint Cerf. There were also video tributes from across the globe, from former U.S. Vice President Al Gore; Dr. Tarek Kamel, Minister of Communications and Information Technology, Arab Republic of Egypt; Dr. Eric Schmidt, Chairman of the Board and Chief Executive Officer of Google; Commissioner Viviane Reding, Member of the European Commission (Information Society and Media); and Dr. Charles Elachi, Director of Jet Propulsion Laboratory. Finally, the ICANN community welcomed new board members Harald Tveit Alvastrand, Dennis Jennings, and Jean-Jacques Subrenat.



*New Board Chairman Peter Dengate Thrush (left), President and CEO Paul Twomey, and Vice Chair Roberto Gaetano.*



*Vint Cerf, retiring after nine years of service on the Board and eight years as Chair, bids farewell.*

# ADVISORY COMMITTEES AND SUPPORTING ORGANIZATIONS

These reports of activities by the advisory committees and supporting organizations were compiled by ICANN staff based on records from the organizations' conference calls, meetings, and work conducted via the Internet, as well as their activities at the ICANN meetings in São Paulo, Lisbon, San Juan and Los Angeles held during 2006 and 2007, and agreed by the chairs of the respective advisory committees and supporting organizations.

ICANN policy support staff worked closely with the working groups, task forces, councils, and members of the supporting organizations and advisory committees to research and provide information, prepare issues papers, preliminary and final draft reports, and other documentation necessary to the fulfillment of the policy development process and the other work of the supporting organizations and advisory committees, as well as policy making by the Board of Directors.

### **Address Supporting Organization** **Sebastian Bellagamba, Chair, ASO Council**

A proposed global policy for IPv6 address allocations submitted by the Address Supporting Organization Address Council (ASO AC) was ratified by the ICANN Board in September 2006. This policy, which addresses allocation of IPv6 addresses by the Internet Assigned Numbers Authority (IANA) to the Regional Internet Registries (RIRs), was implemented by IANA in October 2006 with corresponding IPv6 address allocations to all RIRs.

Recent initiatives for new global policies taken by the RIRs regarding allocation of AS Numbers and allocation of remaining IPv4 addresses have still to reach consensus among all the RIRs before the ASO AC can propose them for ratification to the ICANN Board.

During the year, the ASO regularly organized workshops to inform interested stakeholders about address policy developments at the ICANN meetings in São Paulo, Lisbon and San Juan. A similar workshop was held at the ICANN Los Angeles meeting in October 2007.

The ASO AC has the responsibility to elect two Directors to the ICANN Board. At this writing, these seats are held by David L. Wodelet, elected in June 2006, and Raimundo Beca, re-elected in May 2007.

### **Country Code Names Supporting Organization** **Chris Disspain, Chair, CCNSO Council**

The ccNSO addressed several issues of interest to the global ccTLD community during the year, including ccTLD Internationalized Domain Names (IDNs) and how geographic regions affect representation and participation within the ccNSO.

#### **Internationalized Domain Names**

The ccNSO created an IDN Working Group to help provide advice to the ccNSO on the global policy issues associated with the introduction of IDNs:

- At the second level of a ccTLD introduction of IDN gTLDs
- As a top level ccTLD
- With respect to cross-over issues arising from the introduction of IDNs in new gTLDs

A joint ccNSO–GAC working group also was established and produced an issues paper relating to the selection of IDN ccTLDs associated with the ISO 3166-1 two-letter country codes. The paper was submitted to the Board at the ICANN San Juan meeting. Both the GAC and the ccNSO expressed interest in exploring a two-track or interim approach to the introduction of IDN ccTLDs. The Board asked the GAC, ccNSO, GNSO and ALAC to advise the Board on how to address the issues raised in the joint issues paper and on the implementation of the two-track approach. The issues paper raised preliminary questions related to a policy for the overall introduction of IDN ccTLDs. As the expectation is that developing and implementing an overall policy can take between two and a half and seven years, an interim approach to meet near-term demand for IDN ccTLDs is being explored.

## **Geographic Regions**

The ICANN geographic regions were originally created and included in ICANN's bylaws to ensure regional diversity in the composition of the ICANN Board. Over time, references in the bylaws to ICANN's geographic regions have been expanded and are now included in the sections dealing with the GNSO, ALAC and ccNSO. However, the uses to which the geographic regions are put varies from organization to organization.

A number of ccTLD managers and Internet communities are interested in revising the present ICANN regional structure to ensure appropriate representation in ICANN as a whole, and the ccNSO in particular.

Anticipating a review of ICANN geographic regions, the ccNSO initiated a discussion on this topic. Based on a questionnaire in July 2006, the need to reassess the definition of ICANN's geographic regions was ascertained. In January 2007, a working group was established. To structure the discussion at the ICANN Lisbon meeting, the working group produced a discussion paper. Based on the comments received, including an open session with the GAC to discuss the paper, the working group produced additional drafts for public consultation.

The working group recommended that the ccNSO Council adopt a procedure for self-selection to enable ccTLD managers who consider themselves inappropriately assigned to an ICANN geographic region on the basis of the so-called citizenship criterion, to self-select an appropriate region with support of the relevant public authority. This self-selection is for ccNSO purposes only. ICANN staff was asked to propose mechanisms for implementation. The working group also recommended that the Board create a working group to enable all affected supporting organizations and advisory committees to coordinate in reviewing ICANN geographic regions.

## **Generic Names Supporting Organization** **Bruce Tonkin, Chair (September 2002–June 2007)** **Avri Doria, Chair (June 2007–January 2008)**

The Generic Names Supporting Organization (GNSO) made significant advances on numerous initiatives this past fiscal year to improve the generic top-level domain (gTLD) space. These efforts included developing policies to guide the introduction of new gTLDs and the contractual conditions for gTLD registries. The GNSO also made substantial progress on policy work regarding Internationalized Domain Names, Whois services, reserved names, and domain name tasting. The GNSO also sponsored several public workshops and forums to augment their online public comment process for soliciting broad-based input on their policy work and to inform the public about their activities.

### **New Generic Top-Level Domains**

The process for the introduction of new generic top-level domains (gTLDs) is central to fostering choice and competition in domain registration services, and as such is significant to the promotion of ICANN's core values. The evolution of the namespace toward enhanced diversity of services and service providers must be planned and managed effectively to ensure that the security, stability, reliability, and global interoperability of the Internet is maintained. The proposed policy that would guide the introduction of new gTLDs was created by the GNSO through its bottom-up, multi-stakeholder policy development process. The questions addressed by the GNSO in the development of new gTLD policy are complex and involve technical, economic, operational, legal, public policy, and other considerations. The intended result is a straightforward process that awards new gTLDs if they satisfy the criteria and no objections are sustained.

The GNSO formed a Committee on New Top-Level Domains to conduct a policy development process on new gTLDs in 2005. The Committee identified five main reasons why ICANN should proceed to introduce new gTLDs at this time:

1. It is consistent with the reasons articulated in 1999 when the first proof-of-concept round for new gTLDs was initiated.
2. There are no technical impediments to the introduction of new gTLDs, as evidenced by the two previous rounds and as confirmed by technical experts.
3. Expanding the domain name space to accommodate the introduction of both new ASCII and internationalized domain name (IDN) TLDs will give end-users more choice about the nature of their presence on the Internet. In addition, users may be able to use domain names in their language of choice.
4. There is demand for additional top-level domains as a business opportunity, which can stimulate competition at the registry service level.
5. No compelling reason has been articulated not to proceed with a new gTLD round.

## ADVISORY COMMITTEES AND SUPPORTING ORGANIZATIONS

The Committee made considerable advances in its policy development process through regular conference calls, email discussions, and periodic meetings, and has concluded its work by adopting, with a supermajority vote, a Final Report with a set of principles, policies and implementation guidelines. The Final Report has been submitted to the ICANN Board for decision.

Public comments on draft reports were incorporated in the Committee's work. In addition, input was sought and incorporated from the Governmental Advisory Committee about the public policy aspects of new gTLDs.

ICANN staff has assisted the Committee to help ensure that new gTLD implementation challenges were addressed and ICANN's cross-functional IDN activities were accounted for in the Final Report on the Introduction of New gTLDs.

### **Contractual Conditions**

The GNSO has concluded a policy development process on contractual conditions of gTLD registry agreements. The GNSO Task Force on Contractual Conditions produced a report containing a set of 10 majority supported recommendations, proposing that certain steps be taken by ICANN in relation to the terms of gTLD registry agreements, or in some cases, recommending no changes. The set of recommendations to be considered by the GNSO Council imposes certain obligations on ICANN, rather than directly on its contracted parties, the registries and registrars. A number of these items recommend that ICANN's existing practices should continue. ICANN staff is working on the proposed implementation of the remainder of the recommendations as part of ICANN's 2007–2008 Operating Plan.

### **Internationalized Domain Names**

The development of IDN top-level policy is a part of ICANN's overall IDN program. To address the potential that applications for internationalized top-level labels could be received in the next new gTLD round, the Committee on New Top-Level Domains deliberated over the introduction of IDN TLDs.

In October 2006, the GNSO relaunched its IDN working group and tasked it to verify whether the emerging policy within the new gTLDs policy development process would be appropriate also for IDN top-level domains and which special considerations should be taken into account in that regard. The successful working group was open to all in the ICANN community who wanted to participate. In its outcomes report delivered to the GNSO Council in March 2007, the working group found no inconsistencies in applying the new gTLD policy approach for IDN top-level domains and recommended specific aspects to integrate when implementing this policy for IDN gTLD applications. The working group also made many recommendations for the conditions for the introduction of IDN gTLDs.

### **Whois Service**

In 2007, the GNSO Council concluded its Whois policy development process, which addressed a number of important questions related to Whois service. Key questions addressed by the GNSO's Whois task force during this PDP included the purpose of Whois service, which information should be available to the public, how to improve Whois accuracy and how to deal with conflicts between Whois requirements and relevant privacy laws. The task force completed work on the first two terms of reference, defining the purpose of Whois and developing a draft procedure for addressing conflicts between Whois contractual requirements and national or local privacy laws. Regarding the term of reference defining the purpose of Whois, the GNSO Council approved the definition provided by the task force. The recommendation regarding Whois contractual requirements was approved by the ICANN Board and the Board directed staff to develop and publicly document a procedure for dealing with such conflicts.

The Whois task force then completed its final report on 12 March 2007. The Final Task Force Report addressed the three remaining items in the terms of reference. During deliberation on these questions, several registrars offered a proposal called the Operational Point of Contact (OPoC). In the final report, a simple majority of members of the Whois task force endorsed this proposal. As set forth in the initial OPoC proposal considered by the task force, every registrant would identify a new operational contact that would be published in Whois in lieu of the administrative and technical contact information currently displayed. The task force also set forth means for correcting inaccurate Whois data, and for facilitating inter-registrar domain name transfers. The Council determined that more information was

needed on OPoC and convened a working group to pursue this matter further. This working group concluded its work in October 2007. Taking into account the work of the task force and the working group, the Council decided not to accept the OPoC procedure. Based on the outcome and the fact that Whois service had changed in the intervening years of the PDP, the Council decided at the ICANN Los Angeles meeting to request that in-depth research studies on crucial aspects of the current Whois service be performed.

### **Reserved Names**

One component of the new gTLDs policy development process, reserved names, was addressed by the GNSO Reserved Names Working Group. The group, which was composed of 12 members representing most GNSO constituencies, operated under a detailed statement of work approved by the GNSO Council. The working group submitted to the Council its findings and recommendations, which dealt with the reservation of ICANN–IANA names and symbols; single letters; digits, single letters, and single digit combinations; two letters; tagged names; IDN gTLDs; and geographic and geopolitical names. The Council is considering next steps on application to legacy gTLDs.

The GNSO Council also is considering a recommendation by the Intellectual Property Constituency proposing that International Governmental Organization names and abbreviations be protected as domain names. This recommendation is consistent with the so-called WIPO-2 Recommendation and principles issued by the Governmental Advisory Committee concerning new gTLDs. The Council has directed staff to develop a proposed dispute resolution procedure for IGO names as part of the new gTLDs application process.

### **Domain Name Tasting**

Responding to a request from the At-Large Advisory Committee in March 2007, the GNSO Council requested an issues report from staff on the increasing practice of domain tasting, when registrants use the so-called Add Grace Period (AGP) to try out domain names for advertising purposes and delete unprofitable ones within the AGP, effectively without being charged for those. The issues report was delivered in June 2007 and was the centerpiece of a GNSO open forum at the ICANN meeting in San Juan later that month. The GNSO Council resolved to appoint an ad hoc group for fact-finding on this phenomenon as a basis for decisions on further steps to take. The ad hoc group launched a request for information for community input on any perceived harm or benefit with domain tasting, as well as on possible remedies to curb this practice. The group delivered its result in October 2007, for the GNSO Council's deliberations on further steps to take at the ICANN Los Angeles meeting, where it was resolved to launch a policy development process.

## **Security and Stability Advisory Committee**

### **Steve Crocker, Chair**

ICANN's Security and Stability Advisory Committee (SSAC) spent considerable time in 2007 studying and advising the community on attacks that exploit the DNS, Whois, and registration processes, and on matters pertaining to adoption of IP version 6 (IPv6).

In the first quarter, SSAC collaborated with RSSAC to test whether firewalls and recursive name servers could process IPv6 (AAAA) resource records and, in particular, whether the inclusion of AAAA resource records in the root zone file and in priming response messages returned by root name servers would have adverse effects on name server operations. Advisories SAC 016 and SAC 017 report the results of testing performed by RSSAC and SSAC members as well as the community at large. In SAC 018, *Accommodating IP Version 6 Address Resource Records for the Root of the Domain Name System*, RSSAC and SSAC jointly recommend that type AAAA resource records for root name servers should be included in the root hints and root zone files and that root servers should return these in priming responses as soon as practicably possible. The report also recommends a phased deployment plan.

In mid-year, SSAC turned its attention to attacks that exploit Whois, DNS and registration processes. Three studies were initiated. In June, SSAC offered preliminary results on a study that sought to determine whether the Whois service was a resource used by spammers to collect email addresses. The study results indicate that publication of email addresses anywhere, including the Whois service, virtually ensures that the address will receive unsolicited bulk email, better known as spam. During this time frame, SSAC also began studying fast flux attacks, a growing and troubling exploitation of the DNS and registrar services to facilitate a broad range of Internet attacks, including phishing and hosting of illegal pharmaceutical and child pornography websites. SSAC began working

## ADVISORY COMMITTEES AND SUPPORTING ORGANIZATIONS

cooperatively with other anti-hacking organizations, including SpamHaus, the ISOI and the APWG, and the SSAC Fellow now participates as a liaison to and member of several APWG subgroups. Fast flux attacks are highly sophisticated attacks and SSAC continues to review possible mitigation measures that DNS operators, registries and registrars might implement. SSAC also studied domain name grabbing, a term applied to activities by which some party covertly monitors domain name availability checks, identifies domain names currently of interest and preemptively registers these domain names before the party originally interested in the name does. Like fast flux, domain name grabbing is a complex issue, and additional study continues. SSAC issued an Advisory on both fast flux and domain name grabbing activities in the fourth quarter of 2007.

SSAC resumed consideration of IPv6 security and stability matters in third quarter 2007 and reported the results of a survey of IPv6 support in commercial firewall products at the Los Angeles meeting. The survey includes responses from 42 of 60 firewall vendors, representing, by SSAC's estimation, in excess of 95 percent of the installed base of commercial firewall products. The survey indicates that firewall support for IPv6 is not as broadly available as SSAC would hope, given the accelerated depletion rate of IPv4 addresses.

SSAC also studied several matters at the request of ICANN staff or in response to a public call for comments. SSAC reviewed and commented on a new IANA policy for including glue resource records in the root zone file. SSAC also commented on the GNSO Principles for Adding New TLDs and responded to the Chief Registrar Liaison's questions regarding whether the use of certain strings in gTLD labels might create technical instabilities in the DNS. SSAC also made substantive comments to ICANN's study and reports on Registry Failover and Registrar Data Escrow policies. SSAC commented on ICANN's proposal for IDN deployment at the root level of the DNS.

SSAC has adopted Wiki technology to serve as an archive of sensitive correspondence and meeting minutes, and as a readily accessible repository for works in progress. SSAC's practices and procedures are at last codified and are currently under review by the committee.

### **At-Large Advisory Committee**

**Jacqueline Morris, Chair (December 2006–November 2007)**

**Cheryl Langdon-Orr (November 2007–November 2008)**

The involvement of the world's individual Internet user communities in ICANN has grown rapidly over the past year. The number of Internet user organizations certified as At-Large Structures (ALSs) continued to increase worldwide, with over 105 applications received as of September 2007. A list of these groups, which range in size from 25 to millions of members, is posted at <http://www.alac.icann.org/applications/>. ALS certification recognizes groups that involve individual Internet users at the local or regional level in issues addressed by the ICANN community. Participation as an ALS facilitates input on ICANN activities and processes that affect users via contributions to the At-Large Advisory Committee (ALAC). ALS certification also enables groups to participate in the work of the Regional At-Large Organization (RALO) nearest them. The five RALOs around the world are the focal point for at-large information sharing and participation in each region, and they select members of the At-Large Advisory Committee as their representatives.

With ICANN support, at-large community leaders finalized memorandums of understanding (MoUs) for all five worldwide RALOs in 2006–2007: Africa, Asia-Australia-Pacific, Europe, Latin America and the Caribbean, and North America.

With the formation of the final RALO in June 2007, the At-Large Advisory Committee's last ICANN Board-appointed interim members were replaced by elected representatives, an important milestone in the development of this diverse worldwide constituency.

The community has been aggressively working to put into place consultative mechanisms to allow each region an equal voice in the development of policy responses to the issues confronting the ICANN community. These efforts

are expected to lead to much greater policy advice capacity in the at-large community and have already resulted in many new at-large participants worldwide in the work of at-large in ICANN.

Issues affecting Internet users on which the at-large community has provided input include the introduction of new gTLDs, advancing use of Internationalized Domain Names, changes to Whois services, revisions to the Registrar Accreditation Agreement, migration from IPv4 to IPv6, and domain name tasting.

## **Governmental Advisory Committee Ambassador Janis Karklins, Chair**

During the reporting period the Governmental Advisory Committee produced policy advice to the Board on Whois and new gTLDs in the form of two documents: GAC principles regarding new gTLDs, and GAC principles regarding gTLD Whois services. In addition, the GAC also provided advice to the Board on the draft ICANN procedure for handling Whois conflicts with national privacy laws. The provision of these documents and advice was the culmination of many months' work for the GAC.

The GAC acknowledges ICANN's commitment to make further progress on transparency and accountability and has engaged with the ICANN Board on this issue on a number of occasions during face-to-face meetings. The GAC recently submitted a paper to the Board on Definitions of Accountability in the ICANN Environment as input to the ongoing consultations on the Accountability and Transparency Frameworks and Principles.

The GAC also worked closely with the ccNSO during the period to consider the public policy issues surrounding the selection of IDN ccTLDs associated with the ISO 3166-1 two letter country codes. This collaborative effort resulted in an issues paper being delivered to the ICANN Board at the San Juan meeting in June 2007. The GAC will continue to work with the ccNSO and others in the ICANN community to answer the questions in the issues paper and on developing a process to enable the implementation of ccTLD IDNs in both the short and longer terms.

A joint GAC–Board working group co-chaired by Janis Karklins and Alejandro Pisanty was established in 2006 to look at ways to:

- Enhance overall communication and engagement between ICANN and the GAC
- Strengthen the ability of the GAC to provide advice on ICANN operations that relate to concerns of governments
- Support the creation of a strong and sustainable GAC Secretariat to facilitate communication on public policy issues
- Improve information for GAC members by providing background analyses of relevant issues
- Maintain the GAC as part of the multi-stakeholder public-private partnership of ICANN

The working group met first in March 2006, and again in regular teleconferences and at ICANN meetings. The GAC principles on Whois and new gTLDs, and the GAC's work with the ccNSO on IDNs demonstrate the strong collaboration and communication established by the working group's efforts. At the ICANN meeting in San Juan in June 2007, the working group agreed that it had met its initial objectives. It is now considering focusing on other areas of possible improvement.

## **DNS Root Server System Advisory Committee Jun Murai, Chair**

During 2007, RSSAC met three times: in Prague, Czech Republic in March; in Chicago in July; and in Vancouver in December.

In addition, the RSSAC and SSAC jointly prepared and released an Advisory, SAC 018, *Accommodating IP Version 6 Address Resource Records for the Root of the Domain Name System*, which has helped pave the way for the inclusion of the AAAA IPv6 addresses into the root zone (see <http://www.icann.org/committees/security/sac018.pdf>).

ICANN also asked the RSSAC to prepare a statement on the next step for IDN deployment. That statement is available at <http://www.icann.org/committees/dns-root/rssac-idn-statement.htm>.

In addition, the RSSAC presented several reports on current issues at the various ICANN meetings during the year.

# STRATEGIC PLAN FOR THE NEXT THREE YEARS

ICANN's Strategic Planning process takes place from June through December, and the ICANN Strategic plan for the period July 2008 through June 2011 is being finalized. The process anticipated that a final draft would be approved by ICANN's Board in December.

ICANN Strategic Planning balances input from the broad multi-stakeholder base, along with strategic input from ICANN's Board. The initial draft of the plan is based on a multiphase consultation with the ICANN community. It attempts to set out the community's views of the major opportunities and challenges that face ICANN in the next three years as it continues to evolve as a global organization serving the Internet community in maintaining the stability and security of the Internet's unique identifier systems. Key aspects of environmental change identified in this planning cycle is the imminent arrival of new top level domains in Latin and non-Latin characters, increased emphasis on Internet security, and the impact that will have on the Internet community in terms of scale, community composition with many new non-English speakers and more.

Development of this Strategic Plan began at the ICANN meeting in San Juan in June 2007. Consultation with the community was undertaken at that meeting and sessions conducted in English, French and Spanish, including a session for the Caribbean community. An online forum was established with questions set out in Arabic, English, French and Spanish. For the first time, the Strategic Planning online forum received responses in languages other than English.

Input from the public forum, the Board and staff and the San Juan sessions was synthesized into an issues paper published in September 2007. Comments were sought through a public forum on the ICANN website. Teleconference consultations based on this issues paper were conducted with ICANN constituency groups. From this input, this draft version of the plan was written.

At ICANN's Los Angeles meeting in October, the draft plan was discussed in six constituency-specific fora, one multi-language session, and in a public forum. Further, an online forum was established to allow all members of the ICANN community to contribute to the planning discussion.

Based on the feedback received through this consultation process, the plan was redrafted. The Board approved the updated plan in December 2007, and it will be posted in January 2008 along with a summary and analysis of all feedback received.

The plan identifies specific community objectives within eight priority areas for this plan period. These priority areas are:

- Implement generic top-level domains and Internationalized Domain Names, including for ccTLDs associated with the ISO 3166-1 two-letter codes.
- Enhance security and stability of the Internet's unique identifiers, and clearly plan ICANN's role in conjunction with others in enhancing security.
- Monitor the depletion of IPv4 address space and provide leadership towards IPv6 adoption.
- Improve confidence in the generic top level domain marketplace through ongoing efforts towards stability and registrant protection.
- Strive for excellence in core operations in activities such as provided by the IANA function, and in internal support operations and management.
- Strengthen ICANN's multi-stakeholder model to manage increasing demands and changing needs.
- Strengthen accountability and governance and consider structural changes that are part of the next phase of its evolution as an organization.
- Ensure financial stability and responsibility.

# STRATEGIC PLAN FOR THE NEXT THREE YEARS

The draft Strategic Plan for July 2008 to June 2011 is available at [http://www.icann.org/strategic-plan/draft\\_stratplan\\_2008\\_2011\\_clean\\_en\\_v1.pdf](http://www.icann.org/strategic-plan/draft_stratplan_2008_2011_clean_en_v1.pdf).

In addition to completing the plan for this cycle, the community is also seeking ongoing improvement in the planning process itself. How can the quality of the Strategic Plan be measured? How can the Strategic and Operating Plans be tied more closely? In this cycle, plan outcomes have been made more explicit with the goal of making the plan more measurable and the tie with the Operating Plan more direct. This will undoubtedly remain an area of future focus and improvement.

## Operating Plan for 2007–2008

Each ICANN Operating Plan is a one-year action plan targeted at accomplishing the objectives set out in the three-year Strategic Plan containing specific projects to be initiated, continued or closed during a fiscal year. ICANN is currently operating under the 2007–2008 Operating Plan and budget approved in June 2007.

As with the Strategic Plan, the Operating Plan is the product of extensive community consultation. An initial draft Operating Plan was produced in March 2007 and reviewed through community consultation at the ICANN Lisbon meeting and through online and other fora. A draft budget was produced in May and reviewed both online and through telephone consultations. As a final step, the Operating Plan and Budget were reviewed and approved at ICANN's San Juan meeting in June 2007.

The Operating Plan describes all ICANN work and is posted at <http://www.icann.org/planning/>. It describes the measurable work objectives set out for the fiscal year. Several of these goals or groupings are of prime importance to ICANN's mission and many constituency groups. Highlights of this plan include:

- **Contractual Compliance.** The Operating Plan and Budget provide resources for ICANN to significantly augment contractual compliance actions, including the system for auditing registry and registrar performance for compliance by all parties to such agreements. ICANN's compliance program is at <http://www.icann.org/compliance/>.
- **Accountability and Transparency.** ICANN aspires to be a global leader in accountability and transparency. Initial draft Management Operating Principles for accountability and transparency have been developed, with implementation planned in 2008. Further, this Operating Plan calls for fully staffing the communications function at ICANN and improvements to communications tools, including the ICANN website.
- **Translation.** Translation of important documents and meeting proceedings is an important aspect of ICANN communications and transparency initiatives. Translation efforts support many or most of the project and operating plan initiatives described in the Strategic and Operating plans. The current Operating Plan and Budget call for translation expenditures of \$469,000, a substantial increase over prior years. The increase allows for significantly broader participation but also calls for careful cost-benefit analysis to ensure these increased expenditures provide meaningful return.

# STRATEGIC PLAN FOR THE NEXT THREE YEARS

- **Automate IANA Execution.** IANA is in the process of automating many of its administrative functions, including submission and processing of requests for root zone changes, protocol and parameter requests, and reporting of performance metrics. This is an ongoing process with several key milestones already completed.
- **New gTLD Process.** The development of a process and policy for the introduction of new gTLDs (central to fostering choice and competition in the provision of domain registration services, and as such, critical to the promotion of ICANN's core values) is moving to a new phase of execution. Significant activities and resources are planned in the current Operating Plan and Budget with a goal that the process to accept applications for new gTLDs could be ready early in the next fiscal year.
- **Deployment of Internationalized Domain Names.** The IDN Program plan is composed of several projects that are moving into a new phase of execution during this Operating Plan year, including technical tests, completion of technical guidelines, expected completion of the protocol, and significant policy development work within the context of the new gTLD program and by the ccNSO for ccTLDs associated with the ISO 3166-1 two-letter codes.

## Management of Operating Plan Objectives

ICANN has a goal to ensure, as much as possible, the completion of plan objectives through the use of best management practices.

ICANN uses two primary methodologies for monitoring progress towards accomplishment of plan objectives. First, for more complex or longer-term efforts, ICANN employs a tried-and-true project management process. This process was implemented during fiscal year 2006–2007, and has matured over the past 18 months. ICANN has implemented in economical form a project office with documented processes and management practices. Examples of projects managed with this approach include the IDN program and the new gTLD program.

Other Operating Plan deliverables that are less complex (for example, having a shorter term, or fewer interdependencies) are managed with an explicit goal setting/performance monitoring approach. Three times each year, ICANN identifies the business initiatives or goals to be accomplished during the coming period. A standard management process is used to monitor progress towards plan, bring additional focus or resources to areas needing help, and assessing actual accomplishments at the end of a period. The purpose of this process is to ensure that all Operating Plan items are executed during the plan year.

## Internationalized Domain Names

Internationalized domain names are the most significant change to the Internet since its inception. The gateway to multilingual, global access and content, IDNs have been a major project at ICANN. Several preliminary goals were achieved in 2006 and 2007, including successful laboratory testing of IDNs and reaching the last stages of finalization of the revisions to the protocol standard, known as IDNA, used by TLD registries and application developers when implementing support for IDNs.

The most important milestone for the IDN program in 2007 was the insertion of 11 IDN TLDs in the root zone. These TLDs were inserted for evaluation purposes and a user test facility has been launched in the form of IDNwikis. Users can experiment with fully localized URLs and internationalized emails in various applications. The English gateway to the wiki is available at <http://idn.icann.org> and IDN TLDs in other languages can be reached from there.

The laboratory test on IDNs that was completed successfully this year will be replicated for the IDN TLDs that are live in the root zone now. This testing will aid in the determination that IDN TLDs are considered stable for production from a technical standpoint.

### Other efforts undertaken to ensure the technical stability of IDNs include:

**IDNA Protocol Revision.** This standard will provide a set of rules for determining which languages will be available for IDNs while ensuring stable DNS operation. This effort is expected to be completed in 2007.

**SSAC IDN Study.** Also in 2007, the SSAC launched a study to identify DNS security issues associated with the potential deployment of IDN TLDs. The study focuses on the question “What impact will the introduction of IDN TLDs have on the security and stability of the Domain Name System?”

### IDN Policy Development

On the policy front the community has been very focused on the topic of IDNs throughout the year. Several activities have been completed and significant efforts to launch IDN TLDs have begun. These efforts, detailed in the policy development work done by the supporting organizations and advisory committees with the aid of ICANN policy support staff, include:

- GNSO IDN Working Group Report  
<http://www.gnso.icann.org/drafts/idn-wg-fr-22mar07.htm>
- GNSO Reserved Names Working Group Report  
<http://www.gnso.icann.org/drafts/rn-wg-fr19mar07.pdf>
- ccNSO-GAC Joint Issues Paper on IDNs  
<http://www.icann.org/topics/idn/ccnso-gac-issues-report-on-idn-09jul07/pdf>
- ccNSO-GAC IDN Working Group formation
- ALAC IDN study

*A campaign to raise awareness of IDNs included videos posted on YouTube describing how IDNs work and how to participate in the “example.test” evaluations in 11 languages.*



## SERVICES

Extensive communication efforts that raised IDN awareness across the Internet community will continue to be expanded in the next calendar year. A large number of meetings and events were focused on IDNs. A selection of these follows (also see <http://www.icann.org/topics/idn/meetings.htm>).

- The APTLD meeting in Dubai in October 2007 conducted a full-day session on IDNs including nontechnical IDN training.
- ICANN conducted a two-day media tour of New York and Boston, resulting in global coverage of IDNs, including a front page (business section) story in the *Wall Street Journal*, and a podcast on the NPR-BBC show *The World*.
- Taking part in the Arabic Domain Names Working Group meetings held under the auspices of the League of Arab States and attended by government representatives and ccTLD managers in the Arab region.
- Jointly with TWNIC, organizing the event in Taipei on 19–21 October 2007 titled *Toward the New Era of Internet*. The event contained full-day sessions on IDN topics including the .test IDNwiki, IDN protocol revisions, ICANN policy development efforts, and security matters for users.

Staff is conducting outreach in many different fora: participating in IDN related events, recommending agenda and speakers to IDN-related events, providing financial support, communicating through day-to-day e-mail and phone correspondence, coordinating technical and policy recommendations, and providing general information and network sharing. Face-to-face meetings have been held with many interested parties within the community including governments and ccTLD registry operator representatives in Bahrain, Belgium, Brazil, Canada, China, Czech Republic, Denmark, Egypt, Estonia, Finland, Germany, Greece, Indonesia, Jordan, Latvia, Morocco, Netherlands, New Zealand, Portugal, Spain, Sweden, Switzerland, Thailand, United Arab Emirates, United States, and others.

IDN Program Status reports are provided regularly. These reports and other IDN notifications and announcements can be found at <http://icann.org/topics/idn>.

#### **gTLD Registry Liaison**

The gTLD project team has been developing a draft implementation plan in parallel with the policy development work of the Generic Names Supporting Organization (GNSO). In September, the GNSO approved a set of policy recommendations to guide the deployment of new gTLDs and the ICANN Board considered the recommendations following the annual meeting in October 2007. The implementation of new gTLDs is anticipated to commence in 2008.

A draft Registry Failover Plan and Best Practices Guidelines was presented for public discussion at the annual meeting in Los Angeles. The plan is intended to provide for a process to protect gTLD registrants in the event of registry failure. It is expected that the Best Practices Guidelines will be incorporated to the base agreement for new gTLDs.

The process for considering new registry services, also known as the funnel, has been operational for one full year. Since inception of the process, nine requests have been submitted and of those seven were approved, one was not approved and one is pending Board review. The process will soon undergo an operational review to assess how it has met the needs of gTLD registries and the Internet community.

The .name and .coop registry agreements were renewed in 2007. The .aero and .museum renewal agreements are currently in negotiations and are expected to be complete and renewed by the end of the year. Negotiations with the Universal Postal Union for the .post sponsorship agreement commenced in August.

## SERVICES

Regional Registry/Registrar gatherings were conducted in North America and Asia with a third event was held in December 2007 in Europe. The regional events provide an opportunity for gTLD registries and registrars to participate in the ICANN process during sessions geared to business challenges unique to their regions.

**gTLD Registrar Liaison**

This year has been challenging but productive for the registrar liaison team. The registrar marketplace has grown and diversified while ICANN has continued its efforts to protect registrants and to improve registrar compliance with consensus policies and the Registrar Accreditation Agreement (RAA).

While not growing at the same pace as the previous year, accreditations passed the 900 mark with the addition of 50 accredited registrars. Geographic diversity has grown, with registrars applying from Africa, Central and South America, Eastern Europe and Southeast Asia. This growth has brought an increase in day-to-day processing of changes in ownership, addresses, and contact persons, with more than 100 such requests processed last year. The introduction of new gTLDs and expansion of registrar business models has resulted in over 500 requests to add appendices for additional top-level domains.

Much of this change has been facilitated by the introduction of a new online interface for registrars known as RADAR (Registrar Application and Database Access Resource). All registrars now have access to the initial version of this tool, which permits updates to contact information, requests for additional TLDs, and access to information for other registrars that can be used to facilitate domain name transfers and communication among registrars. An updated version of this interface software will be introduced soon containing enhancements that will facilitate online new and renewal applications as well as access to registrar compliance and billing data.

Outreach efforts continued during the report period, including an historic open house for North American registrars at ICANN's Marina del Rey office. Similar events were also hosted or attended in Beijing, Hong Kong, Los Angeles, Miami, Seattle, Seoul and Tokyo. A European event took place December 2007 in Prague, Czech Republic.

These outreach events and greater communication efforts have improved relations between the liaison staff and registrars, with active participation by registrars in joint efforts to introduce a Data Escrow program and to amend the Registrar Accreditation Agreement to provide for greater protection of registrants. Registrars approved the budget fee structure in record time this year, thus permitting ICANN to avoid retroactive fee changes and at the same time lowering costs to registrars. The period was not without its challenges, including the very visible and painful collapse of one large registrar. Within the framework of tools and approaches available to address this critical issue, ICANN's efforts, in collaboration with registry operators, registrars, and others, to protect the affected registrants have been widely recognized as successful. It will also be important to position the entire ICANN stakeholder community to improve responses to registrar failures in the future. Lessons learned from this experience are now guiding efforts to enhance compliance and to augment terms in the RAA.

In addition, registrar liaison staff redoubled efforts to implement the Data Escrow program, which commenced operation nearly a year ahead of schedule in December of 2007. ICANN has concluded negotiations and entered into an agreement with Iron Mountain Intellectual Property Management, Inc. to provide escrow services under ICANN's Registrar Data Escrow (RDE) program. ICANN selected Iron Mountain through a competitive request for proposals process concluded earlier in 2007.

ICANN plans to have all accredited registrars enrolled in the RDE program within the next six months. Registrars will begin enrolling in the data escrow program shortly.

## SERVICES

**Contractual Compliance**

In 2007, ICANN's Contractual Compliance Department updated and published a comprehensive contractual compliance program that includes a philosophy statement, a vision statement, and an operating plan (see <http://www.icann.org/compliance>). In support of ICANN's mission, the contractual compliance program ensures compliance by all ICANN accredited registrars and registries with ICANN agreements.

The Contractual Compliance Department also made significant improvements to the InterNIC public information site (see <http://www.internic.net/>) in 2007. Enhanced navigational tools were added to make it user friendly and valuable information was made available to assist consumers in resolving their domain name related problems and disputes. In addition, the site now provides useful information regarding other resources that consumers should consider when problems related to their domain names or disputes fall outside ICANN's mission.

Also in 2007, the department developed and implemented internal procedures for consistent handling of escalated compliance matters. These procedures have provided clarity for ICANN staff and certainty that all noncompliant parties will be treated in a uniform and predictable manner.

A major departmental responsibility is to respond to consumer complaints; therefore, to assist the community and ICANN management in understanding the number and types of complaints received each year the department published complaint statistics in 2007 (see <http://www.icann.org/compliance/pie-problem-reports-2006.html>).

In addition, ICANN continues to provide the community with useful information about compliance matters. In 2007 ICANN published its fourth annual report on the Whois Data Problem Reports System (see <http://www.icann.org/whois/whois-data-accuracy-program-27apr07.pdf>). This report provides statistics regarding registrar compliance with obligations to investigate reports of inaccurate Whois data.

Another report, the fourth annual report on registrar compliance with the Whois Data Reminder Policy, was published in November 2007. The Contractual Compliance Department also conducted several contract audits to assess and encourage registrar and registry compliance with ICANN's agreements. The results of these audits were published in October 2007.

Studies to assess Whois accuracy and availability got under way in 2007. A complete description of the audit processes can be found at <http://www.icann.org/whois/whois-data-accuracy-program-27apr07.pdf>.

ICANN has made staffing and resources to accomplish the objectives of the Contractual Compliance Program a priority. Accordingly, an audit manager, a data analyst, and possibly other staff will be added to the Contractual Compliance Department to enhance contractual compliance efforts before the end of 2007.

# INTERNET ASSIGNED NUMBERS AUTHORITY

## Services and Responsiveness

ICANN's management of the IANA function continues to strive for excellence in performance. The improvements to services and responsiveness over the past year have been uniformly recognized and acknowledged by stakeholders relying on IANA, and IANA is no longer perceived as a source of significant delay in the processing of requests. This achievement has been recognized by renewal of the contract with the U.S. Department of Commerce. This contract, signed 15 August 2006, is a sole-source contract with a period of one year plus four renewal periods of the new Joint Project Agreement between ICANN and the Department of Commerce. The first renewal period was exercised in the third quarter of 2007.

## Staffing

IANA staffing has not changed significantly in the past year, and now consists of 11-1/2 full time staff members, including contractors. In September 2007, David Conrad was promoted to the newly created position of Vice President of Research and IANA Strategy. In this role, he retains strategic responsibility for the IANA functions within ICANN, and the relationships with major stakeholders, including the contractual relationship with the U.S. Department of Commerce.

At the same time, Barbara Roseman was named General Operations Manager of IANA, continuing day-to-day management of the IANA functions. Key IANA team members will continue in their roles as relations managers with IANA's stakeholders. These are Kim Davies, Manager, Root Zone Services; Leo Vegoda, Manager, Number Resources; and Michelle Cotton, Manager, IETF Relations. Simon Raveh leads software and tools development as IANA's Development Manager. Pearl Liang, Naela Sarras and Amanda Baber round out the full-time staff.

Two full-time staff members perform root management and other domain related issues, including management of .int. Four and a half full time staff members are devoted to IETF-related request processing.

IANA currently has one additional position open for an operations person and a new position has been created for an IANA Software Developer. Recruiting for these new positions is ongoing.

## New Request Tracking System

IANA's Root Zone Management (RZM) automated system has taken longer than desired to deploy; however, a beta version is now being tested and a full version will be in operation during early 2008. The RZM tool (formerly e-IANA) allows for automated processing of much of the root zone change request process and should accelerate processing of routine requests.

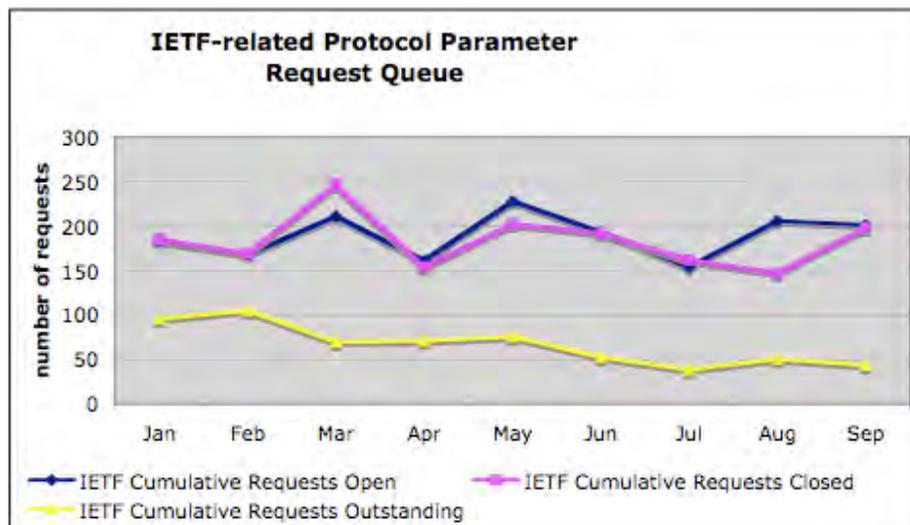


*IANA is handling increasingly complex root zone change requests, including addition of IDN TLDs to the root zone.*

## INTERNET ASSIGNED NUMBERS AUTHORITY

IANA also continues with the ongoing project of automating statistics collection and presentation. Reliable tools for reporting IETF-related request statistics were deployed in early 2007 and continue to provide useful data for our monthly reports to the IETF community. Similar tools were developed for root zone change requests and were deployed in late 2007.

IANA has completed the development of a more highly automated system to accept and process resource requests, particularly those in which the number of requests is highest (e.g., private enterprise numbers). The new automated PEN application tool has brought average processing times for these requests down by more than 50 percent.



*IANA has maintained a steady-state level of request processing keeping the queue of outstanding requests from growing over time.*

## Request Processing

IANA continues to improve efficiency and productivity in request processing. IANA has handled approximately 2,700 requests, not including requests complaining about abuse such as spam coming from address space listed as "Reserved by IANA," since 1 January 2007.

Root zone management is a critical, high-visibility portion of the IANA function. IANA processes requests from TLD managers for changes in their root zone information, primarily their DNS, and IANA verifies the requests and forwards them to the U.S. Department of Commerce and VeriSign for inclusion in the published root zone. IANA typically fulfils these requests within 14 days.

Some requests, such as redelegations or changing shared name servers for several TLDs involve significantly more coordination with the requesters. These requests may take many weeks to prepare. IANA is seeing a growing number of such complex requests and this is reflected in an occasionally growing queue of outstanding requests. When a cohort of shared requests is completed, the queue size returns to a more steady-state number of approximately 20 root zone change requests per month.

## FINANCE

The major activities in ICANN's Finance area include improved financial controls, improved reporting of financial results, and improved processing of accounting and financial activities. A new Chief Financial Officer was hired. The fiscal year end 30 June 2007 audited financials were completed with an unqualified clean opinion from the auditors.

Financial controls improvements included an update to the accounting policies and procedures manual, the release of a staff travel expense policy, and the strengthening of disbursement and accounting control procedures. The auditors successfully delivered an unqualified clean opinion on the fairness of the financial statements to the Audit Committee of the Board of Directors.

ICANN's financial reporting improvements included the development and disbursement of monthly reports for department heads and Board members, a financial calendar including reporting deadlines, budget and other financial statistics presented in graphical and spreadsheet formats, and improved capturing of financial data (revenue and expenses) in a manner most meaningful to management. Budget to actual variances by department and by activity are regularly reported as well as the results of specific projects.

The processing of accounting and financial activity improvements included a reduction in the accounts payable invoice cycle, improved clarity on internal approvals, the adoption of an Investment Policy for ICANN, the establishment of a formalized collections policy, and a streamlined month-end close cycle.

## Human Resources

The major activities in ICANN's Human Resources have involved staffing, improved compensation systems and procedures, and improved learning and development programs.

Staffing activities during 2006–2007 were extensive and resulted in the addition of a new Chief Financial Officer, new Director of Human Resources, new Information Technology Director and a Chief Operating Officer. A total of 25 new hires and replacements were added to staff. ICANN also identified new methods of sourcing candidates and online background checks to improve efficiency and lower costs.

A comprehensive analysis of compensation was reviewed with the Board, and salaries were adjusted to competitive market positions. A formal incentive plan was implemented based on achievement of goals, objectives, and milestone.

Finally, training programs were launched to improve staff goal setting skills and presentation skills, and programs on office skills (i.e., Microsoft Office), the domain name system, and Internationalized Domain Names continued to be offered to staff. In addition, the entire staff received training to raise awareness of sexual harassment issues in the workplace.

## GLOBAL AND STRATEGIC PARTNERSHIPS

### Overview

The Global Partnerships network was formed in 2006 as part of ICANN's continued efforts to improve engagement with all stakeholders globally. The team is led by the Vice President for Global and Strategic Partnerships, and consists of managers of regional relations, a deputy manager and appropriate administrative support. Additional managers of regional relations are being recruited to complete the team and to cover the remaining subregions. Global Partnerships retained the annual establishment of individually defined business plans tailored to each region that reflect and incorporate ICANN's Strategic and Operating plans.

Team members also developed a departmental communications strategy and have assisted ICANN staff by gathering input from the local communities with which they work. This reporting mechanism will be further refined during the coming year as ICANN works to standardize and coordinate reporting mechanisms.

### Stakeholder Support

Global Partnerships participated in, partnered with and supported the organization of workshops, seminars and outreach events at multiple levels, enlarging the ICANN platform of participating stakeholders and educating them on ICANN's mission and goals at regional and global levels. This includes participating in and working with organizations in Internet community related events touching on issues under ICANN's mandate, such as attending the first MENOG meetings, sessions at the AKMS in Doha Qatar, the Club of Rome, the RANS meeting in Russia, the Caribbean Ministerial gathering in Anguilla, meetings of LACNIC, APTLD, LACTLD, AFTLD, and the Universal Postal Union. It also includes partnering with organization's such as ISOC, Diplofoundation, ITU, UNECA and UNESCO when opportunities arise.

Team members also partnered with ISOC to conduct ccTLD trainings and capacity building exercises. The team members' involvement in ccTLD workshops in San Juan and in developing relationships with local Internet communities throughout the regions has enhanced regional presence in ICANN-related activities.

Managers of Regional Relations have also provided continuing support for respective stakeholders, including the formation of Regional At-Large Organizations. This process began with the signing of the first RALO that created the Latin America-Caribbean RALO (LAC RALO) at the São Paulo meeting. This process culminated just six months later in San Juan with the signing of the North American RALO, the final at-large organization. There are now RALOs for all five ICANN regions: LAC RALO, NARALO, APRALO, AFRALO, and EURALO.



## GLOBAL AND STRATEGIC PARTNERSHIPS

From July 2006 through 2007, the team instrumentally supported the negotiations and signing of 29 accountability frameworks or exchanges of letters with ccTLD operators, with many more in the pipeline. A list of accountability frameworks and letters follows.

Accountability Frameworks			
Date	ccTDL	Country	Operator
June 28, 2007	.nl	Netherlands	Stichting Internet Domeinregistratie Nederland
June 26, 2007	.fj	Fiji	University of the South Pacific
June 26, 2007	.pr	Puerto Rico	The Gauss Research Laboratory Inc.
June 4, 2007	.sv	El Salvador	Asociación SVNet
May 30, 2007	.mn	Mongolia	Datacom Ltd
February 27, 2007	.ly	Libya	General Post and Telecommunication Company
December 4, 2006	.pa	Panama	Universidad Tecnológica de Panamá
November 29, 2006	.cz	Czech Republic	CA.NIC,z.s.p.o.
November 29, 2006	.kz	Kazakhstan	Association of IT Companies of Kazakhstan
September 28, 2006	.ni	Nicaragua	Universidad Nacional de Ingeniería (NIC NI)
September 5, 2006	.gt	Guatemala	Universidad del Valle de Guatemala
August 14, 2006	.pe	Peru	Red Científica Peruana (PE NIC)
July 20, 2006	.hn	Honduras	Red de Desarrollo Sostenible Hondura (RDS-HN)

Exchange of Letters			
Date	ccTDL	Country	Operator
October 31, 2007	.it	Italy	Istituto di Informatica e Telematica of CNR (ITT-CNR)
October 30, 2007	.sb	Solomon Islands	Solomon Telekom Company Ltd.
October 29, 2007	.nz	New Zealand	InternetNZ
October 29, 2007	.rs	Serbia	Serbian National Register of Internet Domain Names (RNIDS)
October 24, 2007	.fm	Micronesia	Federated States of Micronesia, FSM Telecommunications Corporation (FSMTC)
October 2, 2007	.ck	Cook Islands	Telecom Cook Islands Ltd (TCIL)
September 18, 2007	.se	Sweden	The Internet Infrastructure Foundation of Sweden
May 10, 2007	.br	Brazil	Brazilian Internet Steering Committee
April 30, 2007	.sn	Senegal	NIC Sénégal
April 12, 2007	.am	Armenia	Internet society (Armenia)
March 25, 2007	.ru	Russian Federation	Coordination Center for TLD RU
March 25, 2007	.ci	Côte d'Ivoire	NIC Côte d'Ivoire
December 21, 2006	.be	Belgium	Department of Computer Sciences, University of Leuven
December 4, 2006	.fi	Finland	Finnish Communications Regulatory Authority (FICORA)
August 10, 2006	.hu	Hungary	Council of Hungarian Internet Providers (ISZT)
July 17, 2006	.no	Norway	Uninett Norid AS (Norid)

During the same time frame, the team also brought to fruition several Memorandums of Understanding that were approved by the Board.

## GLOBAL AND STRATEGIC PARTNERSHIPS

Memorandums of Understanding		
Date	Organization	MOU Can Be Found At
Apr 18, 2007	Pacific Islands Telecommunications Association (PITA)	<a href="http://icann.org/announcements/announcement-2-10may07.htm">http://icann.org/announcements/announcement-2-10may07.htm</a>
Jun 18, 2007	U.N. Economic and Social Commission for Western Asia (UNESCWA)	<a href="http://icann.org/announcements/announcement-22aug07.htm">http://icann.org/announcements/announcement-22aug07.htm</a>
Nov 6, 2007	Commonwealth Telecommunications Organization (CTO)	A copy of the signed MOU will be posted soon at: <a href="http://www.icann.org/">http://www.icann.org/</a>
Nov 13, 2007	African Telecommunications Organization (ATU)	<a href="http://icann.org/announcements/announcement-14nov07.htm">http://icann.org/announcements/announcement-14nov07.htm</a>
Nov 14, 2007	Inter-American Telecommunication Commission of the Organization of American States (CITEL)	A copy of the signed MOU will be posted soon at: <a href="http://www.icann.org/">http://www.icann.org/</a>

## Supporting Other Departments

The department's responsibilities included supporting all departments as needed and consistent with the operational plan. Examples of this include supporting the IDN project with global outreach and support of the launch of the test bed. Team members supported the program through outreach and presentations and assisted with recruitment of hosts for the language wikis. Global Partnerships also participated in registry or registrar-related events in Asia and Europe. The entire team works closely with IANA and Corporate Affairs to provide relevant technical and political information on the various regions to identify regional priorities and how those priorities and ICANN's initiatives interact.

The department is also engaged in outreach and awareness of issues such as the new gTLD process, and worked with respective departments within ICANN to respond to specific issues arising from community interest.

## International Fora

The Global Partnerships team continues to engage in international and regional discussions relating to Internet issues as they touch on ICANN's mandate, including Internet governance. ICANN participates in the Internet Governance Forum, including its preparatory processes. At the IGF in Rio de Janeiro in November 2007, ICANN partnered with the ITU and UNESCO to host a workshop on multilingualism, participated in several workshops addressing issues within ICANN's mandate, and held the Open Forum on ICANN, the first such session at an IGF meeting. Global partnerships' participation, together with respective staff expertise, in discussions surrounding Internet issues including the IGF, are part of the organization's work to increase international understanding of ICANN's role and the multi-stakeholder model, and to better enable participation in this model.

Among several initiatives, ICANN also participated in regional Internet governance discussions as well as other regional and international fora such as the ITU Telecom Africa, and participated in the technical community for the OECD Ministerial for 2008.

## Fellowships

ICANN announced the first round of its global fellowships program in May 2007. The purpose of the program, as outlined in the 2006–2007 ICANN Operating Plan, is to create a program to encourage and fund participation in ICANN meetings and processes by interested parties from developing countries. Citizens from low, lower-middle, and upper-middle income economies, according to the World Bank Group country classification, are prioritized in the application. The program further prioritizes participants from the ICANN region in which the meeting is taking place, participants from adjacent regions, and overseas participants, in that order. This increases the number of fellows by keeping travel distances shorter and costs down.

A graphic illustration of the fellowship program applications and attendees by sector and region for the San Juan meeting appears below. First round applications were from Argentina, Benin, Botswana, Brazil, Colombia, Fiji, Grenada, Guyana, Haiti, Jamaica, Malawi, Mauritius, Mexico, Moldova, Montserrat, Nepal, Solomon Islands, St. Lucia, St. Vincent and The Grenadines, Tajikistan, Trinidad And Tobago, Tunisia, Tuvalu, and Venezuela.

## GLOBAL AND STRATEGIC PARTNERSHIPS

Pilot Program Applications and Attendees – San Juan Meeting			
Number of applications received	125*	ccTLD community	8
Number of applications accepted	40	Government	9
Number of fellows attending San Juan meeting	31	Civil society	7
Number of fellows deferred to Los Angeles meeting	9	Private sector	6
*68% of applicants and 65% of the Fellows had never attended an ICANN meeting		Academia	1
San Juan meeting fellows came from 15 from the Caribbean, 7 from Latin America, 5 from Africa, 4 from Asia/Pacific, 1 from Europe, and 1 from CIS countries.			

A graphic illustration of the fellowship program applications and attendees by sector and region for the Los Angeles meeting appears below. Los Angeles meeting applications were from Azerbaijan, Botswana, Costa Rica, Guatemala, Guinea, Guyana, Haiti, Iran, Jordan, Marshall Islands, Micronesia, Moldova, Montserrat, Mozambique, Nicaragua, Panama, Paraguay, Tajikistan, Tunisia, Samoa, Serbia, and Yemen.

Los Angeles Meeting Applications and Attendees			
Number of applications received	167*	ccTLD community	8
Number of applications accepted	34	Government	5
Number of fellows attending Los Angeles meeting	23	Civil society, and private sector	6
Number of fellows deferred to Delhi meeting	10	Academia	4
*In addition to 9 fellows deferred from San Juan meeting round. Additional characteristics of the attendees: seven of the fellows are alumni from the trial program launched in San Juan last June; four fellows are deferrals from the San Juan meeting, eight fellows are first-time attendees to an ICANN meeting and four have attended past meetings, but are first time fellows. Meeting fellows were 4 from Africa, 3 from the Middle East, 5 from CIS countries, 8 from Latin America and the Caribbean, and 3 from Australasia-Pacific Islands.			

To encourage ongoing participation and deepen the connection to the ICANN processes, fellows are encouraged to reapply and a certain small percentage receives a fellowship for subsequent meetings. These fellows give presentations on their activities since the last meeting, the difference the fellowship has made, and what new fellows can do to maximize the value of their participation.

In addition, alumni from the first round of fellows who were present at the meeting under other programs returned and participated in the daily meetings and helped to mentor their colleagues. All fellows are signed up for the mailing lists of the appropriate ICANN regional groups and an alumni mailing list is being developed.

The program pays for each fellow’s hotel room and economy airfare to the meeting, as well as a \$300 stipend to cover incidental expenses during the week. The fellows attend daily briefing sessions with presentations by members of the ICANN community and staff that reflect the areas of interest and activity indicated in the fellows’ applications. They are also encouraged to participate in the public forums and are introduced to the chairs of the appropriate constituency groups and welcomed at those meetings. At the end of the fellowship they complete a survey and produce individual reports on their activities and the uses to which they put the fellowship. These are compiled into a summary report that is part of the ongoing evaluation of the program. Based on the success of the San Juan and Los Angeles sessions, we expect the fellowship program to be run at each ICANN meeting.

## CORPORATE AFFAIRS

Corporate Affairs' areas of responsibility within the organization include meetings organization, media relations, public participation, website development, information coordination, development of support materials and corporate documentation.

Transparency and accountability have been a focus for Corporate Affairs over the period of this annual report.

The changes that have been introduced include:

- New and better reporting of Board minutes including a more comprehensive account of discussions and a faster turn around time to the community (within 72 hours of the meeting taking place).
- A new public comment webpage ([http://www.icann.org/public\\_comment/](http://www.icann.org/public_comment/)) where all past and present issues that are out for public review are clearly and logically laid out in a single place.
- The creation of a number of online surveys to improve and simplify information gathering and to register perspectives on different policy issues.
- A series of fact sheets covering important and timely topics in an easily understandable and readily digestible format including IPv6 and distributed denial of service attacks.
- A monthly ICANN magazine that provides the latest news and developments within the organization, made available by email and on a dedicated webpage (<http://icann.org/magazine>).
- An intersessional work newsletter covering both policy and organizational issues in depth with simple links to more extensive resources.
- Regular postings and extensive discussion on the ICANN blog (<http://blog.icann.org>) between ICANN staff and the community.
- The expansion of a Public Participation site where registered members can discuss post material and discuss information openly.
- Dedicated ICANN meeting websites offering extensive online participation tools including blogs, chatrooms, and forums to anyone that registers.
- Daily meeting newsletters while meetings are in progress, made available electronically and in paper format.
- The creation of new consultation and translation frameworks to guide future ICANN work.
- An ongoing overhaul of ICANN translation policy to provide more information on ICANN's processes in languages other than English.
- Appointment of a general manager for public participation, a position defined in the bylaws. This role is responsible for coordinating the various aspects of public participation in ICANN, including the website and various other means of communicating with and receiving input from the general community of Internet users.

## CORPORATE AFFAIRS

- A draft set of Frameworks and Principles for Transparency and Accountability consulted upon by the community.
- Report by the One World Trust organization.
- New website that is more easily navigable and with more features including a Processes button on the main site to allow observers to determine what progress is being made on the range of policy issues. Further improvements are proceeding.

Corporate Affairs' focus in the coming year will be in supporting the organization to communicate its mission and the work it is undertaking whilst encouraging participation from the global community.

## OFFICE OF THE GENERAL COUNSEL

### Responsibilities

The Office of the General Counsel continued to provide high-quality legal services to the various functional units within ICANN, including its staff, Board, and participatory structures. The office advises ICANN's various business units on all issues that affect or have the potential to affect ICANN. Such issues include:

- Handling corporate and legal filings, managing litigation, providing interpretation of bylaws and legal interpretation
- Advising the Board and staff on legal matters pertinent to or contemplated for the organization
- Managing aspects of risk and crisis management
- Managing external counsel
- Reviewing and approving all legal documents
- Supporting the organization's compliance functions, finance and organization-wide operational functions
- Negotiating various registry, registrar and other agreements
- Verifying bylaws and applicable corporate legal and ethical compliance
- Managing the corporation's relationship with the U.S. Government
- Negotiating in conjunction with other departments significant agreements that ICANN proposes to enter
- Reviewing and handling daily transactional business
- Supporting various ICANN Board members and committees
- Ensuring staff cooperation with the ICANN Ombudsman
- Monitoring conflicts of interest issues
- End ensuring general corporate legal compliance

### Fulfilment of Bylaws

In 2007, the ICANN Board convened three regular and 14 special meetings, including the annual meeting in Los Angeles. Appropriate Board committees were staffed, including the Executive Committee, Board Governance Committee, Conflicts of Interest Committee, and Reconsideration Committee, and produced reports at the regular ICANN meetings.

### Litigation Support

The General Counsel's actions in support of ICANN included defending the organization against a variety of lawsuits and frivolous lawsuits. ICANN also took action against a registrar that was harming registrants and acted to revoke the registration and gain a permanent injunction in United States Federal District Court against RegisterFly, Inc.

### Department Staffing and Operations

Office staff has heightened the effective advice to internal and external business units implementing a full-service responsiveness regime and participating in increasing its operational excellence through the implementation of new reporting and reviewing mechanisms. The office is hiring two full-time attorney positions to enhance the current five-person department.

### OFFICE OF THE OMBUDSMAN

2006–2007 was a busy year for the Office of the Ombudsman. 375 complaints or community contacts for assistance were handled. Two major reports were prepared and delivered to the Board and the community. Hundreds of RegisterFly consumers turned to my office seeking assistance. My office lacked jurisdiction over many of the concerns raised about RegisterFly, but I provided the most current self help information to assist consumers with their complaints.

The profession of ombudsman continues to expand across the corporate, agency, and state systems. It is seen a low-cost, high-impact method of resolving citizen, consumer, employee, or client complaints. In recent years ombudsman offices have been established to deal with everything from human rights violations in the former Soviet republics, to financial services ombudsmen in the developing world.

Online dispute resolution (ODR) is also gaining popularity in resolving disputes, especially in consumer to business, or business-to-business transactions. In June 2008, I will have the pleasure of Chairing the International Forum on Online Dispute Resolution in collaboration with the United Nations Economic and Social Commission for the Asia Pacific (UNSCEAP). The ICANN Ombudsman remains a unique combination of ODR and ombudsmanship.

The 2006–2007 Ombudsman Annual Report is posted at [www.icannombudsman.org/](http://www.icannombudsman.org/)

### OFFICE OF TECHNOLOGY

As one of ICANN's key projects and in line with its ongoing efforts to improve the resiliency and performance of the L-root servers, in October new, additional systems were brought online in Florida. With these new systems, which are a copy of the original large cluster operating in Los Angeles, the L-root's capacity doubles. In addition to providing increased capacity, the Florida location brings opportunity for direct peering with many Internet service providers in the Latin America and Caribbean regions, thereby directly improving service to those regions.

Operating from two separate locations also means that we now use the Anycast technology that is also used by many other root server operators. Anycast technology enables DNS server operators to distribute query loads, and hence aids in managing distributed denial of service attacks.

This newly formed Office of Technology also initiated research and background work in several areas important to ICANN. These included further investigation into the possible scale and barriers to scale of new TLDs, IPv6 landscape and progress, DNSSEC analysis and plans, and understanding the technical limitations of new TLD strings.

# APPENDIXES

## AUDIT REPORT FOR FISCAL 2006–2007

<http://icann.org/financials/financial-report-fye-30jun07.pdf>



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# APPENDIXES

MOSS-ADAMS LLP

## INDEPENDENT AUDITORS' REPORT

To the Board of Directors  
Internet Corporation for Assigned Names and Numbers

We have audited the accompanying statements of financial position of Internet Corporation for Assigned Names and Numbers (ICANN) as of June 30, 2007 and 2006, and the related statements of activities and cash flows for the years then ended. These financial statements are the responsibility of the management of Internet Corporation for Assigned Names and Numbers. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Internet Corporation for Assigned Names and Numbers as of June 30, 2007 and 2006, and the changes in its net assets and its cash flows for the years then ended, in conformity with accounting principles generally accepted in the United States of America.

*Moss Adams LLP*

Los Angeles, California  
October 3, 2007

## INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS STATEMENTS OF FINANCIAL POSITION

YEARS ENDED JUNE 30,	2007	2006
<i>Amounts are rounded to the nearest thousand</i>		
<b>ASSETS</b>		
<b>CURRENT ASSETS</b>		
Cash and cash equivalents	\$ 31,031,000	\$ 11,790,000
Accounts receivable, net	14,970,000	13,516,000
Prepaid expenses	270,000	221,000
Other assets	97,000	55,000
Property and equipment, net	582,000	260,000
Total assets	<u>\$ 46,950,000</u>	<u>\$ 25,842,000</u>
<b>LIABILITIES AND NET ASSETS</b>		
<b>CURRENT LIABILITIES</b>		
Accounts payable and accrued liabilities	\$ 4,270,000	\$ 2,482,000
Deferred revenue	7,444,000	4,954,000
Total liabilities	<u>11,714,000</u>	<u>7,436,000</u>
Unrestricted net assets	<u>35,236,000</u>	<u>18,406,000</u>
Total liabilities and net assets	<u>\$ 46,950,000</u>	<u>\$ 25,842,000</u>

See accompanying notes to financial statements.

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# APPENDIXES

## INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

### STATEMENTS OF ACTIVITIES

YEARS ENDED JUNE 30,	2007	2006
<i>Amounts are rounded to the nearest thousand</i>		
<b>Support and revenue</b>		
Domain name registry and registrar fees	\$ 38,348,000	\$ 26,145,000
Address registry fees	823,000	823,000
Accreditation fees	3,597,000	1,965,000
Application fees	270,000	780,000
Interest income and other income	433,000	108,000
<b>Total support and revenue</b>	<b>43,471,000</b>	<b>29,821,000</b>
<b>Expenses</b>		
Personnel	13,784,000	7,382,000
ICANN meetings	3,814,000	2,022,000
Other meetings and travel	2,389,000	1,777,000
Professional services	5,864,000	4,233,000
Administration	3,219,000	2,207,000
Bad debt (recovery) expense	(2,429,000)	7,026,000
<b>Total expenses</b>	<b>26,641,000</b>	<b>19,647,000</b>
<b>Change in net assets</b>	<b>16,830,000</b>	<b>10,174,000</b>
<b>Unrestricted net assets</b>		
Beginning of year	18,406,000	8,232,000
End of year	\$ 35,236,000	\$ 18,406,000

See accompanying notes to financial statements.

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## INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

### STATEMENTS OF CASH FLOWS

YEARS ENDED JUNE 30,	2007	2006
<i>Amounts are rounded to the nearest thousand</i>		
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Change in net assets	\$ 16,830,000	\$ 10,174,000
Adjustments to reconcile change in net assets to cash provided by operating activities:		
Depreciation expenses	139,000	145,000
Bad debt (recoveries) expenses	(2,429,000)	2,026,000
Changes in operating assets and liabilities:		
Accounts receivable	975,000	(6,170,000)
Prepaid expenses	(48,000)	(209,000)
Other assets	(42,000)	(39,000)
Accounts payable and accrued liabilities	1,788,000	775,000
Deferred revenue	2,490,000	3,232,000
<b>Net cash provided by operating activities</b>	<b>19,703,000</b>	<b>9,934,000</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
Purchases of property and equipment	(462,000)	(54,000)
<b>NET INCREASE IN CASH AND CASH EQUIVALENTS</b>	<b>19,241,000</b>	<b>9,880,000</b>
<b>CASH AND CASH EQUIVALENTS, beginning of year</b>	<b>11,790,000</b>	<b>1,910,000</b>
<b>CASH AND CASH EQUIVALENTS, end of year</b>	<b>\$ 31,031,000</b>	<b>\$ 11,790,000</b>

See accompanying notes to financial statements.

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# APPENDIXES

## INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

### NOTES TO FINANCIAL STATEMENTS

#### NOTE 1 - ORGANIZATION

The Internet Corporation for Assigned Names and Numbers (ICANN) was established in September 1998 under the laws of the state of California as a non-profit public benefit corporation. ICANN coordinates a select set of the Internet's technical management functions, such as the assignment of protocol parameters, the management of the domain name system, the allocation of Internet protocol (IP) address space, and the management of the root server system. Categories of Internet domains include Generic Top Level Domains (gTLDs) examples of which are .com, .net, .org, and .edu domains and Country Code Top Level Domains (ccTLDs), examples of which are .au, .uk, .de, and .fr. ICANN's primary sources of revenue are from domain name registration activities and DNS service providers as follows:

- **Domain name registry and registrar fees** for the registration and administration of Internet domain names. These fees include: 1) *Transaction fees from registrants of domain names via ICANN accredited registrars and gTLD registries* which are charged based upon a set rate per domain name registration, renewal, or transfer, and 2) *Fixed fees* which are amounts paid by registrars and registries in amounts set by contract for services rendered and/or rights given. ICANN also receives contributions and grants from other organizations.
- **Address registry fees** from organizations responsible for the assignment and administration of Internet addresses.
- **Accreditation fees** from ICANN accredited registrars for initial and annual renewal accreditation.
- **Application fees** from applicants seeking to become an ICANN accredited domain name registrar.

ICANN has three supporting organizations which serve as advisory bodies to the ICANN board of directors with respect to internet policy issues and structure within three specialized areas, including the system of IP addresses and the domain name system. The three supporting organizations are the Address Supporting Organization (ASO), Generic Names Supporting Organization (GNSO), and the Country Code Domain Name Supporting Organization (CCNSO). These supporting organizations are the primary source of substantive policy recommendations for matters lying within their respective specialized areas. The supporting organizations are not separately incorporated entities. Transactions handled by ICANN on behalf of GNSO are included in the accompanying financial statements.

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## INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

### NOTES TO FINANCIAL STATEMENTS

#### NOTE 2 - SIGNIFICANT ACCOUNTING POLICIES

**Basis of presentation** - The financial statements of ICANN have been prepared on the accrual basis of accounting. ICANN recognizes contributions, including unconditional promises to give, as revenue in the period received. Contributions and net assets are classified based on the existence or absence of donor-imposed restrictions. As such, the net assets of ICANN and the changes therein are classified and reported as follows:

- **Unrestricted net assets** - Net assets that are not subject to donor-imposed stipulations and that may be expendable for any purpose in performing the objectives of ICANN.
- **Temporarily restricted assets** - Net assets subject to donor-imposed stipulations that may or will be met either by actions of ICANN and/or the passage of time. As the restrictions are satisfied, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the accompanying financial statements as net assets released from restrictions.
- **Permanently restricted net assets** - Net assets subject to donor-imposed stipulations that resources be maintained in perpetuity. Investment income generated from these funds is available for general support of ICANN's programs and operations unless otherwise stipulated by the donor.

As of June 30, 2007 and 2006, ICANN had no permanently or temporarily restricted net assets.

**Cash and cash equivalents** - Cash and cash equivalents include deposits in bank, money market accounts, and marketable commercial paper. The Organization considers all cash and financial instruments with maturities of three months or less when purchased by ICANN to be cash and cash equivalents.

**Accounts Receivable** - The Organization carries its accounts receivable at invoiced amounts less allowances for doubtful accounts. The Organization does not accrue interest on its receivables. On a periodic basis, the Organization evaluates its accounts receivable and establishes allowances based on overdue accounts and a history of past write-offs. The Organization had one major customer totaling approximately \$14,394,000 of net revenue in 2007 and \$6,616,000 in 2006. In the fiscal years ended June 30, 2007 and 2006, this customer provided 32% and 22% of net revenues, respectively. The Organization had an accounts receivable amount totaling approximately \$2,150,000 and \$1,664,000 due from this major customer at June 30, 2007 and 2006, respectively. ICANN recorded approximately \$2,429,000 of bad debt recovery and \$2,026,000 of bad debt expense during fiscal years ending 2007 and 2006, respectively.

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# APPENDIXES

## INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

### NOTES TO FINANCIAL STATEMENTS

#### NOTE 2 - SIGNIFICANT ACCOUNTING POLICIES (Continued)

**Property and equipment** - Property and equipment are stated at cost or, for contributed items, at fair market value at date of contribution. The equipment, furniture and fixtures are being depreciated using the accelerated method over estimated useful lives of five to seven years. Leasehold improvements are being depreciated using the straight-line method over the useful life or the remaining lease term, whichever is shorter. Acquisitions of property and equipment in excess of \$10,000 are capitalized.

**Deferred revenue** - Revenue is recognized during the period that the transaction associated with a fee relates, regardless of when the transaction fee was billed. Unless a registrar elects to have their multi-year transaction fees billed on a deferred basis, all transaction years are billed during the quarter in which the transaction agreement was signed. Fees relating to future periods are recorded as deferred revenue until earned. Fees for which deferred billing has been elected are billed and recorded as revenues in the year the transactions associated with the fees occur.

**Advertising cost** - Advertising cost are expensed in the period incurred. Advertising expense amounted to approximately \$16,000 and \$72,000, for the years ended June 30, 2007 and 2006, respectively.

**Income taxes** - ICANN is exempt from federal and state income taxes under the provisions of Section 501(c)(3) of the Internal Revenue Code and Section 23701(d) of the California Revenue and Taxation Code. Accordingly, no provision for income taxes has been made in the accompanying financial statements.

**Functional allocation of expenses** - Expenses that can be identified with a specific program or supporting service are charged directly to the related program or supporting service. Expenses that are associated with more than one program or supporting service are allocated based on methods determined by management. ICANN's expenses are classified approximately as follows for the fiscal years ended June 30:

	2007	2006
Program services	\$ 19,300,000	\$ 12,633,000
Support services: Management and General	<u>7,341,000</u>	<u>7,014,000</u>
Total	<u>\$ 26,641,000</u>	<u>\$ 19,647,000</u>

## INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

### NOTES TO FINANCIAL STATEMENTS

#### NOTE 2 - SIGNIFICANT ACCOUNTING POLICIES (Continued)

**Concentration of credit risk** - Financial instruments which potentially subject the Organization to concentrations of credit risk consist primarily of cash and cash equivalents and accounts receivable. The Organization places its cash with major and creditable financial institutions. The cash held at these financial institutions may, at times, exceed the amount insured by the Federal Deposit Insurance Corporation. Concentration of credit risk with respect to receivables is mitigated by the diversity of customers comprising the Organization's customer base.

**Use of estimates** - The preparation of financial statements in conformity with generally accepted accounting principles in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

**Reclassifications** - Certain 2006 amounts have been reclassified in the financial statements to conform to the 2007 presentation. These reclassifications have no impact on net assets.

#### NOTE 3 - ACCOUNTS RECEIVABLE

Accounts receivable is comprised of approximately the following constituencies for various registry, registrar and accreditation fees at June 30:

	2007	2006
gTLD registries and registrars	\$ 13,875,000	\$ 14,351,000
IP address registries	2,172,000	2,615,000
ccTLDs	232,000	572,000
Other	<u>12,000</u>	<u>1,000</u>
	16,291,000	17,539,000
Less allowance for doubtful accounts	<u>(1,321,000)</u>	<u>(4,023,000)</u>
	<u>\$ 14,970,000</u>	<u>\$ 13,516,000</u>

# APPENDIXES

## INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

### NOTES TO FINANCIAL STATEMENTS

#### NOTE 4 - PROPERTY AND EQUIPMENT

Property and equipment consists approximately of the following at June 30:

	2007	2006
Computer equipment	\$ 752,000	\$ 646,000
Computer software	20,000	20,000
Furniture and fixtures	194,000	141,000
Leasehold improvements	130,000	129,000
	1,096,000	936,000
Less accumulated depreciation	(514,000)	(676,000)
	<u>\$ 582,000</u>	<u>\$ 260,000</u>

#### NOTE 5 - LEGAL MATTERS

In the ordinary course of business, ICANN is occasionally named as a defendant in lawsuits and may be involved in other alternative dispute resolution proceedings. Management is unable at this time to determine the probable outcome or the effect, if any, that these matters may have on the financial position and the ongoing operations of the Organization. Accordingly, the accompanying financial statements do not include a provision for any losses that may result from the Organization's current involvement in legal matters.

#### NOTE 6 - RELATED PARTY TRANSACTIONS

ICANN's President and Chief Executive Officer (CEO), Dr. Paul Twomey's services are currently provided to ICANN through a professional services agreement with Argo Pacific Party Limited, an Australian Proprietary Company. Dr. Twomey has an interest in Argo Pacific.

Payments were made to Argo Pacific under a contractual arrangement with ICANN (the terms of which have been approved by the ICANN Board of Directors) for the provision of Dr. Twomey's professional services, benefits allowance, and for related expenses (airfare and travel, telecommunications, information technology supplies and support, and office supplies). Total payments made to Argo Pacific for the years ended June 30, 2007 and 2006, were approximately \$967,000, and \$626,000, respectively.

The significant difference between the total payments made in the fiscal years ending June 30, 2007 and 2006 resulted in part from the payment of bonuses and foreign exchange corrections for prior years 2003 through 2006. These specific corrections were approved by ICANN's Board of Directors and paid out during the year ended June 30, 2007.

Included in accounts payable and accrued liabilities for Argo Pacific as of June 30, 2007 and 2006, are approximately \$145,000 and \$208,000, respectively.

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## INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

### NOTES TO FINANCIAL STATEMENTS

#### NOTE 7 - COMMITMENTS

ICANN leases its offices and certain other facilities under operating lease agreements with termination clauses from three to twelve months. Rent expense amounted to approximately \$535,000 and \$510,000 for the years ended June 30, 2007 and 2006, respectively. Minimum payments under the cancelable operating leases for the future years ending June 30 are approximately:

2008	\$ 582,000
2009	27,000
2010	1,000
Total	<u>\$ 610,000</u>

#### NOTE 8 - DEFINED CONTRIBUTION PENSION PLAN

ICANN's 401(k) Plan (the "Plan") is available to all employees in the United States at the first of the month following hire date with the Company, and offers a similar program to its Brussels staff. The Organization contributes 5% of employee's salary to the plan regardless of employee contributions. The Organization furthermore matches employee contributions up to 10% of the employee's annual salary. Employer contributions for the years ended June 30, 2007 and 2006 amounted to approximately \$709,000 and \$490,000, respectively.

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# GLOSSARY OF TERMS

## A

AFRALO	African Regional At-Large Organization
AFTLD	Africa Top Level Domains Organization
AGP	Add Grace Period
ALAC	At-Large Advisory Committee
ALS	At-Large Structure
APTLD	Asia Pacific Top Level Domain Association
APWG	Anti-Phishing Working Group
APRALO	Asia-Australia-Pacific Regional At-Large Organization
ASO	Address Supporting Organization
ASO AC	Address Supporting Organization Advisory Council

## C

ccNSO	Country-Code Names Supporting Organization
ccTLD	country code top level domain
CITEL	Inter-American Telecommunication commission of the Organization of American States
CTO	Commonwealth Telecommunications Organization

## D

DDoS	distributed denial of service (attacks on DNSO)
DNS	domain name system. The DNS makes using the Internet easier by allowing a familiar string of letters (the “domain”) to be used instead of the arcane IP address. So instead of typing 207.151.159.3, you can type www.interNIC.net, which is much easier to remember.
DNSSEC	DNS security authentication protocol

## E

ENISA	European Network and Information Security Agency
EURALO	European Regional At-Large Organization

## G

GAC	Governmental Advisory Committee
GNSO	Generic Names Supporting Organization
gTLD	generic top level domain

# GLOSSARY OF TERMS

## I

IAB	Internet Architecture Board
IANA	Internet Assigned Numbers Authority
ICANN	Internet Corporation for Assigned Names and Numbers
IDN	Internationalized Domain Name. IDNs are domain names represented by local language characters. Such domain names could contain letters with diacritics as required by many European languages, or could be made up of non-Latin scripts (for example, Arabic or Chinese).
IETF	Internet Engineering Task Force
IGO	International Governmental Organization
IP	Internet Protocol
IESG	Internet Engineering Steering Group
ISOC	The Internet Society
ITU	International Telecommunication Union

## J

JPA	Joint Project Agreement (succeeds MOU with DoC)
-----	---

## L

LACNIC	Latin American and Caribbean Internet Address Registry
LAC RALO	Latin America-Caribbean Regional At-Large Organization
LACTLD	Latin American and Caribbean Top Level Domains Organization

## M

MOPs	Management Operating Principles
MENOG	Middle East Network Operators Group

## N

NARALO	North American Regional At-Large Organization
--------	---

## O

OECD	Organisation for Economic Co-operation and Development
OPoC	Operational Point of Control

## P

PDP	policy development process
PITA	Pacific Islands Telecommunications Association

# GLOSSARY OF TERMS

## R

RAA	Registrar Accreditation Agreement
RADAR	Registrar Application and Database Access Resource
RALO	Regional At-Large Organization
RDE	Registrar Data Escrow
RFC	request for comment (sent to the IETF)
RIPE NCC	RIPE Network Coordination Centre – regional Internet registry for Europe, parts of Asia, and the Middle East
RIR	regional Internet registry
RSEP	Registry Services Evaluation Policy
RSSAC	Root Server System Advisory Committee
RT	Request Tracker
NRO	Number Resource Organization
RRA	registry-registrar agreement
RZM	Root Zone Management

## S

SSAC	Security and Stability Advisory Committee
sTLD	sponsored top-level domain

## T

TLD	top-level domain
TLG	Technical Liaison Group

## U

UNECA	United Nations Economic Commission for Africa
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNESCWA	United Nations Economic and Social Commission for Western Asia
UNSCEAP	United Nations Economic and Social Commission for the Asia Pacific

## W

Whois	Database listing information about domain name registrants
WIPO	World Intellectual Property Organization
WSIS	World Summit on the Information Society





INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

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## 2.1.6 ICANN 2006 Annual Report

<http://www.icann.org/annualreport/annual-report-2005-2006.pdf>



**Internet Corporation for Assigned Names and Numbers  
ANNUAL REPORT 2005-2006**

This annual report is the first produced in accordance with ICANN's commitments under the Joint Project Agreement with the U.S. Department of Commerce, which was signed in September of 2006.

The report is initially being published on the ICANN website, <http://www.icann.org>, to open a period for comments aimed at improving its content and meaningfulness of the report to the ICANN community in the future.

Comments and suggestions from the community are encouraged. Every effort will be made to respond to suggestions for constructive improvement. A forum for submitting comments and suggestions is available at [2006-ar-comments@icann.org](mailto:2006-ar-comments@icann.org). Comments can be viewed at <http://forum.icann.org/lists/2006-ar-comments/>.

ICANN is a global corporation existing in the online environment. It aspires to be an innovator and leader in the areas of transparency, accountability and accessibility. Therefore, ICANN has established a blog on the ICANN website so that members of the community can exchange their views about the report. The blog can be found at <http://blog.icann.org/>.

This inaugural annual report covers both the calendar and fiscal year in an attempt to capture the many activities and accomplishments of the entire ICANN community over the past year.

The next annual report will be based on the 2006-2007 fiscal year and will include the relevant audit reports. It is expected that the annual report for 2006-2007 will be published during the third quarter of 2007.

## **\*BOARD OF DIRECTORS 2006**

Vinton G. Cerf  
*Chairman of the Board*  
*November 1999–December 2007*

Alejandro Pisanty  
*Vice Chair*  
*November 1999–June 2007*

Paul Twomey  
*President and Chief Executive Officer*  
*Ex-officio member*

Raimundo Beca  
*May 2004–June 2007*

Susan P. Crawford  
*December 2005–December 2008*

Steve Crocker  
*Security and Stability Advisory Committee Liaison*

Daniel Dardailler  
*Technical Liaison Group Liaison*

Peter Dengate Thrush  
*January 2005–June 2008*

Roberto Gaetano  
*At-Large Advisory Committee Liaison*

Demi Getschko  
*January 2005–June 2009*

Hagen Hultsch  
*October 2003–December 2006*

Joichi Ito  
*December 2004–December 2007*

Veni Markovski  
*June 2003–December 2006*

Thomas Narten  
*Internet Engineering Task Force Liaison*

Hualin Qian  
*June 2003–December 2006*

Njeri Rionge  
*June 2003–December 2008*

Rita Rodin  
*June 2006–May 2008*

Vanda Scartezini  
*December 2004–December 2007*

Mohamed Sharil Tarmizi  
*Governmental Advisory Committee Liaison*

David L. Wodelet  
*June 2006–June 2009*

Suzanne Woolf  
*Root Server System Advisory Committee Liaison*

*\*Dates reflect full terms on the Board*

## **\*BOARD OF DIRECTORS 2007**

Vinton G. Cerf  
*Chairman of the Board*  
*November 1999–December 2007*

Roberto Gaetano  
*Vice Chair*  
*December 2006–December 2009*

Paul Twomey  
*President and Chief Executive Officer*  
*Ex-officio member*

Raimundo Beca  
*May 2004–June 2007*

Vittorio Bertola  
*At-Large Advisory Committee Liaison*

Susan P. Crawford  
*December 2005–December 2008*

Steve Crocker  
*Security and Stability Advisory Committee Liaison*

Francisco da Silva  
*Technical Liaison Group Liaison*

Peter Dengate Thrush  
*January 2005–June 2008*

Demi Getschko  
*January 2005–June 2009*

Steven Goldstein  
*December 2006–December 2009*

Joichi Ito  
*December 2004–December 2007*

Ambassador Janis Karklins  
*Governmental Advisory Committee Liaison*  
*beginning March 2007*

Thomas Narten  
*Internet Engineering Task Force Liaison*

Alejandro Pisanty  
*November 1999–December 2007*

Rajasekhar Ramaraj  
*December 2006–December 2009*

Njeri Rionge  
*June 2003–December 2008*

Rita Rodin  
*June 2006–May 2008*

Vanda Scartezini  
*December 2004–December 2007*

Mohamed Sharil Tarmizi  
*Governmental Advisory Committee Liaison*  
*until March 2007*

David L. Wodelet  
*June 2006–June 2009*

Suzanne Woolf  
*Root Server System Advisory Committee Liaison*

*\*Dates reflect full terms on the Board*

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## OUR MISSION

Since ICANN's creation in 1998, the Internet community has vigorously discussed and reviewed the mission and values that guide its actions. This extensive, inclusive and bottom up discussion has been encapsulated in ICANN's bylaws, its mission and its core values.

The limited and distinct mission of ICANN is clearly set out in Article I of its bylaws:

*The mission of the Internet Corporation for Assigned Names and Numbers (ICANN) is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems. In particular, ICANN:*

1. *Coordinates the allocation and assignment of the three sets of unique identifiers for the Internet, which are:
  - a. Domain names (forming a system referred to as DNS)
  - b. Internet protocol (IP) addresses and autonomous system (AS) numbers, and
  - c. Protocol port and parameter numbers*
2. *Coordinates the operation and evolution of the DNS root name server system*
3. *Coordinates policy development reasonably and appropriately related to these technical functions*

## OUR CORE VALUES

In performing ICANN's mission, the following core values guides its decisions and actions.

1. Preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet.
2. Respecting the creativity, innovation, and flow of information made possible by the Internet by limiting ICANN's activities to those matters within ICANN's mission requiring or significantly benefiting from global coordination.
3. To the extent feasible and appropriate, delegating coordination functions to or recognising the policy role of other responsible entities that reflect the interests of affected parties.
4. Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.
5. Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment.
6. Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest.
7. Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.
8. Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.
9. Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected.
10. Remaining accountable to the Internet community through mechanisms that enhance ICANN's effectiveness.
11. While remaining rooted in the private sector, recognising that governments and public authorities are responsible for public policy and duly taking into account governments' or public authorities' recommendations.

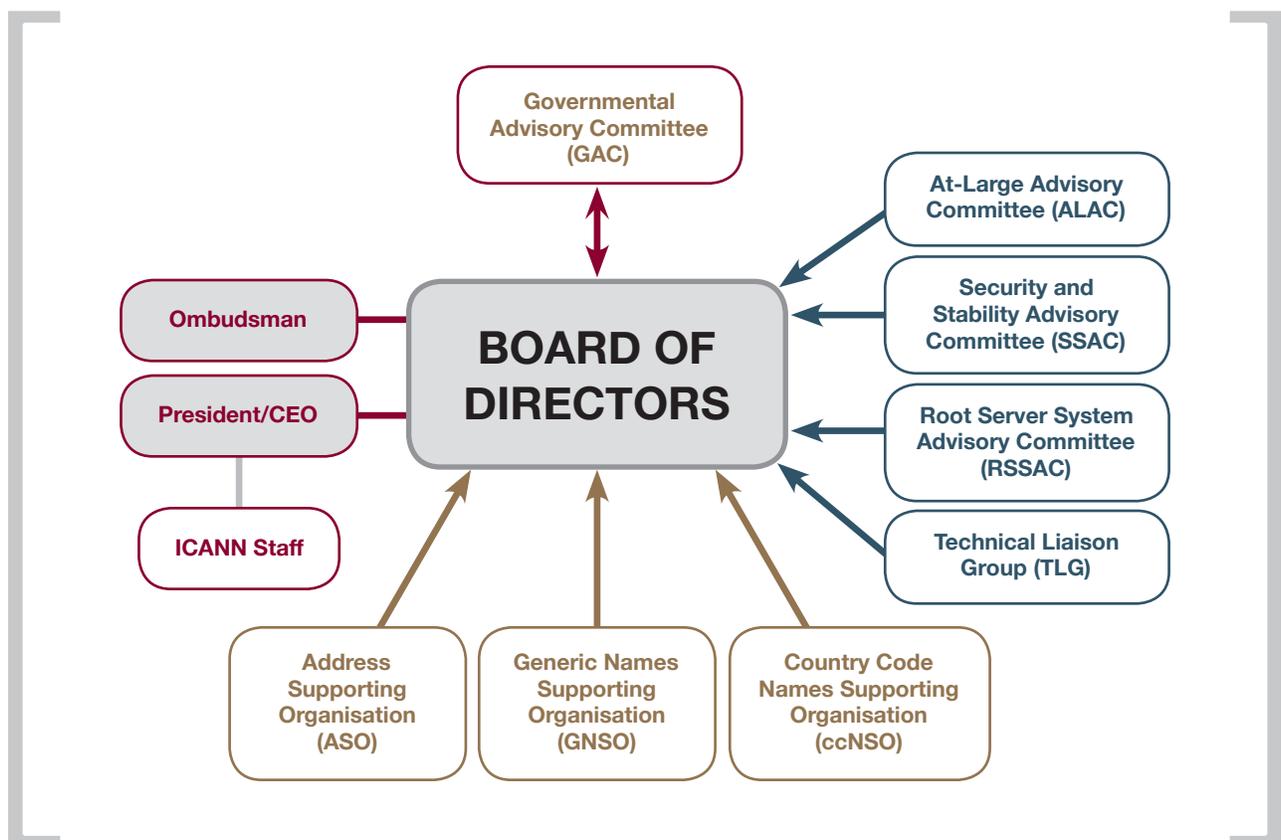
These core values are deliberately expressed in very general terms, so that they may provide useful and relevant guidance in the broadest possible range of circumstances. Because they are not narrowly prescriptive, the specific way in which they apply, individually and collectively, to each new situation will necessarily depend on many factors that cannot be fully anticipated or enumerated; and because they are statements of principle rather than practice, situations will inevitably arise in which perfect fidelity to all eleven core values simultaneously is not possible. Any ICANN body making a recommendation or decision shall exercise its judgment to determine which core values are most relevant and how they apply to the specific circumstances of the case at hand, and to determine, if necessary, an appropriate and defensible balance among competing values.

## ICANN'S STRUCTURE

Within ICANN's structure, governments and international treaty organisations work with business organisations and individuals to maintain the stability of the global Internet.

Innovation as well as continuing growth bring constant challenges to stability. Working together, ICANN participants address issues that are directly concerned with ICANN's mission of technical coordination.

ICANN is governed by an international Board of Directors. The policy development process originates in three supporting organisations. Advisory committees composed of representatives from individual user organisations and technical communities work with the supporting organisations to create policy. In addition, over 120 governments and government institutions closely advise the Board via the Governmental Advisory Committee.



## MESSAGE FROM THE CHAIRMAN OF THE BOARD OF DIRECTORS

The Internet is the largest distributed collection of historical and current information ever in existence. Many believe, as I do, that we have barely begun to explore all of the Internet's possible applications.

Today's Internet supports all traditional communication modalities once considered distinct and separate – television, radio, telephony – as well as electronic mail, web services and commerce, wireless communications and computer games. Its ability to absorb new technologies and to support an increasing variety of applications demonstrates the power of its simple, clear and well-defined technical specifications and openly accessible capabilities.

Still, the continued expansion of the Internet's capacity and utility faces many technical challenges.

One of those challenges involves preserving the accessibility, renderability and interpretability of the increasing amounts of information that find their way into the Internet's archives, not merely decades but centuries and even millennia into the future. Standard practices, preservation of software needed to interpret Internet content, and changes to intellectual property treatment to support long-term access to content may all factor into the solution.

Equally important is the ability of every user to make unambiguous reference to every registered domain name, including those expressed in local language characters and scripts. The use of the traditional Latin character set to express host names does not satisfy an understandable interest in and demand for domain names expressed in character sets other than Latin. The attendant cultural, linguistic and social implications are vitally important. On the positive side, testing of Internationalised Domain Names is well under way, and we hope to see a technical solution by the end of 2007.

Another issue is IPv4 address space, which some have suggested has reached capacity. Those suggestions are unfounded but there is reason to think that the final allocations from ICANN to the regional registries might come in the next decade. The next-generation IPv6 addresses – and there are 340 trillion trillion trillion available – are beginning to be implemented in some countries. It is important to move ahead with this deployment to avoid the negative side-effects of the exhaustion of IPv4 addresses.

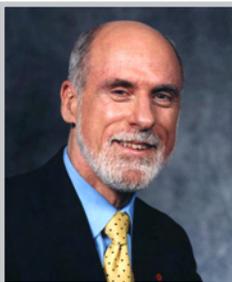
In addition, a broad array of technical efforts are under way at the local, national and international levels to increase the ability of the Internet and its components to resist attacks by cyber-criminals and would-be service disruptors.

While some aspects of Internet governance can be addressed through technical means, there are many other challenges that require efforts well outside ICANN's scope. There is widespread concern about abusive behaviours on the Internet, fraud, identify theft, misuse of intellectual property, and risks associated with the use of the Internet by children, to mention only a few.

We have much work still to do as the Internet evolves, both at the technical level and with an eye towards the regulatory, cultural, national and social implications of every innovation. We must assure access, at the highest speeds technically feasible, for the several billion potential users who are hampered by technical, practical, or cost considerations.

I consider it important that these broader issues receive the attention they deserve in forums suited to address them. ICANN will do its part in the areas of its competence, but resolving many Internet governance challenges will require the involvement of governments, academia, the business and private sectors as well as civil society.

We can achieve these goals by joining together to identify the operational framework in which the Internet's resources can best be deployed and applied. The openness of the Internet, its users' ability to invent and test new applications, and the freedom of virtually any computer or person to interact with another through the Internet will continue to strengthen and make more useful this vital and powerful new infrastructure.



Vinton G. Cerf  
Chairman of the Board of Directors

## MESSAGE FROM THE PRESIDENT AND CHIEF EXECUTIVE OFFICER

This is ICANN's first annual report to the global Internet community in accordance with new commitments established under the Joint Project Agreement signed in September 2006. This report is a work in progress. There is no doubt it can and will improve in content and structure with time. We seek the assistance of the community in improving this report, and would appreciate feedback to [2006-ar-comments@icann.org](mailto:2006-ar-comments@icann.org).

ICANN's community, Board, and staff have been very productive this year. Among our collective major activities are the following.

Upgrades and customisation of the Internet Assigned Names Authority (IANA) ticketing system has made request processing more efficient and productive and has resulted in reduced turnaround time. In addition, ICANN and the Internet Engineering Task Force (IETF) have supplemented their memorandum of understanding for ICANN's management of IETF-related activities. This supplemental agreement outlines specific service levels for ICANN's performance of this element of the IANA function. Similar agreements are being discussed with the country code top level domain (ccTLD) community through accountability frameworks, and more generally through the Country Code Names Supporting Organisation (ccNSO). ICANN has signed accountability frameworks with 15 ccTLD operators this year, which have the effect of formalising the relationship between ICANN and the ccTLD operators. Together, these 15 agreements and other established agreements represent more than 45 percent of all ccTLD registrants.

The regional Internet number registries (RIRs) are also engaged with ICANN in setting performance targets. Improvements in overall services and responsiveness over the full range of activities that IANA performs have helped secure ICANN's successful bid for a new contract with the U.S. Department of Commerce for performance of the IANA functions.

Considerable work is being done by the community and staff in support of the Generic Names Supporting Organisation (GNSO) policy development process. GNSO and staff are working together for the establishment and operation of a new generic top level domain (gTLD) program office, to realise the work of the Whois Task Force, and to provide input in the development of Internationalised Domain Names (IDNs). The GNSO community completed a consensus policy for evaluation of new registry services. This effort culminated in the Registry Services Evaluation Policy (RSEP) process, also called the "funnel," which is already being used by the registries. Four applications have been considered.

The program to implement Internationalised Domain Names (IDNs) began technical testing of IDN punycode labels in a laboratory environment in November of 2006, and we hope to achieve a technical solution to the implementation of IDNs in top-level domains by the end of 2007. Led by the IETF, significant work also has been done in protocol development.

In accordance with commitments made during its evaluation and reform process, the ICANN Board initiated reviews of the GNSO and the GNSO process and will continue to evaluate the reports from those reviews to further improve our community's policy development process. Similar reviews for the other supporting organisations and advisory committees have been scheduled as stated in the bylaws.

We have completed the complex work of reviewing the World Summit on the Information Society (WSIS) process. ICANN is pleased with the outcome and looks forward to participating in Internet Governance Forum activities. We are also pleased with WSIS recognition of the effectiveness of ICANN's multi-stakeholder model, as it reaffirms the vision of our community about the value of a bottom-up, consultative process in ensuring a stable and secure Internet.

The Governmental Advisory Committee (GAC) has provided important input to the Board on several consensus-based policy decisions, among them the Whois requirements and privacy laws as well as IDNs. Following on from WSIS, ICANN is reviewing the measures to be taken to make our cooperation with governments more effective, including ensuring the participation of developing countries. The GAC is key to the success of those efforts.

All these activities reflect the commitment of the entire ICANN community, all of whom deserve the sincerest thanks for their contributions. My personal thanks also go to the community and to staff for their hard work this year.



Paul Twomey  
President and Chief Executive Officer

## NEW AGREEMENT WITH THE U.S. DEPARTMENT OF COMMERCE

In September 2006, ICANN signed a new agreement with the U.S. Department of Commerce, thereby taking a significant step forward towards full management of the Internet's system of centrally coordinated identifiers through ICANN's multi-stakeholder consultative model.

This new Joint Project Agreement reflects the Department of Commerce endorsement of the ICANN model and affirms ICANN's capacity to take full responsibility for the management of these technical aspects of the Internet on an ongoing basis. It also means that ICANN has greater autonomy.

The Department of Commerce has reaffirmed its commitment to an autonomous multi-stakeholder model of management of the Internet's system of unique. The major gains in this new agreement are:

- ICANN and its community now determine what to work on – within its narrowly defined scope of responsibilities.
- ICANN now provides an annual report targeted to the global Internet community rather than to a single oversight body. This annual report is the first example.
- ICANN now meets from time to time with the Department of Commerce and reports more to its constituencies and community on its activities rather than submitting regular reports of activities to a single oversight body.

Under the agreement, the Board also resolved to be guided by the following responsibilities in the performance of ICANN's work:

1. *Security and Stability* – ICANN shall coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems.
2. *Transparency* – ICANN shall continue to develop, test and improve processes and procedures to encourage improved transparency, accessibility, efficiency and timeliness in the consideration and adoption of policies related to technical coordination of the Internet domain name system (DNS), and funding for ICANN operations. ICANN will innovate and aspire to be a leader in the area of transparency for organisations involved in private sector management.
3. *Accountability* – ICANN shall continue to develop, test, maintain and improve on accountability mechanisms to be responsive to global Internet stakeholders in the consideration and adoption of policies related to the technical coordination of the Internet DNS, including continuing to improve openness and accessibility for enhanced participation in ICANN's bottom-up participatory policy development processes.
4. *Root Server Security and Relationship* – ICANN shall continue to coordinate with the operators of root name servers and other appropriate experts with respect to the operational and security matters, both physical and network, relating to the secure and stable coordination of the root zone, to ensure appropriate contingency planning, and to maintain clear processes in root zone changes. ICANN will work to formalize relationships with root name server operators.

5. *Top-Level Domain Management* – ICANN shall maintain and build on processes to ensure that competition, consumer interests and Internet DNS stability and security issues are identified and considered in TLD management decisions, including the consideration and implementation of new TLDs and the introduction of IDNs. ICANN will continue to develop its policy development processes, and will further develop processes for taking into account recommendations from ICANN’s advisory committees and supporting organisations and other relevant expert advisory panels and organisations. ICANN shall continue to enforce existing policy relating to Whois, such existing policy requires that ICANN implement measures to maintain timely, unrestricted and public access to accurate and complete Whois information, including registrant, technical, billing and administrative contact information. ICANN shall continue its efforts to achieve stable agreements with country code top-level domain (ccTLD) operators.
6. *Multi-stakeholder Model* – ICANN shall maintain and improve multi-stakeholder model and the global participation of all stakeholders, including conducting reviews of its existing advisory committees and supporting organisations, and will continue to further the effectiveness of the bottom-up policy development processes. ICANN will strive to increase engagement with the private sector by developing additional mechanisms for involvement of those affected by the ICANN policies.
7. *Role of Governments* – ICANN shall work with the Government Advisory Committee members to review the GAC’s role within ICANN so as to facilitate effective consideration of GAC advice on the public policy aspects of the technical coordination of the Internet.
8. *IP Addressing* – ICANN shall continue to work collaboratively on a global and regional level so as to incorporate regional internet registries’ policy-making activities into the ICANN processes while allowing them to continue their technical work. ICANN shall continue to maintain legal agreements with the RIRs (and such other appropriate organisations) reflecting this work.
9. *Corporate Responsibility* – ICANN shall maintain excellence and efficiency in operations, including good governance, organisational measures to maintain stable, international private sector organisation, and shall maintain relevant technical and business experience for members of the Board of Directors, executive management, and staff. ICANN will implement appropriate mechanisms that foster participation in ICANN by global Internet stakeholders, such as providing educational services and fostering information sharing for constituents and promoting best practices among industry segments.
10. *Corporate Administrative Structure* – ICANN shall conduct a review of, and shall make necessary changes in, its corporate administrative structure to ensure stability, including devoting adequate resources to contract enforcement, taking into account organisational and corporate governance best practices.

The Appendix to this report lists a number of key activities against each of the responsibilities described here. That Appendix appears in presentation format so it can be used as a reporting resource. It is not intended to be exhaustive. Rather, this annual report should be read as the detailed record of these responsibilities as well as ICANN’s progress against the bylaws and the current Strategic and Operating plans.

## STRATEGIC PLAN FOR THE NEXT THREE YEARS

In anticipation of the signing of the Joint Project Agreement, ICANN and its community began to develop a Strategic Plan that encompasses projects of importance to the Internet community and related to ICANN's narrow remit.

The present Strategic Plan began its development at the ICANN meeting in Luxembourg in July 2005. Extensive consultation with the community took place through workshops with the supporting organisations and advisory committees. Sessions were also held in French and Spanish. At the request of the community, additional questions were posted for comment on a public forum on the ICANN website.

These consultations led to an issues paper published in September 2005. Comments were sought through a public forum on the ICANN website and also through the supporting organisations and advisory committees.

Representatives from all supporting organisations and advisory committees met with members of the Board and senior staff in Marina del Rey in October 2005 to summarise the key challenges and opportunities that faced the ICANN community and to draft strategic objectives for the next three years.

The community then reviewed the Strategic Plan through another period of comment. At ICANN's Vancouver meeting in December 2005, the Chairs of supporting organisations and advisory committees, the Chairman of the Board and senior staff further refined the strategic objectives. These were posted on the ICANN website and comments were gathered in English, French and Spanish at public forums during the Vancouver meeting. Similar sessions were held at the Marrakech meeting with the addition of a session in Arabic. The website public forum was kept open until mid-February 2006 to allow all those who were interested to provide comments.

The ensuing Strategic Plan is based on bottom up, multi-phase consultation and attempts to set out the community's views of its priorities over the next three years as ICANN continues to evolve as a global organisation serving the Internet community in maintaining the stability and security of the Internet's unique identifier systems.

After consideration, the ICANN community identified these five objectives within the Strategic Plan.

### **Objective 1 – Organisational excellence in operations**

If ICANN is to continue to serve a growing stakeholder base effectively, it must strive to further improve its basic operational functions. Given expected increases in activities related to meeting the core mission and continuing attention to stability and security, operational excellence is critical to ICANN's success. Accordingly, ICANN will continue to pursue and adopt adequate, diverse forms of funding models.

### **Objective 2 – Organisational excellence in policy development**

The continued evolution of the Internet, especially the domain name system, brings with it an increasing number of policy issues of ever increasing complexity that must be decided through the ICANN multi-stakeholder consensus process. Given this growth, the ICANN community must further improve its policy processes to deal with these challenges.

### **Objective 3 – Increased international participation in ICANN and the use of the Internet system of unique identifiers**

ICANN is a global forum for the discussion of issues affecting the stability and security of the Internet's unique identifier systems. At this stage of the evolution of the Internet and of ICANN's own evolution as an organisation, it is appropriate to review and improve ICANN practices and procedures to ensure that they are designed to serve and support a global audience as effectively as possible.

### **Objective 4 – Increased participation in and efficiency of the ICANN multi-stakeholder environment**

One of ICANN's great strengths is the multi-stakeholder environment in which issues are debated and resolved. ICANN must continue to build on that strength by improving participation in the process on the part of key stakeholders. As one of a number of organisations that are concerned with Internet governance, ICANN must clearly communicate its unique role and engage other organisations in dialogue on matters of common concern.

### **Objective 5 – Work towards a post-MOU ICANN**

In September of 2006, ICANN began performing its responsibilities under a Joint Project Agreement with the U.S. Department of Commerce. That agreement enables ICANN to assume greater authority and responsibility over its projects and its ability to meet the needs of the global community. ICANN must engage the community now in developing options for how ICANN might operate after the completion of the memorandum of understanding.

## OPERATING PLAN FOR 2006–2007

Each ICANN Operating Plan is a one-year action plan targeted at accomplishing the objectives set out in the three-year Strategic Plan containing specific projects to be initiated, continued or closed during a fiscal year. Throughout the first half of each fiscal year, ICANN develops its Strategic Plan in consultation with the ICANN community, and the Strategic Plan is then approved by the ICANN Board of Directors at an ICANN meeting.

During the second half of each fiscal year, ICANN focuses on developing an annual Operating Plan and budgets. This one-year plan also allocates resources and deliverables, and becomes the roadmap to accomplishing the objectives of the Strategic Plan.

ICANN's project planning cycle tracks the fiscal year. During the planning phase, ICANN is performing against the outcomes in an established Operating Plan and developing a draft Strategic Plan for the coming fiscal year in collaboration with the community.

The draft Strategic Plan for the 2006–2007 fiscal year and a description of the planning process is available at <http://www.icann.org/strategic-plan/consultation-process-2006-07/>.

## MANAGEMENT OF OPERATING PLAN OBJECTIVES

Once the process for developing, approving and implementing Strategic and Operating plans was formalised, the next step was to replace legacy project management approaches with a methodology that is more formal, more comprehensive and more transparent, and one that requires project managers to measure progress towards achieving their goals through the use of best practices.

ICANN selected and implemented the methodologies developed by the Project Management Institute (PMI), which has a membership of more than 200,000 professionals representing 125 countries around the world.

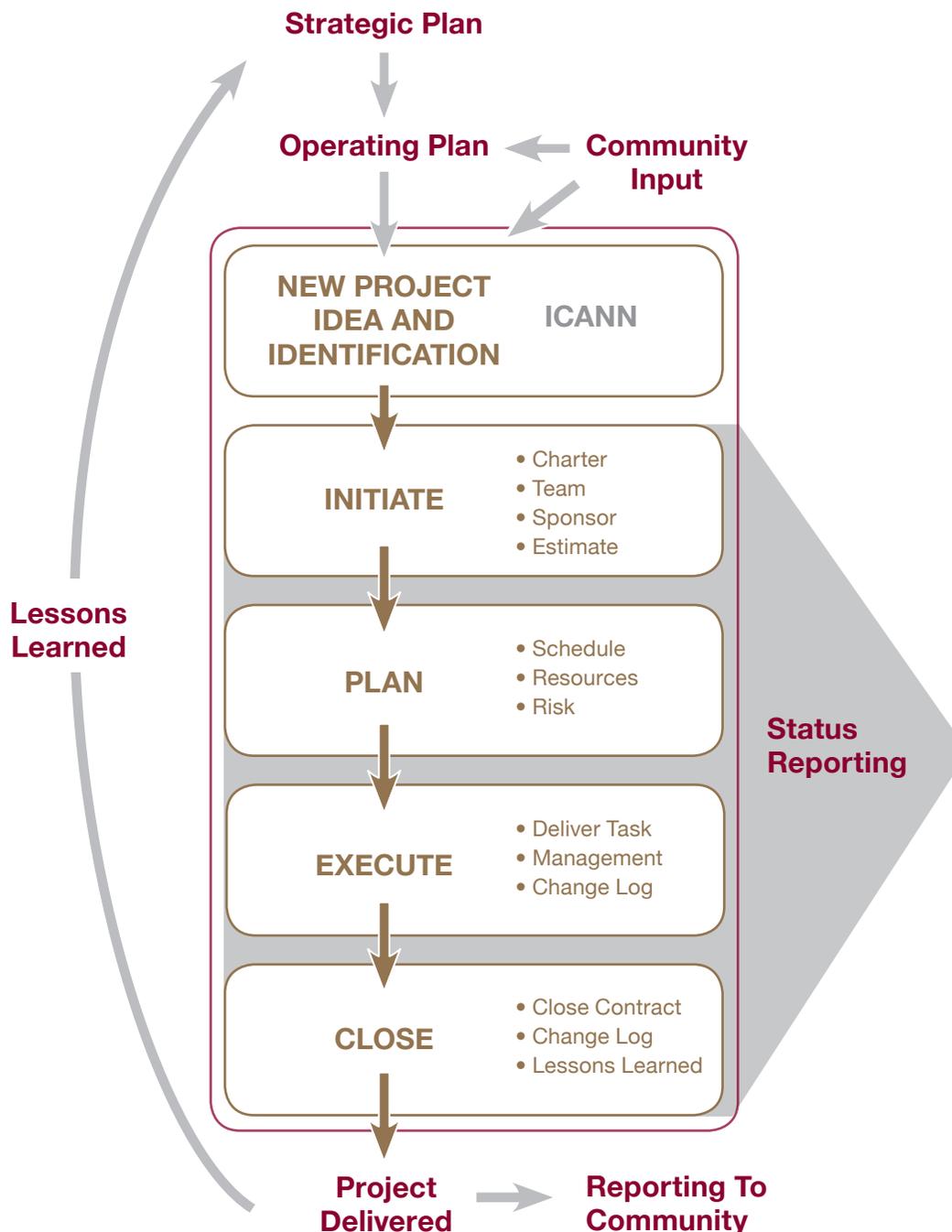
Since the Strategic and Operating plans came into force, a team of project management professionals has been in place in the Marina del Rey and Brussels offices to train ICANN staff in project management techniques and tools and to provide guidance in defining, initiating, monitoring and controlling these projects.

## PROGRESS ON OPERATING PLAN PROJECTS

Currently more than 50 projects are under way. Many projects will be completed during the July 2006 to June 2007 fiscal year. Other projects currently in the execution phase will roll into the next Operating Plan year. This practice aligns with the Operating Plan guidelines, which state that projects need not end at the conclusion of a fiscal year.

To see the status of progress to date for all ICANN projects against the objectives in the current Operating Plan, go to <http://www.icann.org/announcements/operating-plan-status-30nov06.pdf>.

**Life Cycle of an ICANN Project** – The more than 50 projects that ensued from extensive consultation with ICANN's community were codified in the 2006–2007 Operating Plan.



## ICANN MEETINGS

ICANN holds three meetings each year in different geographical locations. One meeting each year is considered the official annual meeting, during which the Board is reconstituted and newly elected board members take their place. These meetings provide excellent opportunities for outreach and face-to-face policy discussion. Meetings are supported by a host city and sponsorships are sought to help defray the cost of running the meetings as well as assisting with logistics.

### Wellington, New Zealand 25–31 March 2006

More than 700 delegates from 82 countries gathered for the Wellington meeting, where the community focussed principally on Board approval of the 2006–2009 Strategic Plan and its importance in addressing the future challenges of the domain name system (DNS) and the Internet. For regional attendees, the meeting had particular relevance as the issues of access and availability of the Internet in the Pacific Islands are unique in the world.

The Security and Stability Advisory Committee examined recent distributed denial of service attacks on the DNS and attempted to identify near-term and long-term measures to reduce the threat of these and similar attacks. They also considered the challenge of alternative top-level domain name systems and root services on the stability of the DNS.

The community participated in focussed discussions and meetings on both policy and technical trial issues surrounding the introduction of Internationalised Domain Name (IDN) top-level domains. In addition, an Internet users' forum was held to discuss a process for ensuring that the launch of new top-level domains will meet the needs of the world's users and registrants.

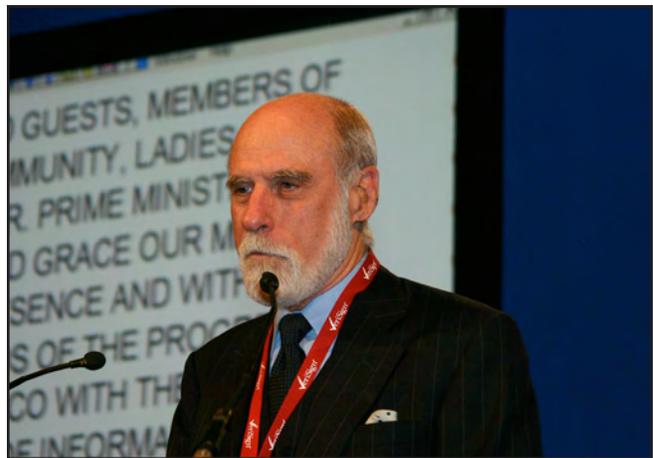
Attendees also discussed local Internet community issues, including relations with country-code top-level domains and local community involvement in international discussions on Internet governance, and the World Summit on the Information Society (WSIS) process was reviewed.



*Wellington attendees find seats for the opening ceremony.*



*Some members of the Governmental Advisory Committee take a moment for a formal photograph.*



*Simultaneous translation takes place at all ICANN meetings – seen here projected behind the speaker.*

## Marrakech, Morocco 26–30 June 2006

As an outcome of WSIS activity this year, ICANN drafted initiatives to increase the effectiveness of cooperation with governments, particularly as it relates to participation by developing countries. The Governmental Advisory Committee's role in this field is especially critical. Governmental perspectives on the public policy aspects of the Whois database was a key topic at one of the Marrakech sessions.

The Generic Names Supporting Organisation (GNSO) held a public forum in which the Internet community had the opportunity to give the GNSO council feedback on key issues such as how new gTLDs should be introduced and what domain name registration data, or Whois data, should be available for public access.

Another workshop provided attendees a detailed look at how the domain name marketplace operates today and explored how some of the more controversial aspects of behaviours in this marketplace are evolving.



*Attendees discuss policy issues surrounding the gTLD Whois database.*



*SSAC Chair Steve Crocker hosts workshop on DNSSEC protocol.*

On a related issue, the Security and Stability Advisory Committee (SSAC) held a public meeting to discuss the consequences of domain name registration lapses in situations where another entity registers a lapsed domain. Referred to as domain name “tasting” and “kiting,” it is believed by many to be increasingly costly to monitor and defend against as a possible violation of the rules governing the reservation of domain names. The SSAC also hosted a workshop on its ongoing work on the DNS Security Extension (DNSSEC) protocol, which is designed to protect the DNS from certain types of attacks.

Two workshops were held to enable the community to see the latest developments in Internationalised Domain Names (IDNs). Both ICANN and the global community feel strongly that ensuring that the resources of the Internet are available in local scripts continues to be a vital issue. The workshops provided updates on both policy and technical activities related to IDNs.

## São Paulo, Brazil 2–8 December 2006

More than 720 delegates from 90 countries gathered in São Paulo, Brazil, for ICANN's 27th annual international meeting.

A key feature of the week was the formation of the Latin America–Caribbean Regional At-Large Organisation (RALO), which unites 22 Internet user groups throughout the region in a single purpose, to give Internet users greater input into ICANN's processes. RALOs are the culmination of considerable effort by community groups in collaboration with ICANN, and with the LAC RALO having taken the lead, other RALOs in the Africa, Asia–Australia–Pacific, North America, and Europe regions are expected to take their place in ICANN's multi-stakeholder processes in the near future.

Other noteworthy events included the signing of the .asia Registry Agreement with the sponsor, DotAsia Organisation, which was approved by the Board in October, and the addition of Ecuador, Jamaica and Norway to the Country–Code Names Supporting Organisation (ccNSO), bringing membership in the ccNSO to 57 countries.



*ICANN and DotAsia Organisation sign .asia Registry Agreement.*

Registry agreement renewals for the .biz, .info and .org top-level domains were approved by the Board after a public comment and review period. The agreements contained several revisions based on feedback from the community throughout the process.

In addition, the 2007–2010 Strategic Plan was approved after consultation.

In pursuing Items 2 and 3 of the Affirmation of Responsibilities by the Board following the signing of the Joint Project Agreement, which encompasses greater transparency and accountability on the part of ICANN, a schedule for periodic reviews of ICANN's structure and operations was adopted. These reviews are intended to ensure an independent examination of the role and operation of key elements of ICANN. The London School of Economics review of the Generic Names Supporting Organisation's processes in September reinforced the value of such independent reviews. The reviews will be conducted objectively by independent evaluators under guidance from the Board on the review's terms of reference. The schedule of reviews is outlined in the policy section of this report on page 25.

In addition, in a further attempt to improve ICANN's transparency and accountability, a consultation on a set of Management Operating Principles (MOPs) commenced on 16 October 2006. A summary of initial comments was posted on the ICANN website, and the first commentary phase ended 31 December. One World Trust ([www.OneWorldTrust.com](http://www.OneWorldTrust.com)) was also engaged to assist in the review of ICANN's accountability and transparency measures as they exist.

In accordance with the bylaws, the Board was reconstituted at this annual meeting, as three Directors concluded their terms of service and three new Directors were appointed by the Nominating Committee. The Nominating Committee is composed of representatives from community groups and is responsible for selecting eight of the 15 members of the Board.



*Historic formation of the Latin America-Caribbean Regional At-Large Organisation (LAC RALO) is celebrated.*

Additional progress was made in Internationalised Domain Names (IDNs), culminating in a Board resolution that acknowledged the substantial work that has been undertaken throughout this process by the many volunteers in the technical community and the IDN President's Advisory Committee. The Board also acknowledged the preliminary laboratory tests conducted by Autonomica AB and the development of root zone application test plans as significant steps towards the deployment of IDNs. The Board called for a continuation of efforts from the many groups contributing to the resolution of the many issues surrounding this project.

The Board also requested that the ccNSO and the Governmental Advisory Committee, through a joint collaborative effort and in consultation with the technical community, produce an issues paper relating to the selection of IDN ccTLDs associated with ISO 3166-1 two-letter codes.

## ACTIVITIES OF ICANN ADVISORY COMMITTEES AND SUPPORTING ORGANISATIONS

These reports of activities by the advisory committees and supporting organisations during the reporting year were compiled by ICANN staff based on records of the three ICANN meetings and proceedings from other regular policy discussions.

### Governmental Advisory Committee Mohamed Sharil Tarmizi, Chair

The Governmental Advisory Committee (GAC) provided input to the Board on several consensus-based policy decisions, among them the Whois requirements and privacy laws and IDNs. Since the World Summit on the Information Society (WSIS), the GAC has been instrumental in supporting ICANN's review of measures to be taken to make cooperation with governments more effective, including ensuring the participation of developing countries. GAC activity is essential to the success of those efforts.

The GAC also advised the GNSO on the public policy aspects in the draft Initial Report by the GNSO's Committee on New Top Level Domains. A draft Final Report is being prepared for the committee's consideration. Steps are being taken to ensure that new gTLD implementation challenges and ICANN's cross-functional IDN activities are accounted for in developing the draft Final Report. The GNSO and the GAC collaborated on developing the report, and the GNSO hosted a public forum on new gTLDs at the São Paulo meeting.



*Governmental representatives meet in Marrakech.*

### At-Large Advisory Committee Annette Mühlberg, Chair

The number of Internet user organisations certified as At Large Structures (ALSs) continues to increase worldwide to a new total of 71, with eight new ALS certifications in the first week of October 2006 alone. A list of groups, which range in size from 25 to 250 members, is posted at <http://www.alac.icann.org/applications/>. ALS certification recognises groups that involve individual Internet users at the local or regional level in an issue or issues addressed by the ICANN community. Participation as an ALS facilitates input on ICANN activities and processes that affect users via contributions to the At-Large Advisory Committee (ALAC). ALS certification also enables groups to participate in the creation of a Regional At Large Organisation (RALO). RALOs are intended to be the main focal point for At-Large information sharing and participation in each region, and they select members of the At-Large Advisory Committee as their representatives.

With ICANN support, At-Large community leaders are finalising memorandums of understanding to launch RALOs in the Africa, Asia-Australia-Pacific and Europe regions. At-Large groups in Canada are planning a second outreach meeting to discuss At-Large organising in North America. Once At-Large groups in these regions agree on final memorandum of understanding language, the memorandums will be presented to the Board for approval and the RALOs can be launched. As mentioned earlier, the first of these—the Latin American Caribbean RALO—was launched at the São Paulo meeting.



*The first Regional At-Large Organisation, the Latin America-Caribbean RALO, is launched at the São Paulo meeting.*

## DNS Root Server System Advisory Committee Jun Murai, Chair

The Root Server System Advisory Committee (RSSAC) met three times during 2006 in conjunction with the Internet Engineering Task Force (IETF) to review the latest developments in operational topics such as anycast deployment and service upgrades to root nameservers, research presentations, and forward-looking discussion of support by the root nameservers for future technical evolution of the DNS.

Meeting delegates included operators of root nameservers, liaisons from the Security and Stability Advisory Committee, the U.S. Government and the Internet Architecture Board, as well as representatives from the regional Internet registries (RIRs) and the research community. The outcomes of those meetings and other committee proceedings are described here.

There are now more than one hundred root servers located around the globe, deployed by several operator organisations via anycast. In addition, the committee regularly assesses the readiness of the root nameserver system to support DNSSEC development. Most root servers can support DNSSEC today, and the rest will have this ability in the near future.

RSSAC and the Security and Stability Advisory Committee formed a joint working group in 2006 to produce a detailed report on the issues surrounding the deployment of IPv6 DNS records for the root nameservers. A preview of the report was presented in São Paulo, and a draft for public comment is expected in early 2007. The final document will provide detailed guidance to IANA and discussion for technical review by the community on adding the necessary records to the root zone to support access over IPv6 for those who have deployed such capacity. Five root servers have such capacity to date, with more to follow.

IANA solicited comments from RSSAC on operational details for deployment of DNSSEC for a signed .arpa zone, which is carried on the same servers as the root. In addition, ICANN solicited RSSAC's review and advice on test plans for the possible mechanisms proposed for including IDNs in the DNS root zone.

The committee worked with ICANN staff on improving the committee's website, which should roll out in early 2007. The site now contains more information about the way the committee operates and its efforts on behalf of the Internet community.

Notes from the RSSAC meetings can be found at: <http://www.icann.org/committees/dns-root/>.



Attendees at a reception at the Marrakech meeting held in June.

## Security and Stability Advisory Committee Steve Crocker, Chair

ICANN's Security and Stability Advisory Committee (SSAC) spent considerable time in 2006 studying and advising the community on variety of domain name and registration related abuses and incidents.

In the first quarter, a new form of publication was introduced, termed "Advisory," which allows SSAC to quickly identify a problem, explain the impact and offer remedies. The first Advisory published was on *Distributed Denial of Service Attacks against TLDs*. In that Advisory, advice offered several years ago was reiterated and said top-level domain (TLD) operators and the Internet community at large should validate source IP addresses at ingress points to the Internet. Working with the community on this matter, we are happy to report that the U.S. National Institute of Standards and Technology now includes source IP address validation as advice in its draft recommendation on Border Gateway Protocol Security. See section 4.2.3, IPv4 Filtering Guidelines, in <http://csrc.nist.gov/publications/drafts/800-54/Draft-SP800-54.pdf>.

Through the SSAC Fellow, an article was published on distributed denial of service (DDoS) amplification attacks in the *Journal of the ENISA*, a respected European security association. SSAC also published a report on alternative TLD name systems and roots that explains the motivations, business models and issues that can arise when multiple parties attempt to claim authority over the root level of the domain name system and registration services.

Mid-year, and stimulated by requests from the community and the PIR gTLD registry, SSAC studied issues related to the domain name registration and renewal practices. SSAC prepared two Advisories that provide practical guidance to registrants. These Advisories, SAC010 and SAC011, identify registration best practices, i.e., how registrants can avoid unanticipated and potentially harmful consequences caused by the nonrenewal of a domain name, and explain the domain name after-market so that registrants are well informed of their options and opportunities with respect to name renewal.

SSAC also studies matters related to other sets of the Internet's unique numbers. In July, SSAC reviewed and commented on a new global policy for allocating IPv6 addresses.

In the third quarter of 2006, SSAC studied registration records for the Whois data. Using a large sampling of registration records from several gTLDs, SSAC determined the extent to which personal information could be extracted from registration records and prepared a presentation titled *Information Gathering using Domain Name Registration Records*, SAC014. At ICANN's request, SSAC revisited the use of synthesised responses by TLD registries and prepared both a formal reply to ICANN and a short publication: SAC015, *Why TLDs Should Not Use Wildcard Resource Records*. Jointly with the RSSAC, SSAC also began a study on the impact the inclusion of IPv6 address records would have when they are introduced into the root level of the domain name system. At the São Paulo meeting, the committee presented a report on technical issues. Work is continuing and a report on specific findings and recommendations is in preparation.

Finally, SSAC made major improvements to its website. It now contains more information about the way the committee operates and we maintain a current work plan. The site also includes all previous reports and recommendations, most presentations and a new section of external resources — primarily works of members of the committee. The site is also easier to navigate. SSAC has also begun a review of its procedures and practices. This is a precursor to an internal assessment to be performed in 2007.

## **Address Supporting Organisation** **Sebastian Bellagamba, Chair**

The Address Supporting Organisation (ASO) submitted a new proposed global policy for IPv6 address allocations, which was unanimously endorsed by the ASO Advisory Council and ratified by the ICANN Board in September of 2006. This policy addresses allocation of IPv6 addresses by the Internet Assigned Numbers Authority to regional Internet registries.

## **Country Code Names Supporting Organisation** **Chris Disspain, Chair**

In 2005, the ccNSO Council initiated a policy development process (PDP) to consider changes to ICANN bylaws Article IX (Country-Code Names Supporting Organisation), Annex B (ccNSO policy development process) and Annex C (the scope of the ccNSO) to address a number of issues identified as obstacles to some ccTLD managers joining the ccNSO.

At the end of 2005, the ccNSO Council submitted a report to the Board containing eight ccNSO recommendations for changes to improve and clarify the bylaws on the ccNSO and the ccPDP. These recommendations resulted from extensive consultation within the ccTLD community and were supported by a formal vote of ccNSO members.

Early in 2006, the Board approved seven of the eight recommendations proposed in the Board Report. The Board initially rejected a recommendation regarding good faith notice and consultation, but later approved a supplemental recommendation.

Also in 2006, the ccNSO published its *Guidelines for ccTLD Managers Accountability Framework Discussions with ICANN*, which had been developed by the ccNSO Accountability Framework Working Group from extensive discussions and consultations with ccTLD managers over an 18-month period. These guidelines enabled ICANN to make considerable progress in formalising relationships with ccTLD.

In response to the review of ICANN regions, the ccNSO has established a working group to prepare a paper on the ICANN regions and how they affect ccTLDs. As part of the consultation process in preparing the paper, the ccNSO has sought input from ccTLD managers through a questionnaire and a presentation at the meeting in São Paulo. Additional information is posted at <http://survey.icann.org/cgi/ccnso/>.

## **Generic Names Supporting Organisation** **Bruce Tonkin, Chair**

The GNSO participated in two workshops to define objectives and develop plans to improve their work and made progress in developing policy about introducing new gTLDs, Whois, contractual conditions for existing gTLDs and IDNs.

The London School of Economics Public Policy Group's independent review of the GNSO concluded in September 2006. The LSE report is posted at [www.icann.org/announcements/announcement-15sep06.htm](http://www.icann.org/announcements/announcement-15sep06.htm).

The Board Governance Committee and the GNSO Chair are developing a plan to engage the Board, the GNSO and the community in developing recommendations to improve the GNSO's structure, operations and processes.

Since July of 2006, the Whois Task Force has met at least every two weeks to address the purpose of the Whois service, the Whois technical and administrative contacts and the purpose of collecting data, which data should be available to the public, how to improve Whois data accuracy and how to deal with conflicts between Whois requirements and local or national privacy laws. Background information is posted at <http://gns0.icann.org/issues/whois-privacy/>.

The task force is refining a Whois service proposal called the *Operational Point of Control (OPoC)*. Under OPoC, one operational contact will eliminate the technical and administrative contact details currently required, thereby simplifying the process considerably.

The Preliminary Task Force Report was posted for a public comment period in November. A final Task Force Report, which will be posted for a public comment period, then will be voted on by the task force. The GNSO Council plans to consider the Final Task Force Report early in 2007.

Following GNSO and Board adoption of a consensus policy for handling such conflicts, the Board requested that further input be solicited from ICANN's supporting organisations and advisory committees. This step resulted in a procedure for ICANN to respond to situations in which a registrar or registry operator/sponsor demonstrates that it is legally prevented by local or national privacy laws or regulations from fully complying with the provisions of its ICANN contract for the collection, display and distribution of personal data through Whois. While the procedure covers possible actions for a registry operator/sponsor or registrar, it does not impose new obligations on registry operators/sponsors, registrars or third parties. Instead, it informs affected parties of the steps to be taken when ICANN receives a report of a possible conflict between other legal obligations and the ICANN Whois contractual requirements. The proposed procedure was posted for comments from the community in December 2006.

The GNSO's Committee on New Top Level Domains made considerable advances in its policy development process during consultations in Brussels, Wellington, Marrakech and Amsterdam, and the committee continues its work via conference calls and emails. In addition, comprehensive public consultations through public comment periods and a call for expert papers has contributed to the process. The New gTLD Committee, which was formed from the GNSO Council to address this policy development process, is focused on selection criteria, allocation methods and contractual conditions.

Public comments on a draft Initial Report issued in February (see <http://gns0.icann.org/issues/gtld-policies/>) were incorporated into an updated Initial Report that was released for public comments in June (see <http://gns0.icann.org/issues/gtld-policies/>). The main elements of the report facilitated consultation with the Governmental Advisory Committee about the public policy aspects of new TLDs. A draft Final Report is being prepared for the committee's consideration.

Steps are being taken to ensure that new gTLD implementation challenges and ICANN's cross-functional IDN activities are accounted for in developing the draft Final Report, which the committee distributed for public discussion at the São Paulo meeting. The GNSO and the Governmental Advisory Committee worked further on the report and held a public New gTLDs Forum at the São Paulo meeting.

The development of IDN top-level policy is a part of ICANN's overall IDN program. To address the potential that applications for internationalised top-level labels could be received in the next new gTLD round, the New gTLD Policy Development Process (PDP) Committee increasingly deliberated over IDN TLD aspects. The committee also discussed the policy aspects of new IDN gTLDs in an August 2006 meeting in Amsterdam.

To consider pre-registration of IDN gTLD labels in the first round of new gTLDs, the GNSO launched an IDN Working Group, which initially addressed string checking of IDN gTLD labels, including minimum string length, permissible scripts/languages and script-language consistency in strings. With ICANN support, the group will address these issues and produce a draft *IDN Guidelines for the Top-level* based on the existing IDN guidelines and on inferences from current praxis for gTLDs. Additional information is posted at <http://gns0.icann.org/issues/idn-tlds/>.

Considerable work is being done in the Generic Names Supporting Organisation (GNSO) policy development process. The GNSO is working to establish and operate a new gTLD program office, to realise the work of the Whois Task Force, and to provide input in the development of Internationalised Domain Names. The GNSO community completed a consensus policy for evaluation of new registry services. This effort culminated in the Registry Services Evaluation Policy (RSEP), also called the "funnel," which is already being used by the registries.

## REPORTS OF ACTIVITIES FROM ICANN DIVISIONS

### Internet Assigned Numbers Authority

#### Services and Responsiveness

With an increase in personnel, ICANN's IANA function has improved services and responsiveness over the full range of activities that IANA performs. These improvements helped support ICANN's successful effort to win a new contract with the U.S. Department of Commerce for performance of the IANA functions. This contract, signed 15 August 2006, is a sole-source contract with a period of one year plus four renewal periods. The award of this contract means that ICANN will continue to perform the IANA function during the term of the new Joint Project Agreement between ICANN and the Department of Commerce.

#### Staffing

IANA staff has grown from five to 11-1/2 full time staff members, and personnel assignments have been reorganised to align with various IANA responsibilities. We have developed two new positions at the same level as the existing Names Liaison, an IETF Liaison and a Numbers Liaison. The former Registration Service Manager of RIPE-NCC joined IANA as the Numbers Liaison. He will handle the relationships with the addressing community and the periodic requests IANA receives for address and autonomous system number allocations. In addition, the former Internet Engineering Task Force Liaison now works in concert with IANA Operations to ensure that all IETF responsibilities are addressed. Currently, four full-time employees and expert contractors are now assigned to handle IETF-related requests, which represent more than 70 percent of IANA's day-to-day work.

Two full-time staff members perform root management and other domain related issues, including management of .int.

IANA currently has one additional position open for an operations person and a new position has been created for the IANA Development Manager. Recruiting for these new positions is ongoing.

#### New Request Tracking System

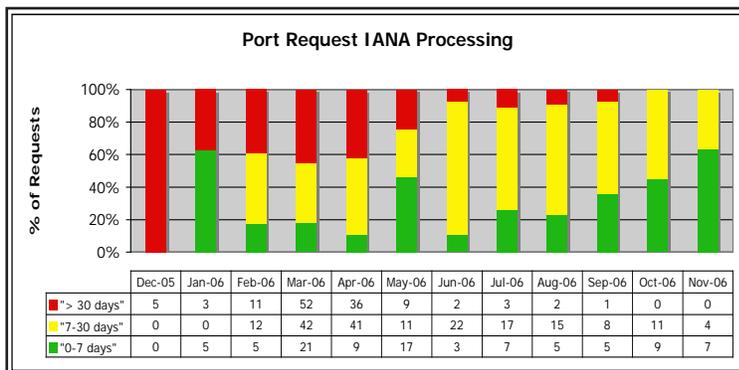
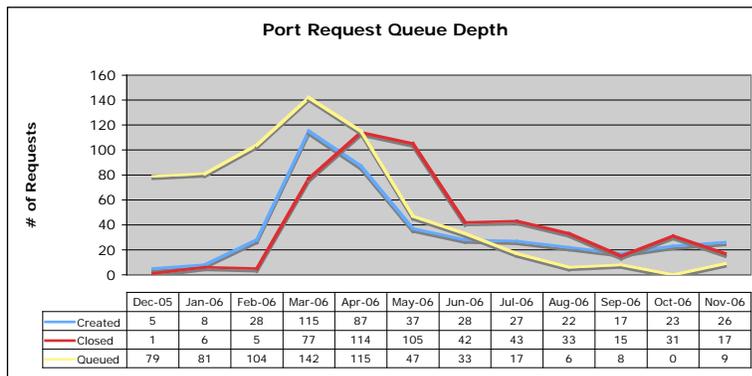
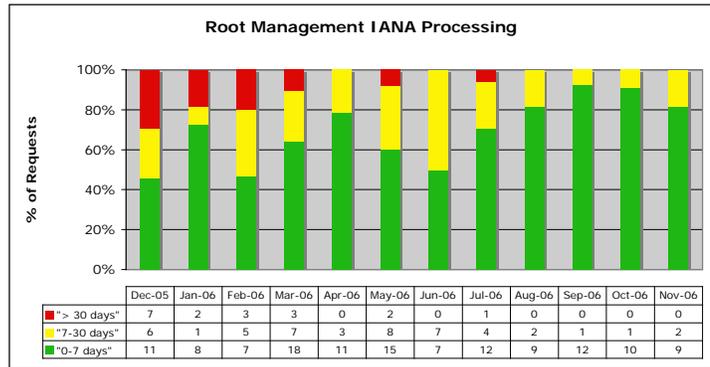
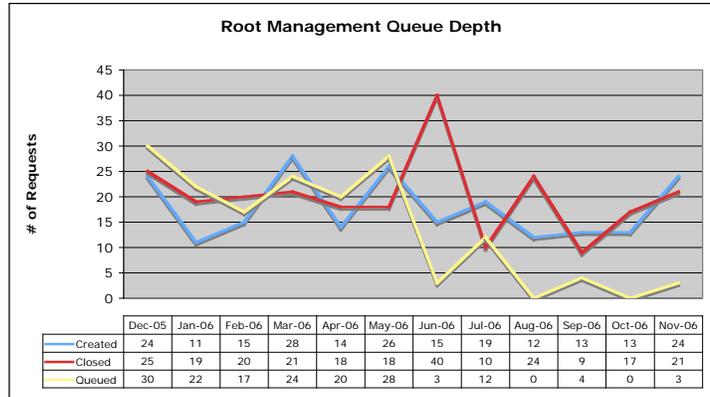
IANA continues to develop automated tools and systems. The ticketing system, Request Tracker, or RT, continues to be upgraded and customised to better manage request processing and to develop a set of statistics by which senior staff can assess productivity and efficiency. IANA has also undertaken the development of a more highly automated system to accept and process resource requests, particularly those in which the number of requests is highest (e.g., private enterprise numbers) or the sensitivity of requests is greatest (e.g., root management requests). While this development has taken longer than anticipated, production deployment of the new automated systems is expected during the first quarter of 2007.

#### Request Processing

IANA has implemented many changes in request processing and has improved efficiency and productivity. IANA has handled approximately 2,900 requests — not including requests complaining about abuse such as spam coming from address space listed as “Reserved by IANA” — since 1 January 2006. The overall mean time to complete these requests has been a consistent 20.5 days during this period. The charts that follow illustrate IANA's improved capabilities. The charts use different time periods based on when the data tracking began in our ticketing system.

Root zone management is a critical, high-visibility portion of the IANA function. IANA processes requests from TLD managers for changes in their root zone information, primarily their DNS, and IANA verifies the requests and forwards them to the U.S. Department of Commerce and VeriSign for inclusion in the published root zone.

IANA's productivity in this area has increased significantly, and requests are now routinely fulfilled in 14 or fewer days, with IANA's efforts regularly completed in 7 or fewer days.



Port requests are submitted by community members who have designed network or software applications that must communicate via a designated port. IANA reviews requests for new user ports according to criteria established by the Internet Engineering Steering Group (IESG). This element of IANA's work is seen by only the few who request ports from IANA, but it is significant for the technical community. IANA has managed to eliminate the outstanding queue of requests from prior years, and has engaged highly experienced technical evaluators for this process.

Improvements in IANA processing mean that IANA addresses these requests promptly, and concludes the work with the requester in an expeditious manner.

## Policy Support

### Whois Task Force

Under the GNSO Council-approved policy development process, the Whois Task Force is addressing the purpose of the Whois service, the purpose of the Whois contacts (e.g., technical and administrative contacts) and the purpose of the collection of data, which data should be available for public access, how to improve Whois data accuracy and how to deal with conflicts between Whois requirements and local or national privacy laws. Background information is posted at <http://gns0.icann.org/issues/whois-privacy/>.

A Preliminary Whois Task Force Report was posted for a public comment period in November 2006. The task force will consider the comments and guide ICANN staff in drafting the Final Task Force Report. This report also will be posted for a public comment period, then will be voted on by the task force. The GNSO Council is expected to consider the Final Task Force Report during the first quarter of 2007.

### New Generic Top Level Domains

The New gTLD Committee, which was formed by the GNSO Council to address this policy development process, is focused on selection criteria, allocation methods and contractual conditions. Comprehensive public consultations through public comment periods and a call for expert papers has contributed to the process.

### Internationalised Domain Names

To consider pre-registration of IDN gTLD labels in the first round for new TLDs, the GNSO recently launched an IDN Working Group, which initially will address string checking of IDN gTLD labels, including minimum string length, permissible scripts/languages and script-language consistency in strings. These issues will be addressed by the group and will result in a draft IDN Guidelines for the top level based on the existing IDN Guidelines as well as on inferences from current praxis for gTLDs.

### Contractual Conditions Policy Development Process

Work on policies for the contractual conditions policy development process continues with a revised work schedule under discussion by the GNSO's Contractual Conditions Task Force. The task force is responsible for this policy development process and ongoing work on the terms of reference for the process.

At the beginning of October 2006, the task force formed rapporteur groups that divided the work in an effort to advance a task force report for submission to the GNSO Council. ICANN provided the task force with expert materials that address part of the terms of reference. The task force and the rapporteur working groups met twice weekly through October and into November to complete their work. Additional information is posted at <http://gns0.icann.org/issues/gtld-policies/>.

### WIPO-2

A proposal for a partial introduction of World Intellectual Property Organisation (WIPO)-2 rules regarding International Governmental Organisation names and abbreviations is being discussed in a small group led by the Intellectual Property Constituency. No proposal has been developed for Council discussion as yet.

### ASO Advisory Council

Staff members continue to participate as observers in the Address Supporting Organisation Advisory Council (ASO AC) meetings and conference calls. In September, the Board ratified the *Proposed Global Policy for IPv6 Address Allocation*, which was unanimously endorsed by the ASO AC. The policy addresses allocation of IPv6 addresses by the Internet Assigned Numbers Authority to regional Internet registries. Additional ASO information can be found at <http://aso.icann.org/>.

Staff assisted the ccNSO in considering terms of reference for the review of ICANN regions to help ensure that the review addresses the ccNSO's concerns about the regions. ICANN's third review of its regions will be the first opportunity offered the ccNSO to be involved in the review. Additional information is posted at <http://survey.icann.org/cgi/ccnso/>.

ICANN signed accountability frameworks or contracts with 15 ccTLD operators during 2006. More than 45 percent of all registrants in the ccTLDs are now covered by these or other agreements.

As explained earlier, the number of individual Internet user organisations certified as At-Large Structures (ALSs) continues to increase worldwide with 71 groups participating in At-Large. A list of user groups is posted at <http://www.alac.icann.org/applications/>. Additional staff support was added in September to assist with the increasing demand for At-Large involvement. Staff members helped organise regional user community meetings in Wellington, Frankfurt, Toronto, Marrakech, Berlin, Buenos Aires, Athens, and São Paulo during 2006. Once At-Large groups in these regions agree on final memorandum of understanding language, the memorandums will be presented to the Board for approval and the RALOs can be launched.

ICANN's bylaws require a series of independent reviews to help ensure an independent examination of the role and operation of key elements of ICANN, and are part of ICANN's commitment to its evolution and improvement. These reviews are to be conducted in an objective way by independent evaluators, under guidance from ICANN's Board on the review's terms of reference, and with opportunity for public review and comment on the results of the reviews.

The independent review of the GNSO was conducted by the London School of Economics Public Policy Group and was completed in September 2006. It was immediately posted for public comment at [www.icann.org/announcements/announcement-15sep06.htm](http://www.icann.org/announcements/announcement-15sep06.htm). ICANN's Board, under the guidance of the Board Governance Committee, is considering input and discussing follow-up plans to engage the Board, the GNSO and the broader community in developing recommendations to improve the GNSO's structure, operations and processes.

ICANN's Board has approved a schedule for the conduct of additional independent reviews of supporting organisations, councils, and advisory committees as required under the Bylaws Article IV, Section 4:

- |   |                         |
|---|-------------------------|
| • Nominating Committee                                | estimated December 2007 |
| • At-Large Advisory Committee                         | estimated February 2007 |
| • Corporate Administration, including the ICANN Board | estimated July 2007     |
| • Root Server System Advisory Committee               | estimated October 2007  |
| • Security and Stability Advisory Committee           | January 2008            |
| • ccNSO Supporting Organisation                       | July 2008               |
| • Address Supporting Organisation                     | December 2008           |

## Global and Strategic Partnerships

### Communications Planning and Outreach

The Regional Liaison network was formed in 2006 through recruiting regional liaisons, a deputy manager and appropriate administrative support.

Team members defined business plans tailored to each region that incorporate ICANN's Operating and Strategic plans, and at the end of June conducted a mid-term revision of the plans to ensure that new needs and specific regional focuses were being recognised and met. Team members also developed a communications strategy and have assisted ICANN staff by gathering input from the local communities with which they work.

### Stakeholder Support

The Regional Liaison team has supported the organisation of workshops, seminars and outreach events at multiple levels, enlarging the ICANN platform of stakeholders and educating them on ICANN's mission and goals. Team member involvement in recent ccTLD workshops in Sofia and Dubai, registrar-related events in Europe, and developing relationships with local Internet communities throughout the regions has enhanced regional presence in ICANN-related activities. Their participation in Internet community-related events touching on issues under ICANN's mandate in such forums as CITEC PPC.1, CTU, Trinidad and Tobago Computer Society, Highway Africa, EGENI, e-STAS, EIF and Taqnia has proved the value of having a regional approach within the global Internet community. Regional Liaisons have also provided support to further the formation of regional At-Large organisations such as EURALO, NARALO, Asia-Pacific and Africa, and the establishment of the Latin America-Caribbean RALO at the São Paulo meeting.

### Internet Governance

The Regional Liaison team has also engaged as appropriate in the international and regional discussions about Internet governance. Several team members attended the Internet Governance Forum in Athens, where they assisted in organising two workshops, one on participation, the other on IDNs and multilingualism. ICANN has also co-sponsored two outreach events on Internet governance, one a video conference involving the Latin American countries of Argentina, Brazil, Chile, Colombia, Costa Rica, El Salvador, Honduras, Ecuador, Guatemala, Mexico, Nicaragua, Panama, Peru, Venezuela and Uruguay; and the second an event in the Baltic Region and Eastern Europe. Together with the Number Resource Organisation (NRO) and the Internet Society (ISOC), team members took part in the Internet Pavilion at the ITU Telecom World 2006, and with the Diplo Foundation in other events, including one with the UNECA.

## Corporate Affairs

### Staffing

ICANN's new Corporate Affairs office was established in June 2006 and began focussing on a number of areas. One key area was recruitment. Department staff now includes a web content developer, a technical writer, a corporate affairs assistant, and a communications and publications manager. Two additional positions remain to be filled: a General Manager Public Participation, a position enshrined in the bylaws, and a Media Adviser.

### Website Redesign

There is broad agreement that ICANN must do a better job in the way that it communicates with its constituencies and with the broader community. Given the clear and narrow technical remit of coordination of the Internet's unique identifiers, it's very important that there be a clear understanding about what ICANN does and what it does not do. It's equally important that communications – both internal and external – reinforce ICANN's transparency and accountability. To do that, there has been a focus on improving the look and feel of our website. The GNSO Review by the London School of Economics Report of September 2006 stated:

*A main reason why GNSO's visibility on the Internet is currently very low is that there have been serious deficiencies in the design of ICANN's overall website over recent years. These problems have long been known to the Board and the ICANN Chief Executive, arising from previous restrictions on resources and particular personnel issues. However, website problems in the modern age cannot be treated as peripheral or as involving only a dispensable or luxury good. Especially for a body such as ICANN and its main components such as GNSO, a properly working and designed website is an integral element of being an effective organisation at all, and its role in respect of facilitating transparency is of critical importance.*

### Transparency and Accountability

There have been changes to the website but it is clear that the site needs substantial rework, concentrated on building a content management system and information architecture. Until now the site has grown by accretion and now contains more than 300 directories and 12,000 pages, all managed by hand. This must – and will – change. A keen focus on delivering information to people rather than asking them to search for it has been practised. This has led to the establishment of a weekly subscription newsletter and news alerts service, which means information is now being delivered almost immediately to anyone interested. Anyone interested in subscribing to these services should go to <http://icann.org/communications/newsletter.html> to receive the newsletter and to [http://icann.org/communications/news\\_alerts.html](http://icann.org/communications/news_alerts.html) to receive news alerts.

### Management Operating Principles

In a further attempt to improve ICANN's transparency and accountability, a consultation on a set of Management Operating Principles (MOPs) commenced on 16 October 2006. A summary of initial comments is posted on the ICANN website, and the first commentary phase ends on December 31. One World Trust ([www.OneWorldTrust.com](http://www.OneWorldTrust.com)) has been engaged to assist in the review of ICANN's accountability and transparency measures as they exist.

These steps will inform the drafting of a set of MOPs that will be posted for comment in March of 2007, with further discussion to take place at ICANN's Lisbon meeting scheduled for 26–31 March. It is hoped that a final version of the principles will be agreed by the Board in April of 2007. The community has made clear, however, that this process should not be rushed.

### Multilingual Outreach

The ability of constituencies, staff and Board to be responsive and more transparent will be expanded with the establishment of blogs, and better ways for the various constituency groups to communicate with the broader community and with each other are also being examined. At the São Paulo meeting, a remote participation site was established, the first of its kind for ICANN. It will become a permanent feature of ICANN meetings.

ICANN also held discussions with the Special Broadcasting Service (SBS), an Australian corporation that provides news and other programming in more than 60 languages, with a view to improving our multilingual communications. This outreach will be a strong focus for 2007.

## Business Operations

gTLD Registrar Liaison

ICANN staff developed a beta version of a new registrar database, which was demonstrated at the São Paulo meeting. This database will facilitate communication between registrars and ICANN on business matters such as accreditation status, contract renewal and fee calculation. Registrars will also be able to update their contact information and use the database contacts to resolve inter-registrar issues. This system will enhance ICANN's ability to be responsive to registrar requests, and provide for greater internal efficiency in managing the growing number of accredited registrars.

The execution of a registrar data escrow project began with the formation of a joint working group including ICANN staff and representatives from several interested registrars. The group will create updated specifications and procedures for registrar data escrow, enabling the launch of a comprehensive data escrow program. The program, when fully implemented, will provide additional protection for domain name holders in events such as technical or business failure of a registrar.

Outreach programs to educate, provide a forum for discussion and encourage accreditation applications have been conducted by Registrar Liaison staff in South Korea, China, Japan, Hong Kong, Spain and Egypt.

During 2006, ICANN processed 323 accreditation applications and 163 registry-registrar agreement (RRA) appendices; that is, the new sponsored top-level domains (sTLDs) have signed this many registrars and 22 accreditation renewals. The liaison function has also answered 272 inter-registrar transfer questions (23 percent resulted in formal contractual compliance inquiries). The liaison function responds to 600 to 800 complaints each month received through the InterNic problem report form; 20 to 25 each month result in compliance inquiries.

gTLD Registry Liaison

The policy for considering new registry services adopted in November 2005, or the "funnel" as it is known, is now fully implemented (see <http://www.icann.org/registries/rsep/>). Four applications from registry operators were submitted and considered according to the public timetable. The Registry Services Technical Evaluation Panel has been staffed with talented members and has successfully considered the cases referred to them. This policy ensures that all proposed registry services can be evaluated in a timely manner for any significant security, stability or competition concerns. The review process also provides mechanisms for community input on potential new registry services.

Four new sTLDs (.cat, .mobi, .travel, and .jobs) launched operations during 2006. Three existing sTLDs (.aero, .coop, .museum) are currently engaged with staff in the contract renewal process laid out in their agreements, including consideration of sponsor renewal proposals, public comment periods and subsequent negotiations towards renewal sTLD agreements.

Working towards universal acceptance of TLDs, ICANN developed and published an online tool for verification of top-level labels. The tool, available for use by all application writers, is published in PHP, Perl, Python, C++ and Java. (See <http://www.icann.org/announcements/announcement-03dec06.htm>.)

Contractual Compliance

The office added a Director and a Compliance Officer to its staff in 2006. This office will build on the work that has been done by registrar and registry liaison groups and will also create a proactive compliance program (see <http://www.icann.org/compliance>). Dedicated compliance staff will enhance ICANN's resources for dealing effectively with compliance matters.

ICANN continues to provide compliance-related information to the community, including the third annual report on the Whois Data Problem Reports System (<http://www.icann.org/announcements/wdprs-report-final-31mar06.pdf>) dealing with registrar obligations to investigate reports of inaccurate Whois data and the third annual report on registrar compliance with the Whois Data Reminder Policy (<http://www.icann.org/whois/wdrp-report-30nov06.pdf>). Both studies report improved compliance with these policies. An update on contractual compliance activities published in October 2006 (see <http://www.icann.org/announcements/announcement-06oct06.htm>) highlights results from a gTLD Registry audit covering registry Whois service requirements in June 2006 and statistics on resolution of registrar compliance problems in a number of other areas.

ICANN aggressively investigates Whois problem reports and conducts follow-up audits on registrars that fail to provide adequate information in response to Whois inquiries and surveys. The new registrar database includes a Whois server component that will routinely check on the Whois server status of all active registrars and alert compliance staff to problems for follow-up with noncompliant registrars.

A project to better address user questions and complaints is being undertaken. Improvements are being made to the InterNIC Whois site to provide consumers with the information and resources they seek.

Considerable work was also done in protocol development for IDNs. The new documents out for comment will essentially define the scripts available for IDN registration. This step will provide clarity to the process that was absent before now. Coordinated by Regional Liaison staff and in partnership with other efforts such as regional education by the ICANN Chief Technology Officer, considerable and significant outreach about the IDN program to governments, ccTLD operators and others in the global community has taken place. Most recently, meetings were held with representatives of Middle East governments to advise them of progress in this area. Other consultations have taken place in Europe and the Asia-Pacific region.

## Finance

ICANN's Finance and Accounting functions were in a growth and development mode in 2006. Thus, a key focus was on recruitment and building the infrastructure that allows ICANN's financial functions to effectively address the increasing needs of the organisation and our constituencies. New staff members include an accounting manager, an accounts payable accountant and financial analyst. These new people join our accounts receivable accountant. There is still one open position for a senior accountant to handle day-to-day general accounting functions.

Also in 2006, Finance developed and implemented process improvements to increase efficiency and allow for proper documentation and support in accounting records. Greatly improved internal accounting processes enable the department to provide a comprehensive system of financial controls more in line with mid-sized organisations.

A recently implemented new accounts payable ticketing system is providing additional tracking throughout the payment process: receipt of invoice documents, follow-up inquiries and resolutions, payment notifications and timeliness of final payment. Issues encountered during implementation are being worked out, and reports are being developed to track progress and provide key data to further improve ICANN's payment process. This new ticketing system shortens the turnaround time required to process invoices and provides additional clarity and accuracy at each processing stage.

With the addition of project budgets in ICANN's Operating Plan, the department is developing appropriate mechanisms to properly track and report actual project costs against budget. This measure will establish specific accountability for project budgets and give project managers the information necessary to make informed spending decisions to support their projects.

Finally, the audit report and financial statements for fiscal year 2005–2006 appear on page 38.

## Human Resources

The major activities in ICANN's Human Resources have been in staffing, systems policies and procedures, and learning and development.

Two online systems have been developed and implemented. One system enables online management of staff performance reviews. A second system contains ICANN employment policies and is currently available to the management team.

New ICANN employment policies have been created or existing policies updated, and all policies are posted in the online system.

Finally, a training program was launched to teach managers best management practices when dealing with a variety of staff issues and to ensure legal compliance.

## Office of the General Counsel

### Responsibilities

ICANN's Office of the General Counsel continued to provide high-quality legal services to the various functional units within ICANN, including its staff, Board and participatory structures. The office advises ICANN's various business units on all issues that impact or potentially impact ICANN. Such issues include handling corporate and legal filings, managing litigation, providing bylaws interpretation and legal interpretation; advising the Board and staff on legal matters pertinent to or contemplated for the organisation; managing aspects of risk and crisis management; managing external counsel; reviewing and approving all legal documents; verifying bylaws and applicable law compliance; managing the corporation's relationship with the U.S. Government; negotiating in conjunction with other departments significant agreements that ICANN proposes to enter; reviewing and handling daily transactional business; providing support for various ICANN Board members and committees; ensuring staff cooperation with the Ombudsman; monitoring conflicts of interest issues; and ensuring general corporate legal compliance.

### Fulfillment of Bylaws

Three regular and fourteen special meetings of the ICANN Board were convened in 2006, including the annual meeting in São Paulo, Brazil. Appropriate Board committees were staffed, including the Executive Committee, Board Governance Committee, Conflicts of Interest Committee, and Reconsideration Committee, and produced reports at the regular ICANN meetings.

As mentioned in the Policy unit report the Board received the completed review of the GNSO Council and the GNSO, and adopted a schedule of reviews for each of the other supporting organisations and advisory committees.

The Board also directed the General Counsel to examine the bylaws provisions relating to periodic review, and to recommend any appropriate changes to reflect the new schedule recommended by the Board Governance Committee. This schedule of reviews can be found on page 25 of this report.

### Litigation Support

The office provided legal support to ICANN for the negotiation of the .com registry renewal with VeriSign. Part of that agreement saw the withdrawal of all pending litigation by VeriSign against ICANN. The renewal was approved by the U.S. Department of Commerce in December 2006.

One example of the Office of the General Counsel's work was to defend ICANN against a variety of lawsuits that included competition/antitrust law challenges.

The most recent of these was filed by the Coalition for ICANN Transparency (CFIT) against ICANN, challenging ICANN and the VeriSign Corporation upon entering into the most recent .com and .net agreements.

During 2006, that challenge was dismissed two separate times by a U.S. Federal District Court judge.

### Staffing

Office staff has increased in response to litigation and the other responsibilities of a growing organisation. For example, a new senior attorney with extensive litigation and competition law experience was hired in 2006. The office is currently made up of the General Counsel, a Deputy General Counsel, a Senior Counsel, a Regional Business Advisor, and administrative support staff. There are also two additional attorney positions open and an administrative support position, which will round out the General Counsel's office for 2007.

## Office of the Ombudsman Frank Fowlie, Ombudsman

The Ombudsman is an independent, impartial and neutral officer of ICANN. The Ombudsman's function is to act as an alternative dispute resolution office for anyone in the ICANN community who may wish to lodge a complaint about a staff or Board decision, action or inaction. The office ensures that members of the ICANN community have been treated fairly. The Ombudsman acts as impartial officer and uses alternative dispute resolution techniques to attempt to resolve complaints about unfair treatment by ICANN.

The ICANN Ombudsman is Frank Fowlie of Canada. His second Ombudsman's Annual Report which contains data about the work of the office and other information are posted at [www.icannombudsman.org](http://www.icannombudsman.org).

## ACTIVITIES OF NOMINATING COMMITTEE

The Nominating Committee (NomCom) of ICANN is responsible for selecting all ICANN directors except the President and those Directors selected by ICANN's supporting organisations. The NomCom is also responsible for some selections to the GNSO and ccNSO Council and the Interim ALAC. The NomCom is composed of 23 members, 17 voting and 6 nonvoting, as outlined in Article VII of the ICANN bylaws. Members of the NomCom are volunteers and are appointed by the Board, supporting organisations, advisory committees, constituencies, the IETF or ICANN's Technical Liaison Group.

The 2005 and 2006 Nominating Committees had two face-to-face meetings, the first for orientation and discussion regarding its processes and procedures, and the second to select nominees.

The 2005 committee received 72 applications, from which it nominated eight candidates for leadership positions. The 2006 committee received 90 applications, from which it nominated seven candidates. The deadline for submissions was extended in both years in order to obtain applicant pools of sufficient size from which to select good and balanced slates of nominees.

Committee evaluations were extensive, with each submission read by all members and investigated in depth by one member, discussed in a subgroup of the committee, and reviewed by the entire committee at the selection meeting. While in 2005 the Statement of Interest and references were the primary sources of information for each candidate, the 2006 committee was more proactive in soliciting further information, including the use of telephone conversations with some candidates.



# Activities Relating to ICANN's Responsibilities

(Duties as described under the Joint  
Project Agreement)

## Security and Stability

- Implemented technology upgrades and performance improvement in the Internet Assigned Numbers Authority (IANA), which is a function performed under contract to the U.S. Department of Commerce
- Security and Stability Advisory Committee (SSAC) issued Advisories that identify security issues and offer remedies to possible attacks
- Established measures to manage operations in a natural disaster or other physical event and to manage business failure or insolvency with creation of Executive Stability Committee
- Established Registry Services Evaluation Technical Panel to examine aspects of the introduction of new registry services
- Examination of Distributed Denial of Services Attacks by SSAC
- Ongoing work of SSAC on DNSSEC protocol to protect DNS from certain attacks



# Transparency

- Established consultation to develop Transparency and Accountability Management Operating Principles
- Commenced work on web site to improve accessibility and transparency
- Established subscriber news alerts and newsletter service
- Project plans linked to Operating Plan and published so work progress can be clearly monitored
- Implementation of policy for considering new registry services fully implemented. Four applications submitted and considered according to public timetable (see <http://www.icann.org/registrars/rsep1>).



# Accountability

- Established consultation to develop Transparency and Accountability Management Operating Principles
- Established web site for remote participation at ICANN meetings as well as ongoing simultaneous transcription
- More comprehensive minuting of Board Meetings agreed to commence in 2007
- Staffing of Global Partnerships program for outreach and participation
- Management of Policy Development Programs with clear process of accountability to constituencies



## Root Server Security and Relationships

- Ongoing work of Root Server System Advisory Committee (RSSAC) including advising of support for new services and protocols into the root system in particular IDNs, DNSSEC and IPv6 allocation
- Regular outreach to root server operators through Chief Technology Officer
- Ongoing enhancement of L-root server systems



## TLD Management

- 4 new TLDs commenced (.cat, .mobi, .travel, .jobs)
- Further 15 accountability frameworks signed with the country code top level domain community
- Country Code Names Supporting Organisation memberships reached 57 countries
- Work progressing on Internationalised Domain Names (IDNs) including laboratory tests, outreach and explanation, policy work between ccNSO and GAC. Also protocol work between IETF and GNSO Working Group
- GNSO working on new generic top-level domain program office
- Whois Task Force met at least once every 2 weeks to address purpose of Whois data and which data should be public as well as how to address local and national privacy laws
- Preliminary Whois Task Force Report posted for comment



## Multi-Stakeholder Model

- Review of GNSO by London School of Economics received and response plan being established
- Board approved schedule of additional reviews of supporting organisations, councils and advisory committees as required under ICANN's bylaws
- Outreach program enhanced with establishment of ICANN Regional Liaisons and formation of Regional At-Large Organisations (Latin America-Caribbean RALO being established)
- Over 30 outreach meetings attended
- ICANN's 28th international meeting will be in March 2007; its 29th in June; and its 30th in December 2007, with the most recent meeting in São Paulo, Brazil attended by more than 720 from 90 countries
- Beta version of new registrar database demonstrated to facilitate communication between registrars and ICANN



## Role of Governments

- Board continues close working relationship with Governmental Advisory Committee (GAC)
- GAC consultation on Whois directory and privacy laws
- GAC also advising on increased participation by developing countries
- Board requested GAC and ccNSO to work together to prepare issues paper relating to IDNs
- Advisory from GAC on Draft Initial Report by the GNSO Committee on new TLDs



## IP Addressing

- Continuing close liaison with Regional Internet Registries (RIRs)
- SSAC and RSSAC jointly examined IPv6 introduction in the root servers
- Board ratified global policy for IPv6 address allocation after endorsement by ASO Council
- Legal agreements in negotiation with RIRs
- Numbers Liaison appointed for IANA



## Corporate Responsibility

- Successful Financial Audit completed
- New accounts payable ticketing system to monitor progress of payments
- Outreach Program for Registry education and feedback held in Hong Kong, China, South Korea, Spain, Egypt
- Online verification tool published for verification of Top Level labels (see <http://www.icann.org/announcements/announcement-03dec06.htm>)



# Corporate Administrative Structure

- Director and Compliance officer added to staff with emphasis on proactive compliance (see <http://www.icann.org/compliance>)
- Appointment of Chief Operating Officer
- Establishment of Project Management plans linked to Operating Plan based on best practice model of project management
- Work on policies for contractual conditions policy development process under discussion by GNSO Contractual Conditions Task Force



# AUDIT REPORT FOR FISCAL YEAR 2005–2006

To view the posted version of this Audit Report, go to <http://icann.org/financials/financial-report-fye-30jun06.pdf>.



**INDEPENDENT AUDITORS' REPORT  
AND  
FINANCIAL STATEMENTS  
JUNE 30, 2006 and 2005**

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INDEPENDENT AUDITORS' REPORT

To the Board of Directors  
Internet Corporation for Assigned Names and Numbers

We have audited the accompanying statements of financial position of Internet Corporation for Assigned Names and Numbers (ICANN) as of June 30, 2006 and 2005 and the related statements of activities and cash flows for the years then ended. These financial statements are the responsibility of the management of Internet Corporation for Assigned Names and Numbers. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Internet Corporation for Assigned Names and Numbers as of June 30, 2006 and 2005, and the changes in its net assets and its cash flows for the years then ended, in conformity with accounting principles generally accepted in the United States of America.

*Moss Adams LLP*

Los Angeles, California  
August 25, 2006

A member of  
Moss Adams International  
an equal opportunity employer  
and affirmative action organization

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

STATEMENTS OF FINANCIAL POSITION

JUNE 30,	2006	2005
<b>ASSETS</b>		
Cash and cash equivalents	\$ 11,789,947	\$ 1,910,069
Accounts receivable, net	13,516,070	9,372,070
Prepaid expenses	222,006	13,438
Other assets	54,722	15,243
Property and equipment, net	259,519	350,604
Total assets	<u>\$ 25,842,264</u>	<u>\$ 11,661,424</u>
<b>LIABILITIES AND NET ASSETS</b>		
<b>LIABILITIES</b>		
Accounts payable and accrued liabilities	\$ 2,481,808	\$ 1,707,397
Deferred revenue	4,954,313	1,722,026
Total liabilities	<u>7,436,121</u>	<u>3,429,423</u>
<b>NET ASSETS</b>		
Unrestricted	<u>18,406,143</u>	<u>8,232,001</u>
Total liabilities and net assets	<u>\$ 25,842,264</u>	<u>\$ 11,661,424</u>

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

STATEMENTS OF ACTIVITIES

YEARS ENDED JUNE 30,	2006	2005
<b>CHANGES IN UNRESTRICTED NET ASSETS</b>		
Support and revenue		
Domain name registry and registrar fees	\$ 26,145,255	\$ 14,136,273
Address registry fees	823,000	823,000
Accreditation fees	1,965,210	1,992,893
Application fees	780,000	791,500
Contributed goods and services	-	5,999
Interest income and other income	107,539	57,646
Total support and revenue	<u>29,821,004</u>	<u>17,807,311</u>
Expenses		
Personnel	7,382,054	4,218,971
Board and public meetings	2,022,650	1,510,299
Other meetings and travel	1,775,634	1,121,398
Professional services	4,232,869	3,898,490
Administration	4,233,655	2,966,045
Total expenses	<u>19,646,862</u>	<u>13,715,203</u>
Change in net assets	<u>10,174,142</u>	<u>4,092,108</u>
NET ASSETS, beginning of year	<u>8,232,001</u>	<u>4,139,893</u>
NET ASSETS, end of year	<u>\$ 18,406,143</u>	<u>\$ 8,232,001</u>

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

STATEMENTS OF CASH FLOWS

YEARS ENDED JUNE 30,	2006	2005
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Change in net assets	\$ 10,174,142	\$ 4,092,108
Adjustments to reconcile change in net assets to cash (used in) provided by operating activities:		
Depreciation	145,014	111,609
Bad debt expense	2,026,424	1,203,989
Changes in operating assets and liabilities:		
Accounts receivable	(6,170,424)	(7,703,791)
Prepaid expenses	(208,568)	(13,438)
Other assets	(39,479)	20,382
Accounts payable and accrued liabilities	774,411	805,653
Deferred revenue	3,232,287	1,066,394
Net cash provided by (used in) operating activities	<u>9,933,807</u>	<u>(417,094)</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
Purchases of property and equipment	<u>(53,929)</u>	<u>(212,181)</u>
<b>NET INCREASE (DECREASE) IN CASH AND CASH EQUIVALENTS</b>	<u>9,879,878</u>	<u>(629,275)</u>
CASH AND CASH EQUIVALENTS, beginning of year	<u>1,910,069</u>	<u>2,539,344</u>
CASH AND CASH EQUIVALENTS, end of year	<u>\$ 11,789,947</u>	<u>\$ 1,910,069</u>

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

NOTES TO FINANCIAL STATEMENTS

NOTE 1 - ORGANIZATION

Internet Corporation for Assigned Names and Numbers (ICANN) was established in September 1998 under the laws of the state of California as a non-profit organization. ICANN coordinates a select set of the Internet's technical management functions, such as the assignment of protocol parameters, the management of the domain name system, the allocation of Internet protocol (IP) address space, and the management of the root server system. Categories of Internet domains include Generic Top Level Domains (gTLDs) which include the .com, .net, .org, and .edu domains and Country Code Top Level Domains (ccTLDs), examples of which are .us, .uk, and .fr. ICANN generates income from fees received from domain name registrars and related accreditation activities. Its primary sources of revenue are as follows:

- *Domain name registry and registrar fees* - Amounts contributed by organizations responsible for the registration and administration of Internet domain names.
- *Address registry fees* - Amounts contributed by organizations responsible for the assignment and administration of Internet addresses.
- *Accreditation fees* - Amounts paid in connection with initial and renewal accreditation of organizations engaged in the registration and administration of domain names in the .com, .net, .biz, .info, .museum, .name, and .org Internet domains.
- *Application fees* - Amounts paid in connection with processing of applications to become accredited domain name registrars.

ICANN also receives contributions and grants from other organizations.

ICANN has three supporting organizations which serve as advisory bodies to the ICANN board of directors with respect to internet policy issues and structure within three specialized areas, including the system of IP addresses and the domain name system. The supporting organizations are the primary source of substantive policy recommendations for matters lying within their respective specialized areas. The three supporting organizations are the Address Supporting Organization (ASO), Generic Names Supporting Organization (GNSO), and the Country Code Domain Name Supporting Organization (CCNSO). The supporting organizations are not separately incorporated entities. Transactions handled by ICANN on behalf of GNSO are included in the accompanying financial statements.

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

NOTES TO FINANCIAL STATEMENTS

NOTE 2 - SIGNIFICANT ACCOUNTING POLICIES

**Basis of presentation** - The financial statements of ICANN have been prepared on the accrual basis of accounting. ICANN recognizes contributions, including unconditional promises to give, as revenue in the period received. Contributions and net assets are classified based on the existence or absence of donor-imposed restrictions. As such, the net assets of ICANN and the changes therein are classified and reported as follows:

- *Unrestricted net assets* - Net assets that are not subject to donor-imposed stipulations and that may be expendable for any purpose in performing the objectives of ICANN.
- *Temporarily restricted assets* - Net assets subject to donor-imposed stipulations that may or will be met either by actions of ICANN and/or the passage of time. As the restrictions are satisfied, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the accompanying financial statements as net assets released from restrictions.
- *Permanently restricted net assets* - Net assets subject to donor-imposed stipulations that resources be maintained in perpetuity. Investment income generated from these funds is available for general support of ICANN's programs and operations unless otherwise stipulated by the donor.

As of June 30, 2006 and 2005, ICANN has no permanently or temporarily restricted net assets.

**Functional allocation of expenses** - Expenses that can be identified with a specific program or supporting service are charged directly to the related program or supporting service. Expenses that are associated with more than one program or supporting service are allocated based on methods determined by management. As of and for the years ended June 30, 2006 and 2005, respectively, ICANN's expenses are classified as follows:

	<u>2006</u>	<u>2005</u>
Program services	\$ 12,633,591	\$ 8,656,483
Supporting services:		
Management and general	7,013,271	5,058,720
Total	<u>\$ 19,646,862</u>	<u>\$ 13,715,203</u>

**Advertising costs** - Advertising cost are expensed in the period incurred. Advertising expense amounted to \$53,430 and \$0, for the years ended June 30, 2006 and 2005, respectively.

**Cash and cash equivalents** - Cash and cash equivalents include deposits in bank, money market accounts, and marketable commercial paper. The Organization considers all cash and financial instruments with maturities of three months or less when purchased by the Organization to be cash and cash equivalents.

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

NOTES TO FINANCIAL STATEMENTS

NOTE 2 - SIGNIFICANT ACCOUNTING POLICIES (Continued)

**Property and equipment** - Property and equipment are stated at cost or, for contributed items, at fair market value at date of contribution. The equipment, furniture and fixtures are being depreciated using the accelerated method over estimated useful lives of five to seven years. Leasehold improvements are being depreciated using the straight-line method over the useful life or the remaining lease term, whichever is shorter. Acquisitions of property and equipment in excess of \$10,000 are capitalized.

**Deferred revenue** - Deferred fees attributable to future activities are included in cash and cash equivalents or accounts receivable and reflected as deferred revenue until earned.

**Contributed goods and services** - The value of significant donated goods is reflected as contributions in the accompanying financial statements. For the year ended June 30, 2005, ICANN received \$5,999 in contributed goods. There were no contributed goods for the year ended June 30, 2006.

Contributed services are recognized only if the services (a) create or enhance long-lived assets, or (b) require specialized skills, are provided by individuals possessing those skills and would typically need to be purchased if not provided by donation. For the years ended June 30, 2006 and 2005, no contributed services were received.

**Income taxes** - ICANN is exempt from federal and state income taxes under the provisions of Section 501(c)(3) of the Internal Revenue Code and Section 23701(d) of the California Revenue and Taxation Code. Accordingly, no provision for income taxes has been made in the accompanying financial statements.

**Concentration of credit risk** - Financial instruments which potentially subject the Organization to concentrations of credit risk consist primarily of cash and cash equivalents and accounts receivable. The Organization places its cash with major financial institutions. The cash held at these financial institutions may, at times, exceed the amount insured by the Federal Deposit Insurance Corporation. Concentration of credit risk with respect to receivables is mitigated by the diversity of customers comprising the Organization's customer base.

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

NOTES TO FINANCIAL STATEMENTS

NOTE 2 - SIGNIFICANT ACCOUNTING POLICIES (Continued)

**Accounts Receivable** - The Organization carries its accounts receivable at invoiced amounts less allowances for doubtful accounts. The Organization does not accrue interest on its receivables. On a periodic basis, the Organization evaluates its accounts receivable and establishes allowances based on overdue accounts and a history of past write-offs. In the year ended June 30, 2005, the Organization did not have any major customers; however during the year ended June 30, 2006, there was one major customer totaling approximately \$4,725,000 or 15.9% of net revenues. At year end, the Organization had an accounts receivable amount totaling approximately \$1,664,000 due from this major customer.

**Use of estimates** - The preparation of financial statements in conformity with generally accepted accounting principles in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

NOTE 3 - ACCOUNTS RECEIVABLE

Accounts receivable is comprised of the following constituencies for various registry, registrar and accreditation fees at June 30:

	2006	2005
ccTLDs	\$ 572,463	\$ 659,593
gTLD registries and registrars	14,351,088	8,864,465
IP address registries	2,615,911	1,844,980
	17,539,462	11,369,038
Less allowance for doubtful accounts	(4,023,392)	(1,996,968)
	<u>\$ 13,516,070</u>	<u>\$ 9,372,070</u>

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

NOTES TO FINANCIAL STATEMENTS

NOTE 4 - PROPERTY AND EQUIPMENT

Property and equipment consists of the following at June 30:

	2006	2005
Computer equipment	\$ 645,791	\$ 628,655
Computer software	20,128	-
Furniture and fixtures	140,855	140,855
Leasehold improvements	128,980	112,315
	935,754	881,825
Less accumulated depreciation	(676,235)	(531,221)
	\$ 259,519	\$ 350,604

NOTE 5 - LEGAL MATTERS

In the ordinary course of business, ICANN is subject to lawsuits and other potential legal actions. Management is unable at this time to determine the probable outcome or the effect, if any, that these actions may have on the financial position and the ongoing operations of the Company. Accordingly, the accompanying financial statements do not include a provision for any losses that may result from the Company's current involvement in legal matters.

NOTE 6 - RELATED PARTY TRANSACTIONS

The individual acting as ICANN's president and chief executive officer (CEO) is currently provided to ICANN through a professional services agreement with a Organization in which the president and CEO has an interest. Total payments for the years ended June 30, 2006 and 2005, including fees for professional services and reimbursed expenses (airfare and travel-related expenses, telecommunications, information technology supplies and support, and office supplies), were approximately \$626,000 and \$591,000, respectively. Included in accounts payable and accrued liabilities as of June 30, 2006 and 2005, is approximately \$32,000 and \$54,000, respectively, of reimbursable expenses payable to the affiliated company.

NOTE 7 - COMMITMENTS

The Organization leases its offices and certain other facilities under two operating lease agreements with termination clauses from three to six months. Rent expense amounted to approximately \$510,000 and \$345,000 for the years ended June 30, 2006 and 2005, respectively. Minimum payments under the cancelable operating leases for the future year ending June 30, 2007 is \$207,195.

9

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

NOTES TO FINANCIAL STATEMENTS

NOTE 8 - DEFINED CONTRIBUTION PENSION PLAN

The Organization's 401(k) Plan (the "Plan") is available to all employees in the United States at the first of the month following hire date with the Company. The Organization contributes 5% of employee's salary to the plan regardless of employee contributions. The Organization furthermore matches employee contributions up to 10% of the employee's annual income. Employer contributions for the years ended June 30, 2006 and 2005 amounted to \$490,060 and \$306,209, respectively.

## GLOSSARY OF TERMS

### A

<b>AfriNIC</b>	African Network Information Centre
<b>ALAC</b>	At-Large Advisory Committee
<b>ALS</b>	At-Large Structure
<b>ASO</b>	Address Supporting Organisation
<b>ASO AC</b>	Address Supporting Organisation Advisory Council

### C

<b>ccNSO</b>	Country-Code Names Supporting Organisation
<b>ccTLD</b>	country code top level domain
<b>CFIT</b>	Coalition for ICANN Transparency

### D

<b>DDoS</b>	distributed denial of service
<b>DNS</b>	domain name system
<b>DNSSEC</b>	DNS security extension protocol

### E

<b>ENISA</b>	European Network and Information Security Agency
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### G

<b>GAC</b>	Governmental Advisory Committee
<b>GNSO</b>	Generic Names Supporting Organisation
<b>gTLD</b>	generic top level domain

### I

<b>IAB</b>	Internet Architecture Board
<b>IANA</b>	Internet Assigned Numbers Authority
<b>ICANN</b>	Internet Corporation for Assigned Names and Numbers
<b>IDN</b>	Internationalised Domain Name
<b>IESG</b>	Internet Engineering Steering Group
<b>IETF</b>	Internet Engineering Task Force

**IP** Internet protocol  
**ISOC** Internet Society  
**ITU** International Telecommunication Union

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## **J**

**JPA** Joint Project Agreement

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## **L**

**LAC RALO** Latin America-Caribbean Regional At-Large Organisation

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## **M**

**MOPs** Management Operating Principles

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## **N**

**NIST** National Institute of Standards and Technology

**NRO** Number Resource Organisation

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## **O**

**OPoC** Operational Point of Control

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## **P**

**PDP** policy development process

**PMI** Project Management Institute

**PIR** Public Interest Registry

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## **R**

**RALO** Regional At-Large Organisation

**RFC** request for comment

**RIPE NCC** RIPE Network Coordination Centre – regional Internet registry for Europe, parts of Asia, and the Middle East

<b>RIR</b>	regional Internet registry
<b>RSEP</b>	Registry Services Evaluation Policy
<b>RSSAC</b>	Root Server System Advisory Committee
<b>RT</b>	Request Tracker
<b>RRA</b>	registry-registrar agreement

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## S

<b>SSAC</b>	Security and Stability Advisory Committee
<b>SBS</b>	Special Broadcasting Service
<b>sTLD</b>	sponsored top-level domain

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## T

<b>TLD</b>	top-level domain
<b>TLG</b>	Technical Liaison Group

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## W

<b>Whois</b>	Database site listing information about who is responsible for domain names
<b>WIPO</b>	World Intellectual Property Organisation
<b>WSIS</b>	World Summit on the Information Society





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2.2.1 Article III, section 3 of the ICANN  
Bylaws on the Manager of Public  
Participation

<http://www.icann.org/general/bylaws.htm#III>

### **Section 3. NON-DISCRIMINATORY TREATMENT**

ICANN shall not apply its standards, policies, procedures, or practices inequitably or single out any particular party for disparate treatment unless justified by substantial and reasonable cause, such as the promotion of effective competition.

## **ARTICLE III: TRANSPARENCY**

### **Section 1. PURPOSE**

ICANN and its constituent bodies shall operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness.

### **Section 2. WEBSITE**

ICANN shall maintain a publicly-accessible Internet World Wide Web site (the "Website"), which may include, among other things, (i) a calendar of scheduled meetings of the Board, Supporting Organizations, and Advisory Committees; (ii) a docket of all pending policy development matters, including their schedule and current status; (iii) specific meeting notices and agendas as described below; (iv) information on ICANN's budget, annual audit, financial contributors and the amount of their contributions, and related matters; (v) information about the availability of accountability mechanisms, including reconsideration, independent review, and Ombudsman activities, as well as information about the outcome of specific requests and complaints invoking these mechanisms; (vi) announcements about ICANN activities of interest to significant segments of the ICANN community; (vii) comments received from the community on policies being developed and other matters; (viii) information about ICANN's physical meetings and public forums; and (ix) other information of interest to the ICANN community.

### **Section 3. MANAGER OF PUBLIC PARTICIPATION**

There shall be a staff position designated as Manager of Public Participation, or such other title as shall be determined by the President, that shall be responsible, under the direction of the President, for coordinating the various aspects of public participation in ICANN, including the Website and various other means of communicating with and receiving input from the general community of Internet users.

### **Section 4. MEETING NOTICES AND AGENDAS**

At least seven days in advance of each Board meeting (or if not practicable, as far in advance as is practicable), a notice of such meeting and, to the extent known, an agenda for the meeting shall be posted.

### **Section 5. MINUTES AND PRELIMINARY REPORTS**

1. All minutes of meetings of the Board and Supporting Organizations (and any councils thereof) shall be approved promptly by the originating body and provided to the ICANN Secretary for posting on the Website.
2. No later than five (5) business days after each meeting (as calculated by local time at the location of ICANN's principal office), any actions taken by the Board shall be made publicly available in a preliminary report on the Website; provided, however, that any actions relating to personnel or employment matters, legal matters (to the extent the Board determines it is necessary or appropriate to protect the interests of ICANN), matters that ICANN is prohibited by law or contract from disclosing publicly, and other matters that the Board determines, by a three-quarters (3/4) vote of Directors present at the meeting and voting, are not appropriate for public distribution, shall not be included in the preliminary report made publicly available. For any matters that the Board determines not to disclose, the Board shall describe in general terms in the relevant preliminary report the reason for such nondisclosure.
3. No later than the day after the date on which they are formally approved by the Board (or, if such day is not a business day, as calculated by local time at the location of ICANN's principal office, then the next immediately following business day), the minutes shall be made publicly available on the Website; provided, however, that any minutes relating to personnel or employment matters, legal matters (to the extent the Board determines it is necessary or appropriate to protect the interests of ICANN), matters that ICANN is prohibited by law or contract from disclosing publicly, and other matters that the Board determines, by a three-quarters (3/4)

## 2.2.2 January 2007 Announcement of new ICANN staff appointments

<http://www.icann.org/announcements/announcement-17jan07.htm>

## ICANN Announces New Staff Appointments

17 January 2007

### **Regional Liaison - Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyz Republic, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan**

Veni Markovski has been appointed to join ICANN's Regional Liaison team. Veni is well known to the ICANN community as a former Board member (his term expiring in December 2006). Veni has strong language skills and contacts in this region. He has been working on Internet issues since 1990 and was one of Bulgaria's first Internet entrepreneurs. He was co-founder of BOL.BG, and co-founder and Chairman of the Internet Society of Bulgaria. He was an early adopter of the Internet having been a system operator of a Bulletin Board System from 1990 – 1993. Veni has also worked in different United Nations Development Programs and European Union funded projects. He has advised governments, businesses and non-profits on a number of Internet-related issues. As well as the ICANN Board of Directors he has also served on Computer Professionals for Social Responsibility and on the Internet Society Board of Trustees.

Veni will report to the Vice President Global and Strategic Partnerships, Theresa Swinehart, and will work closely with the existing Regional Liaisons.

### **General Manager, Public Participation**

Kieren McCarthy has been appointed to the role of General Manager, Public Participation. The position reports to the Executive Officer and Vice President Corporate Affairs, Paul Levins. The primary responsibility of this role is to ensure active participation in ICANN processes by Internet stakeholders, including end users.

Kieren is well known to many members of the ICANN community through his work as a journalist. He has been a participant in the field of international media and communications for over 10 years and has written for most media outlets in the United Kingdom that cover Internet issues, from national newspapers to small technical journals. He has been a reporter and sub-editor for The Register, PC Week, PC Dealer as well as The Times and The Independent amongst others. He has also been engaged as a media trainer by a number of global IT companies. In that time he has interviewed and written about key Internet, government and business leaders. He has a strong interest in the use of interactive media tools to encourage participation in Internet debates. He recently built and ran a remote participation web site for ICANN's São Paulo Meeting held in December 2006. He has a Masters degree in Mechanical Engineering from Nottingham University.

### **Director, Contractual Compliance**

Stacy K. Burnette has been appointed as Director, Contractual Compliance. She will collaboratively develop the compliance function at ICANN including staffing the compliance function and implementing the auditing of gTLD registry, registrar and other contracts to ensure compliance by all parties to the agreements.

Stacy is a telecommunications attorney and manager with approximately ten years of contract negotiation, administration and enforcement experience. She has published in the National Association of Telecommunications Officers and Advisors Quarterly Journal on Telecommunications and she has been a frequent speaker at telecommunications seminars and conferences.

Prior to joining ICANN, Stacy worked as a Telecommunications Regulatory Officer and Manager for the City of Los Angeles, Information Technology Agency where she managed a staff of professionals who were responsible for the negotiation, administration and enforcement of the City's numerous multi-million dollar cable television franchise agreements.

Before joining the City of Los Angeles, Stacy was the General Counsel for the District of Columbia Office of Cable Television and Telecommunications, managing a team of attorneys who assisted in all aspects of cable regulation, contract enforcement and cable communications policy development. She also served as a civil trial attorney for the District of Columbia Government for approximately seven years.

Stacy holds a Bachelor of Business Administration degree in Accounting and a Juris Doctorate from Howard University in Washington D.C.

### **Director, Project Office**

Carole Cornell recently joined ICANN as the Director, Project Office. In this new role, she will: provide oversight for all projects; maintain responsibility for data integration and reporting for all projects and programs within the organization; create and maintain a uniform approach to project management; and serve as a change agent for continuous improvement through improved/enhanced methodologies.

Carole brings over 25 years of diversified, multi-national and global experience in project management. Most recently Carole served as Vice President, Operations and in Business Development at WET Design (a company which designs and installs custom water features world wide).

Prior to that, Carole was with Walt Disney Imagineering (WDI) as Executive Director, Project Technical Services and Integrated Business Applications. Her responsibilities there included Project Controls Group, Estimating, Planning and Scheduling, as well as Project Coordination. Some of her key accomplishments were implementing the "Seven Steps to Controlling a Project" resulting in greater productivity and efficiency; integrating standard management reports between SAP, Primavera and other management information packages. She also implemented processes and procedures such as change management, risk assessment and earned value.

Carole's experience also includes the Los Angeles Olympics Organizing Committee (LAOOC) where she was a Project Manager.

Carole holds a Bachelor of Science degree from Michigan State University in Hotel and Restaurant Institutions.

We welcome Veni, Kieren, Stacy and Carole to these roles and wish them every success.

## 2.3.1 Improvements to the ICANN website(s)

### **2.3.1 Improvements to the ICANN website(s)**

This document briefly lists the main changes to the ICANN website that have improved it from a user's point of view. The objective has been and still is to improve the usability of the enormous amount of information in the website and to make it more functional as a platform for community members to interact.

#### **September 2006 - February 2007**

- improved site aesthetic and usability
- commenced regular ICANN News Alerts
- improved site navigation and information architecture
- created Site Map
- restored site Quicklinks
- assisted Ombudsman with site redesign
- assisted Ombudsman with creation of ICANN Ombudsman blog

#### **March 2007 - present**

- added Maps section
- introduced video to website
- improved Internet Community Calendar
- installed new Contact ICANN form
- added "Virtual Bookshelf" of presentations and speeches
- commenced ICANN Monthly Magazine
- installed Webtrends analytics software
- created Public Participation site
- created Processes section
- created Public Comment section
- archived drupal meeting sites
- created custom Drupal (content management system) installation for new meeting sites
- installed dedicated Drupal development and staging server
- installed dedicated Drupal production server
- created San Juan, Los Angeles, Taipei and Delhi meeting sites
- designed new Meeting-Participation site theme
- installed more reliable Meeting chat room software
- created dynamic Meeting schedule page
- re-designed Internic site
- installed CiviCRM meeting registration system
- assisted contractor with creation of Fellowships application system
- created shared Drupal database and file container system

2.4.1 ICANN public comment page:  
[http://www.icann.org/public\\_comment/](http://www.icann.org/public_comment/)

## Public Comment

A vital part of ICANN's processes is the opportunity for there to be public comment on each substantial piece of work before it is put forward for final approval. This page outlines clearly and simply which public comment periods are currently open, which have recently been closed, which are upcoming, and an archive of closed forums (listed according to the month in which the comment period ended). A separate comment box is provided for each comment period.

Each box provides a brief explanation of what the comment period hopes to achieve, as well as: links to relevant reports and/or webpages; a link to the official announcement of the comment period; a link to where all existing comments can be found; and an email link for anyone that wishes to send in a comment. Closed comments forums, should have a live link to a "summary/analysis" where the comments made are objectively reviewed and the results posted to the same list. This summary/analysis will be then be put into the decision-making process where the body responsible will be asked to explicitly refer to its in future discussions.

The page should provide a solid and permanent solution to the issue of transparency and accountability of ICANN's processes, in particular: what issues are pending before ICANN; how interested stakeholders can contribute; and an explanation to the wider community on what the contributing factors are to a final decision.

Open for comment now:	Recently closed comment forums:	Upcoming forums and recent changes:	Archived forums:
<ul style="list-style-type: none"> <li>• <a href="#">Whois studies</a> (ends 15 Feb 08)</li> <li>• <a href="#">Domain tasting initial report</a> (ends 28 Jan 08)</li> <li>• <a href="#">Introduction of IDN ccTLDs</a> (ends 25 Jan 08)</li> <li>• <a href="#">Nominating Committee review</a> (ends ...)</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Registry failover plan</a></li> <li>• <a href="#">Single-letter domains</a></li> <li>• <a href="#">ALAC bylaw change</a></li> <li>• <a href="#">Inter-Registrar Transfer Policy</a></li> <li>• <a href="#">RSSAC review terms of reference</a></li> <li>• <a href="#">GNSO Improvements</a></li> <li>• <a href="#">Final Report on the Introduction of New gTLDs</a></li> <li>• <a href="#">Telnic Whois contract change</a></li> <li>• <a href="#">Strategic Plan</a></li> </ul>	<p>Upcoming forums:</p> <p>Recent changes:</p> <ul style="list-style-type: none"> <li>• Summary/analyses posted to December's closed forums</li> <li>• Nominating Committee <a href="#">review</a> moved back into open comment periods</li> <li>• Domain tasting initial report comment period <a href="#">opened</a></li> <li>• <a href="#">New comment period</a> on IDN ccTLDs</li> <li>• Registry failover plan period <a href="#">closed</a></li> <li>• Single letter domains period <a href="#">closed</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Dec 2007</a></li> <li>• <a href="#">Nov 2007</a></li> <li>• <a href="#">Oct 2007</a></li> <li>• <a href="#">Sep 2007</a></li> <li>• <a href="#">Aug 2007</a></li> <li>• <a href="#">Jul 2007</a></li> <li>• <a href="#">Pre-July 2007</a></li> </ul>

### Open for comment now

Whois studies	
<p><b>Open:</b> 08 Jan 08</p> <p><b>Closed:</b> 15 Feb 08</p>	<p><b>Explanation:</b> The Generic Names Supporting Organization (GNSO) concluded that a comprehensive, objective and quantifiable understanding of the factual issues regarding the gTLD WHOIS system will benefit future ICANN development efforts, and plans to ask ICANN staff to conduct several studies for this purpose. Before defining the details of these studies, the Council is soliciting suggestions from the community for specific topics of study on WHOIS that stakeholders recommend be conducted.</p>

Possible areas of study might include a study of certain aspects of gTLD registrants and registrations, a study of certain uses and misuses of WHOIS data, a study of the use of proxy registration services, including privacy services, or a comparative study of gTLD and ccTLD WHOIS.

If you would like to offer suggestions about topics of study on WHOIS, please do so by completing the online form available by clicking on the following link: <http://forms.icann.org/cgi/study-suggestions>. Please submit a separate online form for each study that you recommend should be conducted and answer all questions with as much detail as possible. Please limit your online answers to 1-2 paragraphs per question. Additional detail and any supporting materials may be emailed to: [whois-comments-2008@icann.org](mailto:whois-comments-2008@icann.org). You are also encouraged to comment on proposed studies that have already been posted. To do so please reference the specific proposal you are commenting on. View comments at: <http://forum.icann.org/lists/whois-comments-2008/>. Lastly, you may also provide input via email, instead of posting online via the form provided. To do so, please send email to [whois-comments-2008@icann.org](mailto:whois-comments-2008@icann.org).

Is it clear to you what this comment period covers? Do you have all the information you need to respond? Please click "More information please" below to email ICANN directly

Staff member responsible: Liz Gasster | [More information please](#)

[Announcement](#) | [Comments](#) | [Add comment](#) | Summary/analysis of comments

## Domain tasting initial report

**Open:** 08 Jan 08

**Closed:** 28 Jan 08

**Explanation:** The body that represents individual Internet users with Large Advisory Committee (ALAC), asked ICANN's main policy body, Names Supporting Organisation (GNSO) to review the issue of "domain spring 2007."

Domain tasting is where someone uses existing legitimate processes domain name and then tests to see if the address has sufficient traffic income than the annual registration fee (usually through the addition advertising). If the address is deemed sufficiently profitable, it is kept. current "add grace period" - where domains can be returned within five cost - is used to return the domain at no net cost to the registrant. There seen an enormous increase in the number of domains registered and some feel represents a loophole that needs to be closed.

In response to the ALAC's request in spring 2007, the GNSO Council ICANN staff prepare an issues paper for review and discussion. That [pdf] was produced and discussed at ICANN's San Juan meeting in , during which the GNSO Council decided to set up a working group to information. The working group came back with an [Outcomes Report](#) 2007.

As a result of both reports, the GNSO Council decided at the end of launch a formal policy development process (PDP) into domain tasting a request that other parties in the ICANN structure provide their input a result of all this, an [Initial Report](#) [pdf] has been produced outlining possible actions to be taken, and the arguments put forward for and actions.

It is this [Initial Report](#) that has been put out for public comment. Feedback will be incorporated into a Final Report supplied to the GNSO Council for it to review and take action where necessary.

Is it clear to you what this comment period covers? Do you have all the information you need to respond? Please click "More information please" below to email ICANN directly

Staff member responsible: Olof Nordling | [More information please](#)

[Announcement](#) | [Comments](#) | [Add comment](#) | Summary/analysis of comments

### Introduction of IDN ccTLDs

**Open:** 19 Dec  
07

**Closed:** 25 Jan  
08

**Explanation:** The country code Names Supporting Organisation (ccNSO) - which represents the manager of the country code top-level domains such as .de for Germany, or .uk for the Britain - asked for an issues paper to be drawn up regarding the possible introduction of ccTLDs as internationalized domain names (IDNs) i.e. for the two-letter country codes currently used on the Internet to be provided in a non-Western alphabet.

In particular the issues report will cover whether the existing ICANN bylaws cover IDN versions of the two-letter codes (as defined by the ISO 3166-1 list); and whether the ccNSO should launch a policy development process (PDP) into delegation of IDN versions of ISO 3166-1 codes.

The staff member responsible for drawing up the report was asked to identify policies, procedures, and/or bylaws that should be reviewed and, as necessary revised as a result of such a policy. The staff member was also asked to propose a timeline for conducting each stage of a possible future PDP.

The various ongoing policy issues that may impact this paper, as well as a suggested format for people to submit their comments in is available in the official announcement of this public comment forum. We advise that those interested in responding review that announcement in full.

Please note that it is not necessary at this stage to make suggestions to resolve any issues relating to an overall policy or answer any questions.

Is it clear to you what this comment period covers? Do you have all the information you need to respond? Please click "More information please" below to email ICANN directly

Staff member responsible: Bart Boswinkel | [More information please](#)

[Announcement](#) | [Comments](#) | [Add comment](#) | Summary/analysis of comments

### Nominating Committee review

<p><b>Open:</b> 24 Oct 07</p> <p><b>Closed:</b></p>	<p><b>Explanation:</b> The independent organisation reviewing ICANN's Nominating Committee has provided its <a href="#">report</a>.</p> <p>The <a href="#">report</a> will be used to develop detailed proposals for improving the way ICANN fills leadership positions, and part of that process will be public input, both in response to this public comment period and at a <a href="#">special session</a> at the Los Angeles meeting on Wednesday 31 October 2007 at 5pm.</p> <p>The NomCom is responsible for the selection of 8 members of ICANN's Board of Directors; 3 members of the Country Code Names Supporting Organization (ccNSO); 3 members of the Generic Names Supporting Organization (GNSO); and 5 members of the Interim At-Large Advisory Committee (ALAC).</p>
<p>Is it clear to you what this comment period covers? Do you have all the information you need to respond? Please click "More information please" below to email ICANN directly</p>	
<p>Staff member responsible: Denise Michel   <a href="#">More information please</a></p>	
<p><a href="#">Announcement</a>   <a href="#">Comments</a>   <a href="#">Add comment</a>   Summary/analysis of comments</p>	

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### Recently closed comment forums

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<b>Registry failover plan</b>	
<p><b>Open:</b> 19 Oct 07</p> <p><b>Closed:</b> <del>19 Nov</del> <del>07</del> Extended until 15 Dec 2007</p>	<p><b>Explanation:</b> A <a href="#">revised draft</a> [PDF, 41K] is being posted which incorporates feedback received following the ICANN meeting in Los Angeles. Comments may be submitted until 15 December 2007.</p> <p>With the expected expansion of new generic top-level domains, the possibility of a registry failure is greatly increased. In order to pre-empt a possible future problem, ICANN has worked with gTLD and ccTLD registry representatives to devise a way of dealing with the failure of an arm of the domain name system.</p> <p>The draft <a href="#">Failover Plan</a> [pdf] (here as a <a href="#">flow chart</a>) comes with a <a href="#">Best Practices</a> [pdf] document. The Failover Plan identifies the process and procedures to be undertaken when a specific set of events indicating a potential gTLD registry failure. It is designed to protect the interests of registrants and provide the best opportunity for continued registry operations.</p> <p>The Best Practices document intends to be the source of contractual terms that will become part of every new registry agreement. These terms are intended to provide registries a tool for ensuring ongoing operations and also to provide a backstop process in the case of failure.</p> <p>This is a complex and important topic and so ICANN is putting it out for review by the wider community. You can find more summary information on the <a href="#">official announcement</a>.</p>
<p>Staff member responsible: Patrick Jones</p>	

[Announcement](#) | [Comments](#) | [Summary/analysis of comments](#)

## Single-letter domains

**Open:** 16 Oct  
07

~~15 Nov~~  
~~07~~

**Closed:** [Extended](#)  
to  
15 Dec  
07

**Explanation:** ICANN is looking for ideas and suggestions on ways to allocate single-letter domains, such as a.com, i.info, 4.mobi or 8.org. Currently, it is not possible to register single-letter domains in all 16 generic top-level domains, from .aero to .travel - a policy stretching back to pre-ICANN days.

However, a [recent report](#) [pdf] by a working group of the GNSO recommended that single-letter domains be made available now and into the future, with the proviso that an appropriate allocation method was devised. This forum is therefore asking the community for suggestions on what allocation methods it feels would be best. ICANN will synthesize responses and then present proposed methods for allocation for community consideration.

For more information and background, see the [official announcement](#) of this forum.

Staff member responsible: Patrick Jones

[Announcement](#) | [Comments](#) | [Summary/analysis of comments](#) [pdf]

## ALAC bylaw change

**Open:** 7 Nov  
07

**Closed:** 7 Dec  
07

**Explanation:** A proposed bylaw change for the At-Large Advisory Committee (ALAC) - the part of ICANN that represents ordinary Internet users - is designed to allow the regional bodies (RALOs) to take a greater role in the approval of "At Large Structures" (ALSes), which form the base component part of the ICANN structure. The change is also designed to improve transparency of ALS application reviews and approvals.

You can find more information on the exact change in the [official announcement](#) for this public comment period.

[Announcement](#) | [Comments](#) | [Summary/analysis of comments](#)

## Inter-Registrar Transfer Policy

**Open:** 15 Nov  
07

**Closed:** 7 Dec  
07

**Explanation:** The GNSO Council, in the process of reviewing the [Inter-Registrar Transfer Policy](#), formed a working group to review the effectiveness of the policy and identify areas where future policy work might be beneficial.

One of the working group's outputs was a [draft advisory](#) containing certain reminders

and clarifications relevant to the policy.

In accordance with the GNSO Council's resolution of 20 September 07, this draft Advisory is being posted for constituency and community review and comment. The input received will be reviewed and analyzed by the GNSO Council, pursuant to which this or an amended form of the draft may be released as a community advisory.

Announcement | [Comments](#) | [Summary/analysis of comments](#)

## RSSAC review terms of reference

**Open:** 2 Nov  
07

**Closed:** 1 Dec  
07

**Explanation:** As part of the ongoing independent review of ICANN's supporting organisations and advisory committees, we are seeking comment on the proposed "terms of reference" for review of the DNS Root Server System Advisory Committee (RSSAC).

You can see the full scope and guiding questions [on the official announcement page for this review](#). The results will be considered by the Board Governance Committee and used to provide a final terms of reference for the review.

[Announcement](#) | [Comments](#) | [Summary/analysis of comments](#)

## GNSO Improvements

**Open:** 19 Oct  
07

**Closed:** 30 Nov  
07

**Explanation:** The Board Governance Committee's GNSO Review Working Group has issued a comprehensive proposal to improve the effectiveness of the GNSO, including its policy activities, structure, operations and communications. The GNSO Improvements Report reflects the Working Group's examination of many aspects of the GNSO's functioning, including the use of working groups and the overall policy development process (PDP), and the structure of the GNSO Council and its constituencies.

That process has now reached a [final report](#) stage. As such it is being put out for public comment, and will also be discussed at the upcoming Los Angeles meeting [on 29 October at 11am](#). The LA forum discussion and public comments will be considered and a final report will be presented to the full Board Governance Committee and the Board. As the community and the Board consider the proposals outlined in the Report, it is important to keep in mind that this is an evolutionary process intended to reflect the importance of the GNSO to ICANN and to build upon the GNSO's successes to date.

You can read a [summary of the report here](#) [pdf], the [full report here](#) [pdf], and a webpage dedicated to the process [can be found here](#).

[Announcement](#) | [Comments](#) | Summary/analysis of comments

## New gTLDs

**Open:** 31 Oct  
07

**Closed:** 20 Nov  
07

**Explanation:** The GNSO Council voted to send a set of principles, recommendations and implementation guidelines intended to result in a straightforward process that awards new gTLDs if applicants satisfy the pre-published criteria.

In September the GNSO Council approved its [Final Report](#) [PDF, 516K] on the Introduction of New Top-Level Domains (Report) after two years of work and numerous public comment periods. The GNSO developed this proposed policy through its bottom-up, multi-stakeholder policy development process, and worked in coordination with an ICANN staff team to help ensure that their final recommendations and guidelines are "implementable." The questions that have been addressed by the GNSO in the development of new gTLD policy are complex and involve technical, economic, operational, legal, public policy, and other considerations.

The proposed policy provides direction to staff to enable the implementation of a clear, predictable, timely road map for the application process including: objective business and technical thresholds, pre-published contract terms, evaluation criteria, and dispute resolution processes. Detailed information is provided at <http://gns0.icann.org/issues/new-gtlds/pdp-dec05-fr-part-a-08aug07.htm>.

Announcement | [Comments](#) | [Summary/analysis of comments](#)

## Telnic Whois contract change

**Open:** 19 Oct  
07

**Closed:** 10 Nov  
07

**Explanation:** Telnic proposed a change to its contract covering Whois in May 2007. This was put out for public comment and following discussions at the San Juan meeting, Telnic changed its amendment. The issue has arisen because Telnic is due to launch .tel soon and it wishes to be fully in compliance with UK privacy law before it does so because it is headquartered in the UK.

Under the [revised proposal](#) [pdf], Telnic will continue to publish full Whois information for legal persons. Telnic will collect from registrars full Whois information for natural persons, but only limited information will be displayed. Requestors seeking full contact information for natural persons may use a secure Special Access Service to obtain non-public data.

You can view all the documentation [covering the amendment here](#).

[20 Nov 2007 Revised Appendix S, part VI](#) [PDF, 71K]

Staff member responsible: Patrick Jones

[Announcement](#) | [Comments](#) | [Summary/analysis of comments](#)

<b>Strategic Plan</b>	
<b>Open:</b> 19 Oct 07	<b>Explanation:</b> ICANN produces a Strategic Plan each year which sets out the community's views of the major opportunities and challenges that face the organisation in the next three years as it continues to evolve.  An initial draft of the plan was drawn up in June in time for the San Juan meeting and discussed in multilingual sessions, as well as put out for public comment. That feedback was then pulled into an issues paper, released for public comment in September. All of this has been incorporated into a draft which is now released for public comment. It will also be discussed <a href="#">at the Los Angeles meeting</a> on 31 October at 3.30pm.  You can view the plan here in <a href="#">English</a> [pdf], <a href="#">Français</a> [pdf], <a href="#">Español</a> [pdf], <a href="#">العربية</a> [pdf], <a href="#">Русский</a> [pdf] and <a href="#">中文</a> [pdf].  A revised version of the plan will be prepared based on community feedback and presented to the Board for approval at its December meeting.
<b>Closed:</b> 10 Nov 07	
<a href="#">Announcement</a>   <a href="#">Comments</a>   <a href="#">Summary/analysis of comments</a>	

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## Upcoming forums

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## Archived forums

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- [December 2007](#)
- [November 2007](#)
- [October 2007](#)
- [September 2007](#)
- [August 2007](#)
- [July 2007](#)
- [Pre-July 2007](#)

## 2.5.1 ICANN Processes and Current Workload

<http://www.icann.org/processes/>

## Processes and Current Workload

### Accountability and Transparency - Draft Management Operating Principles

- Draft Management Operating Principles
  - [Draft Management Operating Principles](#) [PDF, 160K]
- Reports
  - [Independent Review of ICANN's Accountability and Transparency — Structures and Practices 2005–2006](#) [PDF, 358K]
  - [Terms of Reference: Independent Review of ICANN's Accountability and Transparency 2005–2006](#)
- Announcements
  - [ICANN Posts Draft Management Operating Principles for Community Consultation](#) 23 June 2007
  - [ICANN Response to One World Trust Review of ICANN's Accountability and Transparency — Structures and Practices and Update on Management Operating Principles Development Consultation](#) 7 June 2007
  - [Independent Review of ICANN's Accountability and Transparency](#) 29 March 2007
  - [Summary of Input on Transparency and Accountability Management Operating Principles](#) 26 January 2007
  - [ICANN Posts Summary of Comments on Management Operating Principles](#) 29 November 2006
  - [ICANN Seeks Community Input on the Development of Transparency and Accountability Management Operating Principles](#) 16 October 2006

### ASO

- Global Policy Issues
- [Address Council Minutes](#)
- [Regional Internet Registry Policy Processes](#)

### At-Large

- [At-Large Advisory Committee](#)
- [Current Policy Issues](#)
  - [Internationalised Domain Names](#)
  - [Registrant/Registrar Relations](#)
  - [IPv4 to IPv6 Transition](#)
  - [Domain Tasting](#)

### Board

- [Board Agendas and Minutes](#)

### ccNSO

- Overview of Policy Processes
- Current Policy Issues

- [IDN Working Group](#)
  - [Council Resolution on IDN issues](#) [PDF, 17K]
- [ICANN Regions](#) [PDF, 25K]
- [Working Group on Participation](#)
- [ccNSO Council Minutes](#)
- [Membership Applications](#)

- Complaint Management**
- [Reconsideration Committee](#)
  - [Independent Review](#)
  - [Ombudsman Function](#)

- Compliance**
- [Current Compliance Activities](#)
  - [Overview of Compliance Function](#)
  - [How to Get Help When You Have a Problem with Your Registrar](#)

- Finance**
- [Adopted ICANN Budget](#)

- GAC**
- [Operating Principles](#) [DOC, 77K]
  - [Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains](#) [RTF, 56K]
  - [Principles Regarding New gTLDs](#) [PDF, 172K]
  - [Principles Regarding WHOIS Services](#) [PDF, 80K]
  - [Bylaw Provisions](#)
  - [2007 Work Plan](#) [PDF, 20K]

- GNSO**
- [Overview of Policy Processes](#)
  - [Current Policy Issues](#)
    - [Whois](#)
    - [New gTLDs](#)
    - [Contractual Conditions](#)
    - [IDN Working Group](#)
  - [GNSO Council Minutes](#)

**IANA** • <http://www.iana.org>

**Planning** • [Strategic and Operational Planning](#)

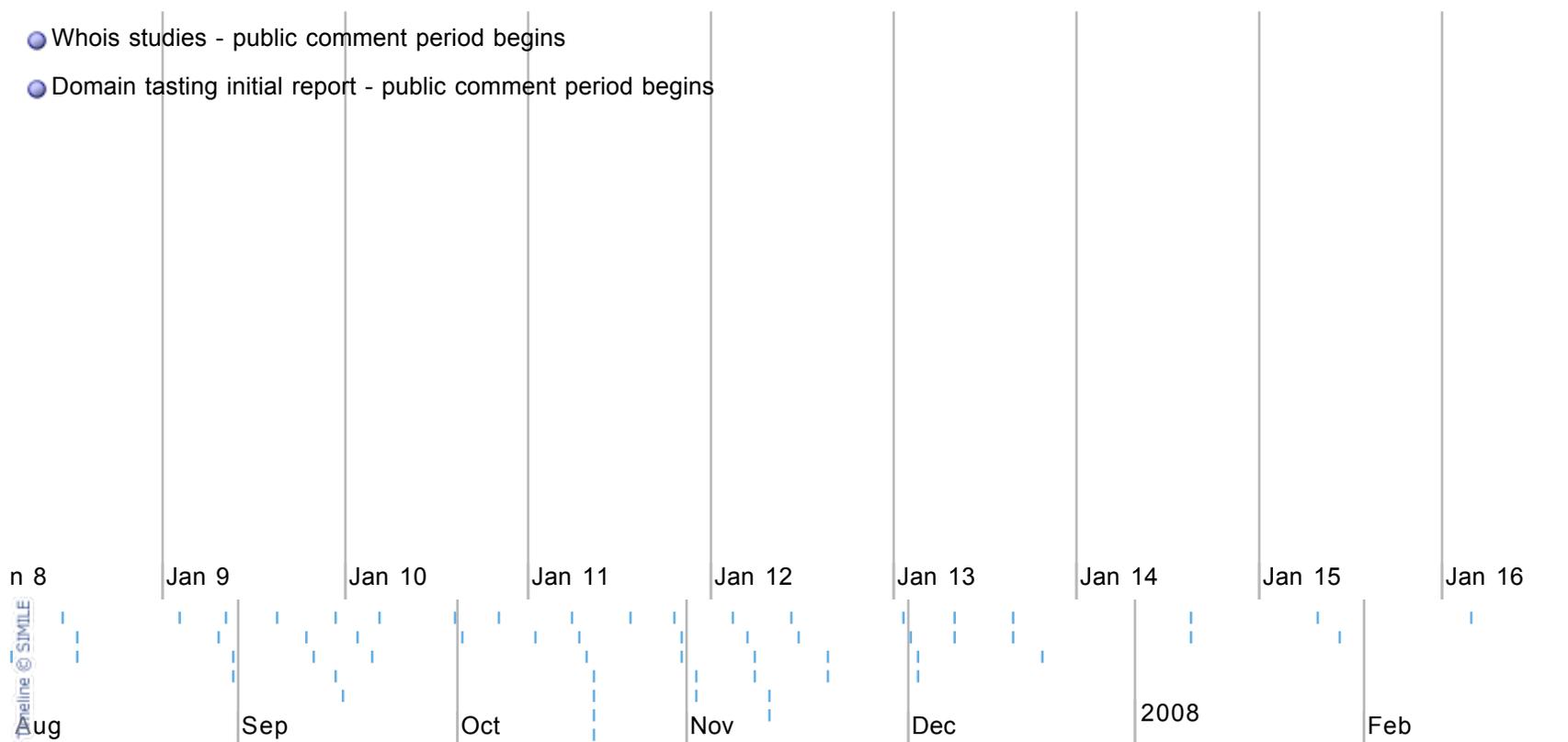
**Registrar Tasks**

- [Registrar Accreditation](#) [PDF, 11K]
- [Registrar Renewal](#) [PDF, 12K]
- [Requests to Add TLD Appendix](#) [PDF, 12K]
- [ICANN Internal Procedure for Handling Conflicts with Privacy Law](#)

**Registry Tasks**

- [Requests for New Registry Services](#)
- [Registry Services Workflow](#)
- [Registry Monthly Reports](#)
- [ICANN Internal Procedure for Handling Conflicts with Privacy Law](#)

**Timelines: Drag or click the timelines for information. Some dates are estimated.**



Date	Description
February 01 2007	NomCom announcement of Formal Call for Nominations
February 22 2007	GNSO Council meeting towards draft final report and implementation plan for New TLD PDP begins
February 23 2007	GNSO Council meeting towards draft final report and implementation plan for New TLD PDP finishes
February 24 2007	Contractual Conditions in gTLDs - GNSO PDP - task force meeting to work on draft final report
March 02 2007	Public comment period on proposed .MUSEUM agreement begins
March 08 2007	Contractual Conditions in gTLDs - GNSO PDP - draft final report posted
March 08 2007	Contractual Conditions in gTLDs - GNSO PDP - public comment period begins
March 09 2007	Presentation of final task force report to GNSO forum and council
March 16 2007	GNSO New TLD final draft posted

March 16 2007	Submission of ICANN staff notes to GNSO with regard to PDP for WHOIS Services
March 23 2007	Public comment period on proposed .MUSEUM agreement finishes
March 24 2007	GNSO Whois Services consultations at Lisbon begin
March 25 2007	IPv6 deployment panel discussion
March 28 2007	Contractual Conditions in gTLDs - GNSO PDP - public comment period finishes
March 28 2007	Contractual Conditions in gTLDs - GNSO PDP - presentation of final task force report to GNSO forum and council in Lisbon
March 30 2007	GNSO Whois Services consultations at Lisbon finish
March 30 2007	Public discussions of GNSO Cmt. draft report on new TLDs
March 30 2007	Public discussions of GNSO task force WHOIS report
April 01 2007	Contractual Conditions in gTLDs - GNSO PDP - council consideration; potential agreement on some issues and preparation of Board report
April 15 2007	GNSO New TLD comments forum begins
May 01 2007	Contractual Conditions in gTLDs - GNSO PDP - potential submission of some recommendations to board
May 08 2007	<a href="#">ICANN's performance - public comment period</a> begins
May 11 2007	<a href="#">Public comment period opens for Telnic proposal</a>
May 15 2007	Posting of request for proposals to host ICANN meeting in 2008
May 18 2007	NomCom deadline of Formal Call for Full Consideration finishes
May 21 2007	.COOP agreement expiration
May 31 2007	Contractual Conditions in gTLDs - GNSO PDP - Board deliberations begin
June 02 2007	<a href="#">IDN insertion into the root zone - public comment period</a> begins
June 05 2007	<a href="#">ICANN's performance - public comment period</a> begins
June 08 2007	<a href="#">Neustar new registry service - public comment period</a> begins
June 08 2007	<a href="#">Neustar new registry service - public comment period</a> finishes
June 10 2007	<a href="#">Public comment period for Telnic proposal</a> finishes
June 11 2007	GNSO New TLD final report
June 15 2007	Deadline for receipt of proposals to host ICANN meeting in 2008
June 17 2007	.AERO agreement expiration
June 19 2007	<a href="#">Independent Review of Nominating Committee - public comment period</a> begins
June 22 2007	<a href="#">IDN insertion into the root zone - public comment period</a> finishes
June 22 2007	<a href="#">ICANN Geographical Regions Report - first public comment period</a> begins

June 23 2007	<a href="#">Draft Management Operating Principles - public comment period</a> begins
June 28 2007	<a href="#">Strategic Plan 2008-2011 - public comment period</a> begins
June 29 2007	<a href="#">Name registry renewal agreement - public comment period</a> begins
July 01 2007	Publish semi-annual compliance report, which includes audit findings
July 09 2007	<a href="#">ICANN Geographical Regions Report - first public comment period</a> finishes
July 10 2007	NomCom face-to-face meeting and selection begins
July 11 2007	<a href="#">North American RALO formation - public comment period</a> begins
July 12 2007	NomCom face-to-face meeting and selection finishes
July 19 2007	<a href="#">IDN .test evaluation plan - public comment period</a> begins
July 19 2007	<a href="#">Independent Review of Nominating Committee - public comment period</a> finishes
July 29 2007	<a href="#">Name registry renewal agreement - public comment period</a> finishes
July 30 2007	<a href="#">Changes to the Registrar Accreditation Agreement - public comment period</a> begins
August 1 2007	<a href="#">North American RALO formation - public comment period</a> finishes
August 8 2007	<a href="#">ICANN Geographical Regions Report - second public comment period</a> begins
August 10 2007	<a href="#">Introduction of New Top-Level Domains - public comment period</a> begins
August 10 2007	<a href="#">Request for information on domain tasting - public comment period</a> begins
August 24 2007	<a href="#">Strategic Plan 2008-2011 - public comment period</a> finishes
August 29 2007	<a href="#">ICANN Geographical Regions Report - second public comment period</a> finishes
August 30 2007	<a href="#">Introduction of New Top-Level Domains - public comment period</a> finishes
August 31 2007	<a href="#">Draft Management Operating Principles - public comment period</a> finishes
August 31 2007	<a href="#">Amendment to .museum contract - public comment period</a> begins
September 06 2007	<a href="#">Proposed .post business model - public comment period</a> begins
September 14 2007	<a href="#">Whois changes - public comment period</a> begins
September 10 2007	<a href="#">Changes to the Registrar Accreditation Agreement - public comment period</a> finishes
September 11 2007	<a href="#">Strategic Plan 2008-2011 Issues Paper - public comment period</a> begins
September 14 2007	<a href="#">Whois changes - public comment period</a> begins

September 15 2007	<a href="#">Request for information on domain tasting - public comment period</a> finishes
September 17 2007	<a href="#">Independent Review of Nominating Committee - public comment period</a> finishes
September 19 2007	<a href="#">Inter-registrar transfer policy - public comment period</a> begins
September 20 2007	<a href="#">Board Review terms of reference - public comment period</a> begins
September 30 2007	<a href="#">Amendment to .museum contract - public comment period</a> finishes
October 01 2007	NomCom results announced to ICANN Secretary
October 06 2007	<a href="#">Proposed .post business model - public comment period</a> finishes
October 11 2007	<a href="#">Board Review terms of reference - public comment period</a> finishes
October 16 2007	<a href="#">Allocation Methods for Single-letter and Single-digit Domain Names - public comment period begins</a>
October 17 2007	<a href="#">New organisational frameworks and principles - public comment period begins</a>
October 18 2007	<a href="#">Contractual compliance report - public comment period begins</a>
October 19 2007	<a href="#">Inter-registrar transfer policy - public comment period</a> finishes
October 19 2007	<a href="#">Registry failover plan - public comment period begins</a>
October 19 2007	<a href="#">Telnic Whois contract change - public comment period begins</a>
October 19 2007	<a href="#">Strategic Plan - public comment period begins</a>
October 19 2007	<a href="#">GNSO structural changes - public comment period begins</a>
October 24 2007	<a href="#">Nominating Committee review begins</a>
October 30 2007	<a href="#">Whois changes - public comment period</a> finishes
October 31 2007	<a href="#">New gTLDs - public comment period begins</a>
October 31 2007	<a href="#">Contractual Conditions - public comment period begins</a>
November 02 2007	NomCom selected candidates take their positions at the conclusion of the ICANN General Meeting 2007
November 02 2007	Proposed Terms of Reference - public comment period begins
November 07 2007	Bylaw Change Proposed by the At-Large Advisory Committee - public comment period begins
November 09 2007	BICANN and NRO Reach Agreement on Formalization of Relationships - public comment period begins

November 10 2007	<a href="#">Telnic Whois contract change - public comment period finishes</a>
November 10 2007	<a href="#">Strategic Plan - public comment period finishes</a>
November 12 2007	<a href="#">New organisational frameworks and principles - public comment period finishes</a>
November 12 2007	Revised Proposal from the Czech Arbitration Court to Become a UDRP Provider - public comment period begins
November 15 2007	<a href="#">Inter-Registrar Transfer Policy - public comment period begins</a>
November 16 2007	<a href="#">Contractual compliance report - public comment period finishes</a>
November 20 2007	<a href="#">New gTLDs - public comment period finishes</a>
November 20 2007	<a href="#">Contractual Conditions - public comment period finishes</a>
November 30 2007	<a href="#">GNSO structural changes - public comment period finishes</a>
December 01 2007	Proposed Terms of Reference - public comment period finishes
December 02 2007	Bylaw Change Proposed by the At-Large Advisory Committee - public comment period begins
December 02 2007	Revised Proposal from the Czech Arbitration Court to Become a UDRP Provider - public comment period finishes
December 07 2007	<a href="#">Inter-Registrar Transfer Policy - public comment period finishes</a>
December 07 2007	BICANN and NRO Reach Agreement on Formalization of Relationships - public comment period finishes
December 15 2007	<a href="#">Allocation Methods for Single-letter and Single-digit Domain Names - public comment period finishes</a>
December 15 2007	<a href="#">Registry failover plan - public comment period finishes</a>
December 19 2007	<a href="#">Introduction of IDN ccTLDs - public comment period</a> begins
January 8 2008	<a href="#">Domain tasting initial report - public comment period</a> begins
January 8 2008	<a href="#">Whois studies - public comment period</a> begins

January 25 2008 [Introduction of IDN ccTLDs - public comment period](#) finishes

January 28 2008 [Domain tasting initial report - public comment period](#) finishes

February 15 2008 [Whois studies - public comment period](#) finishes



## 2.6.1 ICANN Monthly Magazine, December 2007 Issue

<http://www.icann.org/magazine/>

**From:** ICANN <kieren.mccarthy@icann.org>  
**Subject:** ICANN monthly magazine (Dec)  
**Date:** December 20, 2007 6:25:43 PM PST  
**To:** jason.keenan@icann.org  
**Reply-To:** kieren.mccarthy@icann.org



## Monthly Magazine

Providing all the latest news and developments

### December 2007

In this issue:

- Where are we up to with Registrar Accreditation Agreement changes?
- Are you compliant? Find out what ICANN is doing to make sure
- What has the Board decided since November?
- What is ICANN going to do about the JPA?
- News from around the world, the CEO and much more...

Welcome to the latest issue of ICANN's monthly magazine. Each issue will cover the latest news and events, plus outline how you can interact with the organization.

The more astute of you will be wondering whether you have missed the November magazine. The answer is no, you didn't. Since the October magazine came out at the end of October in an effort to capture the latest information just prior to the Los Angeles meeting, and with this magazine held back in order to get details of the final Board meeting of the year prior to the holidays, there will be no November 2007 ICANN magazine. This should be a one-off and 12 magazines covering each month will appear in 2008.

ICANN makes decisions that directly affect all those that use the Internet, whether governments, businesses or individual Net users.

We help coordinate the names and numbers that are vital to producing one globally interoperable Internet. Our decision-making processes are open to all and we welcome all those equally passionate about how the Internet evolves.

If you have any questions, comments or queries please feel free to contact ICANN's general manager of public participation:  
[kieren.mccarthy@icann.org](mailto:kieren.mccarthy@icann.org).

#### Links

[Policy Matters](#)

[ICANN Board](#)

[Interview with the CEO](#)

[Participation](#)

[Other news](#)

#### Policy Matters

#### Interview with Chris Disspain



*As chair of the ccNSO, Chris Disspain represents the interests of the country code top-level domain managers.*

#### **So what's on the ccNSO's radar at the moment?**

*Recently we have taken the first step to running a policy development process in respect to IDN ccTLDs. The first step is the production of an issues report which will address a couple of questions.*

*One is whether or not the existing bylaws cover IDN ccTLDs - as opposed to just ccTLDs - and if they*

## Contractual compliance

The Contractual Compliance Department has been in place since November 2006 to ensure that registrars and registries are complying with their contractual obligations with ICANN.

There is still much work that needs to be done to reach the long-term goals outlined at its inception but in its first 12 months, the department - recently expanded to three members - has made significant progress. Among other things it has: published the Contractual Compliance Program [description](#); carried out and published the [results of registrar and registry audits](#) [pdf]; published a proposed [advisory](#) to clarify the Inter-Registrar Transfer Policy; as well as analyzed consumer complaints and [provided statistics](#) on [them](#).

On top of this, the compliance department has carried out a number of investigations into registrars and registries; published information to [assist registrants](#) in resolving problems with registrars; and updated the InterNIC [website](#) to better assist consumers in finding information and resolving complaints regarding Internet Domain Name Registration Services.

### Key dates:

- **Feb 08:** Publication of Next Compliance Report; Publication of Whois Accuracy Study Progress.

**ICANN staff contact(s):** [Stacy Burnette](#), Director;  
[Khalil Rasheed](#), Compliance Audit Manager;  
[Constance Brown](#), Compliance Specialist

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## New registry services

In November 2005, the ICANN Board approved a process to consider requests for contractual amendments to registry contracts. The idea was to provide a fast and transparent route for registries to innovate and evolve as the domain name system continues to develop.

There were four such requests in 2006, and five so far this year, with the most recently approved being a request by .coop to release go.coop from its reserved names list (permission needed because of the protected country-code approach taken within the domain name system).

All requests are clearly outlined on a single webpage, with all relevant documentation for each provided within its own box. Links to other relevant information, including the process through which registry services are evaluated, and the final report from the GNSO that outlined the policy process that created the system can also be found in the left-hand menu bar on that page. The webpage can be found at: <http://icann.org/registries/rsep/>.

The number of requests for new registry services is expected to increase in 2008, and with a raft of new gTLDs expected to be released some time next year, the registry service evaluation system is expected to become busier and more significant as registries try to differentiate themselves within an increasingly competitive market.

**ICANN staff contact(s):** [Patrick Jones](#)

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*don't, should they?*

*And secondly, should the ccNSO launch a policy development process to work out what the policy should be?*

*We have also completed our own review of the ICANN geographic regions and made some adjustments to our own internal rules, plus recommended to the Board that there be a full review of the regions involving all of the relevant supporting organisations.*

### **What is the importance of that review?**

*Because the current regional split creates a situation where, for example, a North American region is entitled to three councilors but which has a total of only seven possible members of the ccNSO. At the same time as an Asia Pacific region that has three councilors but which has a total of 72 possible members of the ccNSO.*

*And also circumstances where because of the citizenship rule territories in say the Pacific Ocean have no choice but to be part of Europe. So we have recommended a full review. Whether or not that will lead to a change in the whole regional structure of ICANN, I don't know, but it wouldn't necessarily need to because the issues I have just outlined are only really of significance to the ccNSO and the ALAC.*

*The other thing of course with respect to IDNs is what's happening in the working group on the possible fasttrack approach. So while this issues report is being dealt with, at the same time a working group is going to work out whether or not it is actually possible to*

## Registrar Accreditation Agreement (RAA)

The contract that defines the relationship between ICANN and companies that register domain names (registrars) is [under review](#).

Following discussion with registrars, an initial six suggested amendments to the Registrar Accreditation Agreement (RAA) were posted for [public review](#) (two more have since been added). That public comment period provided a further 50 suggestions, and a Working Group from the At Large Advisory Committee (ALAC), which represents ordinary Internet users, produced a report into the RAA review which put forward a further 37 proposals for change. A [similar review](#) [pdf] by the Intellectual Property Constituency of the GNSO produced 19 suggested changes. On top of which the registrars have also put forward a few suggested changes.

ALAC held a [special workshop](#) [pdf] at ICANN's most recent Los Angeles meeting ([transcript](#)) exclusively covering the RAA changes.

ICANN is currently working with registrars to arrive at new amendments following the extensive feedback. The results from that will be put out for a second round of public comment, most likely in time for ICANN's meeting in Delhi in February.

### Key dates:

- **10-15 Feb 2008:** Delhi meeting - second round of public comment on suggested amendments

**ICANN staff contact(s):** [Tim Cole](#) (Services)

### To be covered in the next newsletter:

- Translation
- Security and Stability Advisory Committee (SSAC)
- New gTLDs

## ICANN Board



### Recent Board meetings

The Board has met four times since the last magazine.

It met twice on the same day at the annual ICANN meeting in Los Angeles on 2 November: first as the outgoing Board and then again after new Board members had taken their places as the incoming Board.

Highlights of the [full resolutions](#) from that meeting are given below:

- The [formation](#) of an Internationalized Domain Name Working Group (IDNC WG) to review the issue of introduction of certain non-controversial IDNs into the root.
- The Board asking for an analysis of issues that may arise when implementing new gTLDs to be drawn up by staff and presented to them for their January meeting.
- Other supporting organisations and advisory committees were asked to review the ccNSO recommendation for a change to ICANN's regions.
- MoUs with the Inter-American Telecommunication Commission of the Organization of American States (CITEL) and the Commonwealth Telecommunications Organization (CTO)
- Renewal of the .museum agreement; a proposed bylaw change for ALAC; terms of reference for the RSSAC review
- Thanks to all those involved in the meeting - including the participants

*release a small number of uncontroversial IDN ccTLDs prior to the full policy being developed.*

### **What is the concept behind the "fasttrack"?**

*That there are clearly some territories that have a pressing need for an IDN ccTLD sooner rather than later. Given that it's abundantly clear that any policy development process with respect to IDN ccTLDs is going to take some time - possibly two years or more - if we can find a way of releasing the pressure for those with a pressing need, then we should do so.*

*Now, we may not be able to do so - it may not be a foregone conclusion that this will actually work - but we certainly owe it those particular territories a consideration of whether it is possible.*

### **What about the fact the ccNSO has been where the action has been recently?**

*We've certainly been getting significant attendance at our meeting - at the last meeting we had 150 or so attendees. I wouldn't want to suggest we've been making waves or anything - it's just that a lot of stuff that has come up in the past 12 months or so has involved the ccNSO. And we're not shy about putting our hand up and say 'hey something needs to happen about this'.*

*We don't always reach consensus - but unlike a GNSO where you can have competing interests, we are all country code managers, so we all tend to come out of discussions roughly the same way.*

*And I think that means we are often capable of coming out with things a little faster, and that make us seem perhaps a bit more dynamic.*

### Quick Links

[ICANN blog](#)  
[Public Participation site](#)

[Join Our Mailing List!](#)

- Special thanks to the retiring Board members, in particular Vint Cerf, who stepped down as chairman.

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The second meeting of the Board on 2 November comprised the new Board members taking their seats and selecting a new chairman and vice-chair: Peter Dengate Thrush and Roberto Gaetano respectively. Board committee assignments were also announced.

You can see the full new Board, together with their committee assignments on the [Board webpage](#).

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The Board also met on 20 November. A [preliminary report](#) is available online.

Highlights were:

- Discussion of possible conflicts between the current Whois policy and national laws in other countries
- Tied in with this there was discussion of a proposed change to Telnic's contract for .tel covering its Whois policy
- Barbados' .bb top-level domain was redelegated to the Government of Barbados' Ministry of Economic Affairs and Development's Telecommunications Unit.
- New systems for allocating and keeping track of ASNs and IPv4 address blocks were discussed and approved
- Review of the UDRP resolution process for domain names was discussed and put on notice
- Lengthy discussion of the external consultants to be hired to help implement the new gTLD application process
- A quick review of ICANN's attendance at the Internet Governance Forum (IGF)

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Finally, the Board met on 18 December. The agenda is available online and a preliminary report will be available soon. In the meantime, highlights included:

- Approval of the Strategic Plan (to be posted publicly in the new year)
- The Board authorized necessary technical steps to support IPv6 for root server operators
- Action on .tel contractual amendment
- Update on new gTLD process
- Discussion of Joint Project Agreement with the NTIA
- Discussion of President/CEO's performance review goals
- Whois conflict of national laws procedure
- Other business

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The Board will meet again in January. An agenda will be posted shortly.

You can view all past, current and future Board meetings, along with minutes and agenda on one webpage on the ICANN website at <http://www.icann.org/minutes/>.

## Interview with the CEO



*The President and CEO of ICANN, Dr Paul Twomey, answers a few questions about the IGF, the JPA, the RAA and other three-letter acronyms.*

**Last month saw the second annual meeting of the Internet Governance Forum (IGF) in Rio de Janeiro. You as president and CEO, plus both the retiring and new chairman of ICANN, and a number of key staff were there. How do you think it went?**

I think the meeting went very well, and it made progress on Athens. It had a full participation and I hope coming into the next one that we can continue to ensure continued and increased business interest in the IGF.

ICANN thinks that having a healthy IGF is pretty important. Our community ought to understand that there needs to be a place for people to bring their concerns and that that place ought to be serious. There are still people out there that would like to see the Internet work in different ways, and if the IGF is not a place where they can voice that and be heard and have it discussed they will find other places to do that - and those other places will not necessarily be multi-stakeholder.

I was very pleased that the Secretary-General of the ITU, the leadership of UNESCO and myself were able to speak about multilingualism on the Internet - that's an important initiative and we are going to work further on that.

We had quite a few interesting meetings with representatives of the ITU including Malcolm Johnson, head of ITU-T, talking about ways of working together. Both myself and the chairman are keen to see that develop. As an aside, we just welcomed at the last Board meeting Reinhard Scholl, an ITU representative and the TLD liaison. Reinhard will be a great contributor to the Board.

But back to the IGF: there were some sessions and some people that spoke about ICANN in certain ways, but frankly I don't think those sessions or those particular comments got much resonance. Unlike the early days of the WSIS, there was no energy around those topics and the whole issue of ICANN's legitimacy is clearly in the rear-vision mirror.

Just as "critical Internet resources" is a much bigger topic than simply domain names and IP addresses, I think critical Internet resources is only a small subset of the issues facing a worldwide community coming to terms with this phenomenal technology - this Internet.

If there was one thing with respect to ICANN it was the role of the United States government. And that is part of the JPA review process. So there is a process to deal with people's concerns and we can point people to it. Apart from that, it was a great conference and we look forward to New Delhi.

**With regard to the JPA - the Joint Project Agreement ICANN has with the United States government - the USG announced it will have a public consultation in March. What is going to happen with that? Does ICANN think the USG will step away? Has ICANN fulfilled all the requirements?**

First of all, you'll recall that [Deputy Assistant Secretary] John Kneuer in the opening of the ICANN Los Angeles meeting announced they were starting the process for the mid-term review, and he made the point that it was a partnership - a partnership between the Department of Commerce and ICANN. And Vint Cerf, the then chairman, also said it was a partnership and that he also welcomed the process.

We have been working very hard as an organisation to get many of the things we undertook as part of the JPA - and more importantly the key principles put in place by the ICANN Board in September 2006 - completed. As Kneuer also said, it is the Board itself that is ultimately responsible for deciding whether or not ICANN is meeting those responsibilities.

There will be a significant set of statements about our progress against those undertakings in the next month. We would ask members of the community to wait until they have seen these statements because that will give them a benchmark where they can say 'okay we have seen what ICANN has done, what's our view with that?'

I should say that I have been overwhelmed with responses from people saying they want to respond and their response is basically that ICANN is doing a good job and it is time that this US oversight role starts to draw to a close. If people have got those views, now is the time to make sure they get that message across.

**One of the most significant bits of work ICANN has produced recently is the registrar data escrow program where registrant data will be held in trust. ICANN recently signed an agreement with Iron Mountain to supply this service. What does it mean for registrars and registrants?**

Well, data escrow has been a part of the Registrar Accreditation Agreements since the very beginning. We should also note straight off that the vast majority of well-operating registrars already have escrow in place for their data. And we don't require that they have to hold the data in escrow with the provider that we have helped establish.

Having said that, some registrars don't. So we have put in place a data escrow program, working a lot with the registrar community, and a provider for that data escrow which we will make available to registrars to use. I've no doubt Iron Mountain is a very professional organisation, it has a very good reputation and people seem to be taking it up.

This program now firmly becomes part of our ongoing compliance program to ensure that not just the vast majority but that every registrar holds their registering information in escrow, and that that will be available in the case of registrar failure.

**One of the biggest issues at the moment in terms of ongoing discussion is the so-called "fast track" for internationalised country code top-level domains. Where is ICANN with that?**

The issue of introducing internationalised domain names into the top level domain space is a very complex one. It's very complex technically but it is also very complex in policy terms.

We are moving from an environment of having 37 characters in the top-level string to potentially having tens and tens of thousands and that can cause a number of various complexities. When it comes to top level domains there is also the whole issue of ICANN ensuring it does not determine what a country is.

From Jon Postel's days, we have relied on the ISO 3166-1 list to say this is what the code for a country is. But there is no IDN equivalent of the ISO 3166-1 list. So the GAC and the ccNSO have been working together to determine the policy questions for the long-term resolution of that conundrum. And that work has been done and that work will most likely commence soon under some form of policy development process.

The Board expects that work will take several years and will eventually result in someone determining an authoritative list - but it will not be within ICANN. But we've had the ccNSO actually ask - after consultation with the GAC - ask the country-code operators around the world to go ask their governments which communities would like to have an IDN string related to the territory. And we've had some responses to that. Those responses have essentially come from places with Arabic, Cyrillic, Indian languages, Chinese, Japanese and so on. A working group has been established to look at this, find what the potential issues are and how they should be taken forward. We are expecting a report back in New Delhi [February 2008].

But it is my expectation that we are likely to see some strings of this nature - so-called internationalized ccTLDs - come into the root some time in the second half of 2008.

**Would you say this was an example of the multi-stakeholder model working?**

Well, if you don't mind the pun, if you had tried to look at this issue purely through technical fora, or purely through government fora, or purely through business fora, what you would have had was people speaking Greek and other people speaking Chinese. People would have spoken straight past each other.

I think it is only the experience of having worked in a multi-stakeholder environment in ICANN. I think it's taken the community nine, ten years learning how to make a multi-stakeholder organisation work - I think it's that experience that has enabled us to be where we are now.

It would have been not only virtually impossible, but a destructive and negative issue for quite some time if we'd tried to address this thing in a purely technical environment or a purely government environment.

**Thanks**

Thank you.

## Participation

**PUBLIC COMMENT**

An exceptionally busy month again for public comment periods on ICANN's work.

There were a glut of comment periods opened last month just prior to the Los Angeles meeting in order to provide people with time to review documentation before physically meeting to discuss the issues. Those comments periods have since closed, alongside other comment periods.

In total, nine public comment periods that were open last magazine have since closed.

In addition to them, a further five public comment periods have been opened on: new gTLDs; RSSAC review terms of reference; Inter-registrar transfer policy; and ALAC bylaw change. All these have also since closed.

As the magazine goes to press there is [one new comment period](#) opened on an issues paper being prepared for possible IDN ccTLDs.

You can view full details, as ever, on the [public comment webpage](#). All closed forums should have a summary and analysis of the comments received clearly labelled.

Closed forums can be found on the [December](#) and [November](#) archive pages.

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## BLOG

The blog continues to provoke interesting posts and discussions. Perhaps most interesting was the simple post "[There are not 13 root servers](#)", which started an intriguing discussion about the technology behind the Internet's foundational servers. On the same lines, [A Root with a view](#) gave some fascinating facts about what is going on out there from the perspective of the L-root server - in particular where the queries were coming from. Quite why ".belkin" featured so highly is a matter of conjecture.

At the same time, the [latest stats](#) on the IDN root test were released; reports given on various technical [meetings](#) across the globe; a cyber security report [released](#); and the first two of what will hopefully be a wealth of future posts in French appeared, with aim of providing the French-speaking people in the community with [pertinent information](#) in their own language.

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More details on participating with ICANN can be found at: <http://icann.org/participate/>

## Other News

**Prague meeting:** ICANN held a European regional gathering for registries and registrars in Prague from 12-14 December. The agenda included a policy update, ICANN strategic plan, IGF, data escrow, RAA revisions, IDN, new gTLD process, transfer policy, compliance and other discussions of issues of importance to the attendees.

Sixty people attended - the largest attendance so far at a regional gathering. Twenty-one different registrars were joined by nine registries.

Initial feedback appears to show that the participants appreciated the sharper focus on their issues than a general ICANN meeting provides.

**IGF:** As mentioned in the CEO's interview above and linked to in the announcements below, ICANN attended the Internet Governance Forum in Rio in November. While there, ICANN agreed to work with the ITU and UNESCO on creating standards for multilingualism online; and also signed an agreement to work with the African Telecommunications Union (ATU).

## Announcements

The following announcements were among those made since the past magazine:

**14 Dec:** [Nominating Committee invites statements of interest](#)

**7 Dec:** [Fellowship application round opens for Paris meeting](#)

**29 Nov:** [Background report into IPv4 global policy released](#)

**15 Nov:** [ICANN commends successful IGF meeting](#)

**13 Nov:** [Steps taken for multilingual Internet](#)

**12 Nov:** [Public comment period opened on UDRP provider application](#)

**9 Nov:**

- [Implementation of Registrar data escrow program](#)
- [ICANN and NRO agree formalization of relationships](#)

**2 Nov:**

- [ICANN concludes 30th international public meeting](#)
- [New chairman elected unanimously](#)
- [Vint Cerf releases 'Looking Towards the Future' statement](#)

A full list of announcements is available online at:  
<http://www.icann.org/announcements/>

[News alert email subscription](#)

The Internet Corporation for Assigned Names and Numbers (ICANN) is an internationally organized, non-profit corporation that has responsibility for Internet Protocol (IP) address space allocation, protocol identifier assignment, generic (gTLD) and country code (ccTLD) Top-Level Domain name system management, and root server system management functions. These services were originally performed under U.S. Government contract by the Internet Assigned Numbers Authority (IANA) and other entities. ICANN now performs the IANA function.

As a private-public partnership, ICANN is dedicated to preserving the operational stability of the Internet; to promoting competition; to achieving broad representation of global Internet communities; and to developing policy appropriate to its mission through bottom-up, consensus-based processes.

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2.6.2 ICANN Monthly Magazine,  
September 2007 Issue on IDNs, Registry  
and Registrar contracts, IPv6, Jacqueline  
Morris, IP address block reclamation  
<http://www.icann.org/magazine/archive/magazine-200709.html>

## September 2007: ICANN magazine



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## September 2007

In this issue:

**The multi-lingual Internet hits a major milestone**

**Changing the rules of the domain name game**

**What would you do with 16 million IP addresses?**

**Why does the ALAC chair want to see *more* rules?**

**News from around the world, the CEO and much more...**

Welcome to the second issue of ICANN's monthly magazine. Each issue will cover the latest news and events, plus outline how you can interact with the organization.

**PLUS** this month we have set up an online poll asking what information you want from ICANN, how you want it, and how you currently interact with us.

ICANN is making decisions that directly affect all those that use the Internet, whether governments, businesses or individual Net users.

We help coordinate the names and numbers that are vital to producing one globally interoperable Internet. Our decision-making processes are open to all and we welcome all those equally passionate about how the Internet evolves.

If you have any questions, comments or queries please feel free to contact ICANN's general manager of public participation: [kieren.mccarthy@icann.org](mailto:kieren.mccarthy@icann.org).

### Interview with Jacqueline Morris



*Jacqueline Morris is chair of the At Large Advisory Committee (ALAC). She is an Internet*

**Links**

[Policy Matters](#)

[ICANN Board](#)

[Interview with the CEO](#)

[The Great Reclamation](#)

[Participation](#)

[Other news](#)

[Announcements](#)

## Tell us what you think: online survey



One of ICANN's most important jobs is to provide information on its processes. To that end, we have a series of publications, systems and websites to elicit input and comment from the Internet community.

But is it enough? Are we providing sufficient information? Is it in the right format or on the right topics? Are you using the

various means of interacting with ICANN? If not, why not? What can we do to improve?

We have set up a quick and easy six-question online survey to find out from you what you want. It will take less than five minutes, but we will use it to help decide the future course of providing information about ICANN and its processes.

So please do take a few minutes out from your day to complete the survey. We will be very grateful for all help received.



[Take the survey](#)

## Policy Matters

### IDNs

[Background info](#)

For years people have dreamed of the truly multi-lingual Internet, where the names of websites as well as the content on them, can be represented in the world's different languages.

After years of technical and policy development work, a [fundamental milestone](#) in the creation of Internationalized Domain Names (IDNs) has been reached with [approval](#) by the ICANN Board to introduce no less than 11 test top-level domains to the root of the Internet.

Literally test TLDs - the term "test" will be translated

*specialist based in Trinidad and Tobago, and a part-time lecturer at the University of the West Indies.*

### **What do you see as ALAC's role in ICANN?**

*Well the idea is that we should have loads and loads of people getting excited about being involved in these things, get input from them as to what are the important issues regarding the technical governance of the Internet, take this to ICANN and say "these are issues that are important to our people".*

*We should also do it the other way and get stuff from ICANN and say "this is what they're going to do, and what do you think about it, and how do you think it's going to affect you?" But we're still in a structural transition period at the moment. We've been asking for input from the RALOs [Regional At-Large Organizations] on a lot of things, and some of them are setting up their structures so that they can go out to their membership.*

**One of the criticisms against this new ALAC system with ALSes (At Large Structures) and RALOs is that it is unnecessarily bureaucratic. Do you think there's something to that?**

*I don't think it's bureaucratic, because we don't have any rules at the moment! So it can't really be bureaucratic.*

*We have the bylaws which are very loose - as they should be - and now we have to actually work out the details.*

*Some of the RALOs are bureaucratic - that is true. Some have spent days and months building their structures and their general assemblies and their rules and regulations, and their operating principles and so on and so forth. They actually have more paper than*

into Arabic, Persian, Chinese (simplified and traditional), Russian, Hindi, Greek, Korean, Yiddish, Japanese and Tamil and put up on the Net. The top-level domains will host a series of wikis and people from across the world will be encouraged to run free in the new space so ICANN can see how the IDNs function on the real Internet.

In terms of policy, the ccNSO, GAC, GNSO and ALAC will produce responses to a ccNSO-GAC issues paper on the public policy issues of introducing IDNs. The ccNSO is considering launching a Policy Development Process (PDP) on the issue.

#### Key dates:

- **Sep:** The "test" IDNs will be put live into the root
- **Oct:** The ICANN meeting will see large amounts of policy work and discussion

**ICANN staff contact(s):** [Tina Dam](#)

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## REGISTRY/ REGISTRAR AGREEMENTS

The review of the Registrar Accreditation Agreement (RAA) - the contract that defines the relationship between ICANN and companies that register domain names (registrars) - has been under review since the collapse of registrar RegisterFly.

Six suggested [amendments](#) to the RAA have been posted on the ICANN website and a [public comment period](#) on them, which is also open to other suggested changes, started on 30 July. It will close on 10 September.

The feedback from that will be used to draw up draft amendments, which will then be put out for a second public comment period. Other ICANN constituencies will be invited to contribute their views.

Discussions surrounding amendments to the RAA will form part of public discussion at the Los Angeles ICANN meeting in October, both at the public fora, and possibly in another workshop on the matter.

### Registries

In the meantime, a number of registry agreements are being reviewed. The ICANN Board [approved](#) renewal of the .name registry contract to 2012 at its 14 August meeting. The approval brings it in line with registry contracts covering .biz, .info and .org.

There are also ongoing negotiations for the .aero and .museum agreements, updates on which are on the Board agenda for its 11 September meeting. The .museum renewal will be considered by the Board on 16 October.

Also, the .post new sTLD is in a new stage of negotiations, with a [comment period](#) opened on the most recent communication between the Universal Postal Union (UPU) and ICANN. There is also a [comment period](#) open on the .museum contract extension.

#### Key dates:

- **30 Sep:** Comment period on .museum closes
- **6 Oct:** Comment period on .post closes

ALAC has.

*But now we (ALAC) have to put in some rules, because we have people coming in who are basically taking orders from their region, and that makes it a lot more difficult to achieve that whole consensus and collegiality thing,*

### **What is the main thing you want to achieve while you are chair?**

*The main thing is to get it all working properly or at least to a good-enough level. It used to run on rough consensus; now we have to put in some rules and not be as informal as we were. And we have started doing that - writing down why we do what we do, documenting it and so on. And that unfortunately is taking up an awful lot of time - it has to be done, but it also takes away some of the energy from policy, which frustrates some people. Like me!*

### **What's on your mind at the moment?**

*Well we have an internal working group on the Registrar Accreditation Agreement. We've got our working group on IDNs, which has about 20 people on it, already set up. And then there's an ad hoc working group for each committee that people are liaising to, so we've appointed a liaison to Security and Stability advisory committee, and that has a little discussion group. We'll know we're really cooking with gas when we get a liaison to the GAC. Not from the GAC - to the GAC.*

**One of the biggest issues around At-Large has always been the ending of the At-Large elections to be replaced with the Nominating Committee (in 2003). Are you watching the NomCom review that's going on at the moment?**

- **16 Oct:** ICANN Board will consider renewing .museum agreement

**ICANN staff contact(s):** [Tim Cole](#) (Services - RAA changes) and [Craig Schwartz](#) (Services - Registry agreements).

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## IPv6

### [Background info](#)

Although ICANN plays a limited role in the much larger issue of the global upgrade of the network to Internet Protocol version 6 (IPv6) from the current IPv4, IANA staff are among those most aware of the technical issues surrounding IPv6.

IANA staff, in both official and personal capacities, continue to give presentations on the issue at conferences across the world. So do a number of ICANN Board members, including chairman Vint Cerf.

At the most recent ICANN meeting in San Juan, the Board passed a [series of resolutions](#) concerning IPv6 including that it would "participate in raising awareness of this situation and promoting solutions".

At the most recent ICANN meeting in San Juan, the Board passed a [series of resolutions](#) concerning IPv6 including that it would "participate in raising awareness of this situation and promoting solutions".

IANA has recently allocated large pieces of IPv6 space to the Register Internet Registries (RIRs). You can also read how IANA reclaimed a large piece of the IPv4 Internet space last month below (see The Great Reclaimer).

### Key dates:

- **12-15 Nov:** The Internet Governance Forum (IGF)
- **2009:** The earliest suggested date for when the free pool of IPv4 address will run out

**ICANN staff contact(s):** [Leo Vegoda](#) (IANA)

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### To be covered in the next newsletter:

- **Independent review**
- **Accountability and Transparency**
- **Ombudsman**

## ICANN Board



### Recent Board meetings

The Board [met on 14 August 2007](#) to discuss, among other things, the selection of a company to run

*Yes. Everybody's talking about the NomCom review. I have spoken to the reviewers [Interisle Consulting Group], I've given them names of people in the At Large who are both pro and anti the NomCom concept. Personally, I think it is important to have people who are not elected by a constituency. I think of the NomCom people as kind of like the House of Lords - not beholden to anybody in particular.*

*But one thing that I have been telling people all along is that we'll get Board representation when we prove that we are viable and useful and sensible. But they're not going to give it to us just because we say so, or just because we're nice or just because it's our birthday. We'll get it because we earn it, not because we think we deserve it. It's not our birthright. Until we prove that we deserve it, it won't happen.*

### Quick Links

[ICANN blog](#)  
[Public Participation site](#)

ICANN's data escrow programme (where domain name ownership details are stored by a third party in case of registrar problems). The Board approved Iron Mountain for the role.

Other items discussed included: renewal of the contract for the .name registry, due to expire on 4 January 2008 (it was approved); a range of redelegation requests for Dominica, North Korea, Montenegro, Serbia and the former Yugoslavia. Dominica's request was approved and the remainder will go forward to the next Board meeting on 11 September.

Importantly for the progression of Internationalized Domain Names, the Board approved the addition of eleven test domains into the root that will be used to evaluate the performance of IDNs in the real-life Internet environment rather than in a lab setup.

The Board also: chose Paris as the location for the June 2008 meeting; approved recent legal expenses; reformed the members of a number of Board committees; and extended the lease of ICANN office space in Marina del Rey for four years.

[Preliminary minutes](#) for the full meeting are up on the ICANN website. Full minutes should be available soon.

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## Future meetings

The Board will hold a meeting on **11 September**. The agenda is up on the ICANN website and includes:

- Discussions on the new .post registry
  - Discussions on renewal of the .aero and .museum registries
  - Delegation requests from North Korea, Montenegro, Serbia and the former Yugoslavia
  - Recommendations from the Board Governance Committee on the Nominating Committee
  - An update on the Whois policy process
  - Approval of Board review terms of reference for public comment
  - Discussion and possible selection of the site for the February 2008 meeting
- 

You can view all past, current and future Board meetings, along with minutes and agenda on one webpage on the ICANN website at <http://www.icann.org/minutes/>.

## Interview with the CEO



*The President and CEO of ICANN, Dr Paul Twomey, answers a few questions about reviews, retreats and the Indian IT revolution.*

### **What have you been up to this month?**

I've been working on a combination of things. With Doug Brent [ICANN COO] I've been working on a series of operational reviews; we've had a strategic retreat with the board; and I've been working closely with Rajasekhar Ramaraj [ICANN board member] on building relations with the Indian business

community and also with the Indian government.

### **What are these operational reviews?**

Well, one of the things the board committee, particularly Njeri Rionge, has been pushing over the last twelve months has been to have an ongoing process of operational review, and so we established an operational review panel.

The idea is actually to review each business unit within the ICANN staff process, and look for opportunities for improvements, particularly with a mind towards working to adopt some sort of quality performance measure or test for the staff functions of ICANN over the next several years.

### **What have you found out?**

The big message that came out of it was, that as ICANN's staff functions have grown to meet the demands of the community, some units have done well in developing internal processes, managing work; other units need to do better at doing that developmental process. And probably the most challenging aspect is the need for managing certain processes across all the units... that needs to be improved.

I don't find this surprising in an organizational sense. The staff function for ICANN, say when I first became president, was very small; essentially everything was done by people who could meet around the water cooler. But that, of course, meant that a lot of things didn't get done: we didn't have enough staff. As we've been able to increase staff numbers to support the community and deal with the depth and complexity of the work coming from the community, part of our aim has been to ensure that each unit manager runs their own affairs and makes sure it runs well.

### **Getting on to the board retreat...**

The board retreat was an opportunity for board members to meet face to face and be able to talk through, in a more informal setting, the issues they see in front of the organization. There were two key aspects: one was talking through what they thought should be their input into the strategic planning process, so they had a chance to talk through in great detail what strategic issues were facing ICANN and what particular insights they had for the next three-year cycle.

The second conversation was their own thinking about succession: recognizing that Vint is moving on as chair. The board members were having an open discussion amongst themselves about what sort of characteristics they'd be looking for in a new chair, and some discussion of potential options. That's a conversation which clearly hasn't come to any conclusion and which is still an ongoing discussion among the board members.

### **As CEO, what changes do you think Vint leaving will have on ICANN and its Board?**

Well I think there's no doubt that Vint's been an outstanding contributor to ICANN - just as he's been an outstanding contributor to the entire Internet. I think we should recognize though that there is no Vint Mark II.

We also have to recognize that whoever moves into the position of being chair is simply not going to be the same person. It's probably healthy that it's not - it's good to have a different style. But I think, very importantly, we ought to recognize why there's the

chair of ICANN. The chair of ICANN's role is to be the chair of the board, and to be something of a public face for the organization.

**You mentioned new relationships with India - why India, and what have you been doing?**

Well, India is a very large country, its economy is growing at high single-digit growth rates; it has a significantly growing middle class; a very large IT outsourcing business, process outsourcing and now increasingly R&D-based IT industry, particularly in Bangalore and Hyderabad.

So Rajasekhar Ramaraj, our board member from India, was keen - and we've been keen - to organize a sort of outreach to Indian business, which we did in Bangalore, and also further with industry associations in Delhi.

**And what is ICANN telling the Indians?**

Well, what it is that ICANN does or does not do. The community that co-ordinates the unique identifier system is at the very heart of their whole business model, particularly for the business-process outsourcing, the software outsourcing industry... The very fact that all those people can build those very successful businesses in India is because they can ensure that their customers' customers can be reached by the software they're writing very easily - instantly.

ICANN stands for a single interoperable Internet, and their business success has been based upon a single interoperable Internet, and I think they recognize that - they haven't heard it expressed that way.

Steve Crocker also attended and he talked a lot about DNSSEC, IPv6 - the need for IPv6 uptake - and I think that was taken on board in India. We spent some very interesting time with the Indian CERT. Traditionally inside ICANN, I think, we've seen the sort of security details that the CERTs are worried about as just being an application-layer concern and therefore outside our remit. But there are application-layer aspects to what they do. Where the two Venn diagrams intersect is in things like flux of IP addresses, spoofing of domain names, use of tasting of domain names - potential ways of setting up attack sites, and spoofing sites.

**One of the big events just after the Los Angeles meeting in November is the Internet Governance Forum (IGF) in Rio where the topic of 'critical Internet resources' is going to be discussed. What role do you see ICANN playing at that meeting?**

I think the fact that critical Internet resources are one of the agenda topics is a good thing. Very importantly, though, the function ICANN does is only a small part of what critical Net resources are, and I think it's important - especially for developing countries - that that discussion also has to be about critical infrastructure and application-layer stuff as well as simply the domain name system and IP addressing.

But nevertheless, in terms of DNS and IP addressing, I think that ICANN, the Regional Internet Registries and others have a great story to tell, and we're proud to go out and tell that story: what we do; how multi-party stakeholder models work; the increasing number of country codes and governments that have been involved in our work; the way in which the policy procedures work; the further internationalization of ICANN as an international non-profit organization: I think those are all good news stories, so we'll be

confident and happy to go forward and have that discussion.

### Thanks

Thank you.

## The Great Reclamation



*It's easy to forget in the day-to-day administration and management of the Internet's names and numbers that the network is still a young invention with a living history - one that is still be written as we speak.*

*A recent effort by IANA to reclaim a part of that old network for new users helped put that history into context.*

After several months' spent locating and contacting 29 organizations and obtaining their permission, IANA has managed to free up one up of the 256 blocks of IP addresses that make up the current Internet.

The "slash-8" was number 14 if you view IP address as a [list of 256 items](#) and was assigned to the Public Data Network. The space was specifically [set aside](#) in June 1991 to connect IPv4 networks to the ITU's X.25 networks.

In that sense, block 14.0.0.0/8 is a piece of history. The X.25 protocol was one of the first efforts to use the new packet-switching technology to produce a more reliable, digital network. It preceded the OSI model that was pushed heavily by the ITU but which was finally set aside in favor of the TCP/IP model that the Internet as we now know it runs on.

### Detective work

But despite X.25 still being in use in a few countries, its IP address block is no longer needed, and so IANA ran through all the recipients of IP addresses in that block since 1991, and asked if they would agree to return their allocation. In some cases, the contact information was out-of-date; in others, there was no contact information. But after some detective work by the technical community all those in charge of the 984 addresses in use were tracked down. At the end of August one final registrant was researching the status of one last address.

In the first seven months of 2007, IANA has allocated nine slash-8s to the RIRs (Regional Internet Registries), who then allocate them to organizations and businesses in their regions. Block 14 and its 16 million IPv4 addresses will be made available in the next few months, leaving just 47 blocks in the free pool of unallocated addresses. Or, put another way, with the Internet's growth as it is, the Public Data Network will buy roughly one month's worth of expansion time.

The reclaim is unlikely to be repeated. We estimate it took six minutes per address. Fine when less than 1,000 exist in a block of 16 million, but a whole other world when the addresses have entered mainstream Internet use.

## The future's... big

The solution to the diminishing pool of IPv4 addresses is, of course, the step up to IPv6 networks. Barely 0.1 percent of the IPv6 address space has been allocated so far. And of that, only a tiny fraction is in use. How big is IPv6? If you could fit all IPv4 addresses into an iPod, it would take something the size of the Earth to contain IPv6. We're unlikely to need to go through a similar reclaiming exercise with IPv6 any time soon.

## Participation

### PUBLIC COMMENT

There was a bumper crop of public comment periods during and ending in August, including: the draft management operating principles; the new gTLD paper; and the latest iteration of ICANN's Strategic Plan.

You can view full details of all these comment periods on a specific [August public comment page here](#).

Meanwhile, there are four comment periods currently open that will close this month, which are: a request of information covering the issue of domain tasting - which includes two online polls (see below); changes to the RAA (see policy above for more details); independent review of the Nominating Committee; and review of the .museum contract.

They can all be found, with full links, at the top of the [main public comment webpage](#).

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### ONLINE SURVEYS

Following on from a successful experiment with feedback on new gTLDs, the online survey system that ALAC has been using for several months has been expanded to the recent domain tasting request for comments.

There are two surveys asking people what they think and if they have extra information that might be useful. The first is a [broad survey](#) covering people's experiences with domain tasting and their views on various suggested ways to tackle the issue. The second, produced by the Intellectual Property Constituency (IPC), is a [more in-depth review](#) of how people - in particular businesses - have been impacted by domain tasting.

So far, the surveys have proved popular since they represent a fast, easy and structured way to gather information and views on particular topics. We continue to run the traditional email forums and will be analyzing how the two work alongside one another, while keeping one eye on a possible reform of the forum process.

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### BLOG

A series of interesting and thoughtful blog posts and comments this month, from a [discussion](#) over whether we should spell ICANN "Icann", or Internet "internet"; to [two podcasts of Board members](#) Steve Goldstein

and Susan Crawford talking about the history of the Internet and ICANN respectively. Also: a [quick review](#) of the history of new gTLDs, and some commentary on an effort by a financial services company to [differentiate themselves](#) through their use of a .org domain.

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## PUBLIC PARTICIPATION SITE

There have been several threads of discussion on the public participation site recently - most concerning [ideas](#) for new gTLDs. Would-be registrars from across the world have also been seeking information on how to become ICANN-accredited. ICANN staffer Baher Esmat wrote the [first post](#) in Arabic covering the IGF process.

The [public participation site](#) is open to all interested individuals, who are free to blog directly to the site, or comments on others' posts as soon as they have registered. The site also runs feeds of news from ICANN and from the community on each page.

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## OUTREACH

ICANN conducts periodic outreach events with universities. Events were held in Lisbon, Portugal and San Juan, Puerto Rico during the last two ICANN meetings.

In advance of the ICANN meeting in Los Angeles, ICANN will conduct a number of small outreach events with universities in Los Angeles. The first events have been scheduled for 27 September 2007 at USC and USC-ISI. Additional events are being planned.

More details on participating with ICANN can be found at: <http://icann.org/participate/>

## Other News

**Delhi meeting:** ICANN, together with the Ministry of Information and Communications Technology of India and the Internet & Mobile Association of India, held a [workshop](#) in Delhi last month.

The event covered the domain name industry and Internet governance and was attended by Shri R. Chandrashekhar, Additional Secretary, Department of Information Technology, Government of India; Dr. Gulshan Rai, Director, CERT-In; and ICANN Board members Shri R. Ramaraj, Steve Crocker, Chair of the ICANN Security and Stability Committee, and ICANN CEO, Paul Twomey.

You can read Dr Twomey's thoughts and feelings about the meeting in [his interview above](#).

**Global news:** ICANN has developed a joint proposal with UNESCO for the IGF meeting in Rio in November focussing on the multi-lingual Internet. Preparations are also underway for a joint ICANN/TWNIC meeting in Taiwan in October covering security, IDNs and IPv6.

A Memorandum of Understanding (MoU) between ICANN and the UN Economic and Social Commission of Western Asia (UN ESCWA) aimed to encourage the implementation of IDNs in the Arabic language was signed.

For more news from the Middle East region, visit regional manager Baher Esmat's [webpage here](#).

## Announcements

The following announcements were made in the past month:

**6 Sep:** [Bids welcomed for new gTLD approval system](#)

**23 Aug:** [IDN .test root zone update](#)

**17 Aug:**

- [Clarification over .kp ccTLD](#)
- [Paris chosen for June 2008 ICANN meeting](#)

**10 Aug:**

- [RFI on domain tasting released](#)
- [New TLD consultation launched](#)

**2 Aug:** [Global fellowships programme opens doors](#)

A full list of announcements is available online at: <http://www.icann.org/announcements/>

[News alert email subscription](#)

The Internet Corporation for Assigned Names and Numbers (ICANN) is an internationally organized, non-profit corporation that has responsibility for Internet Protocol (IP) address space allocation, protocol identifier assignment, generic (gTLD) and country code (ccTLD) Top-Level Domain name system management, and root server system management functions. These services were originally performed under U.S. Government contract by the Internet Assigned Numbers Authority (IANA) and other entities. ICANN now performs the IANA function.

As a private-public partnership, ICANN is dedicated to preserving the operational stability of the Internet; to promoting competition; to achieving broad representation of global Internet communities; and to developing policy appropriate to its mission through bottom-up, consensus-based processes.

2.6.3 ICANN Monthly Magazine, August 2007 Issue on Whois, Domain name tasting, New gTLDs, Janis Karklins, post-San Juan meeting

<http://www.icann.org/magazine/archive/magazine-200708.htm>

## August 2007: ICANN magazine



## Monthly Magazine

Providing all the latest news and developments

### Sign up for the ICANN monthly magazine

Email:

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## August 2007

In this issue:

**Is there a light at the end of the Whois tunnel?**

**Are new top-level rules .censorious or .commonsense?**

**See what the Board has decided to do about IPv6**

**Get into the heads of the CEO and the GAC chair**

**News from around the world, and much more...**

Welcome to the ICANN monthly magazine. Each issue will cover the latest news and events, plus outline how *YOU* can interact with the organisation.

ICANN is making decisions that directly affect all those that use the Internet, whether governments, businesses or individual Net users.

We help coordinate the names and numbers that are vital to producing one globally interoperable Internet. Our decision-making processes are open to all and we welcome all those equally passionate about how the Internet evolves.

Links within sections below will provide more information, both of a focused and more general nature for those interesting in learning more.

If you have any questions, comments or queries please feel free to contact ICANN's general manager of public participation: [kieren.mccarthy@icann.org](mailto:kieren.mccarthy@icann.org).

### Interview with Janis Karklins



*Ambassador Janis Karklins is chair of the Governmental Advisory Committee (GAC). He is*

## Links

[Policy Matters](#)

[ICANN Board](#)

[Interview with the CEO](#)

[Global Partnerships](#)

[Participation](#)

[Online development](#)

[Other news](#)

[Announcements](#)

## Policy Matters

## WHOIS

[Background info](#)

Will the Whois debate ever end? The issue over what contact information for domain names should appear on the public Internet has been under formal discussion since June 2003, but despite determined efforts by the GNSO and ICANN staff, there has so far been no resolution.

The latest effort to break the impasse has seen the GNSO experiment with non-voting working groups. And three of those groups recently reported on different aspects of the Whois question, namely: natural versus legal person registrations; access to unpublished data; and development of OPoC (Operational Point of Contact) requirements.

The reports were compiled and debated at a [special session](#) at the ICANN San Juan meeting on 24 June, and huge progress was made. Difficult issues remain however: like how law enforcement from around the world would get quick access if personal data was shielded.

A report will be finalised by early August and given to the GNSO Council. The Council will then choose to either make recommendations to the Board or carry out further work.

### Key date:

- **Early August:** Final report to GNSO Council

**ICANN staff contact(s):** [Maria Farrell](#)

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## DOMAIN NAME TASTING

[Background info](#)

One sure sign of the growing maturity of the domain name system is the speculative market that has grown up around domains. But is this market a sign of health, the result of a loophole that needs to be closed, or somewhere in between?

An [Issues Report](#) on domain tasting was produced for the San Juan ICANN meeting where it was discussed in a number of sessions - including a [tutorial](#) on the issue.

There is no simple solution however and the GNSO Council declined to launch a formal policy development process (PDP) into it, delaying a decision until September in order to provide time for more

*Latvia's Permanent Representative to the United Nations in Geneva.*

*We asked him about why he took the job, what he sees as the biggest challenges for GAC and what issues most concern governments at the moment.*

### **Why did you accept the GAC chairman role?**

*I don't know [laughs]. I got involved in the GAC after WSIS [the United Nations' world summit on the information society] and, well, people thought I could do the job. But it is a fascinating job, considering these issues that we are addressing. I want to contribute to putting in place successful processes.*

### **How do you see GAC's role in ICANN?**

*We have managed in the last year or two years to bring the GAC to a new level of co-operation. GAC is becoming part of ICANN's policy development process from the beginning: not acting as a standalone judge that makes up its mind on a standalone project.*

*I think the GAC needs to be involved from the very beginning to bring in a public policy perspective to the process. For example, the GAC produced Whois and new gTLDs principles at the last meeting - which other constituencies have told us were helpful in formulating their policies.*

### **What would you say to those that fear the GAC is trying to run the show?**

*I would disagree. The bylaws define the role of the GAC plays in the decision making process. There is a division of responsibilities and a division of powers. The role of GAC in an ICANN of the future can only be decided in consultations and with the approval of other constituencies. This is a joint exercise.*

research to be carried out. An ad hoc group will draft a focused terms of reference for the possible PDP.

A GNSO process isn't the only route however: ICANN staff pointed out that domain tasting may also be tackled through the ICANN Budget process; registry contractual changes; and the approval of new registry services.

Each change would be aimed at removing the financial incentive that currently exists for companies to register and then "drop" tens of thousands of domain names every day.

#### Key date:

- **September:** GNSO Council discussion on whether to launch domain tasting PDP

**ICANN staff contact(s):** [Olof Nordling](#) (GNSO); [Karen Lentz](#) and [Patrick Jones](#) (Services).

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## NEW gTLDs

[Background info](#)

There are calls for the registry market to be liberalised from next year. If that occurs, it will allow for a whole new range of top-level domains to appear on the global Internet.

Unsurprisingly, opening up the Internet in this way has thrown up a few problems: such as what do you do when someone applies for something someone else may find offensive? (The commonest example used in the community at the moment is ".nazi" but it is easy to think of other, equally offensive TLDs.)

And then there is the issue of trademarks; of famous cities (bids for .berlin, .paris and .nyc have already been prepared); and top-level domains for languages other than English.

Three reports and six [sessions](#) were dedicated to the issue of new gTLDs at the recent San Juan meeting. Significant attention was also given to the topic in [public fora](#) and in several joint meetings between the various constituencies.

But while much of the debate has been around what rules should be introduced and how, another part of the community is arguing that *any* rules covering what is allowed would be a restriction on freedom of expression.

A [draft final report](#) on new gTLDs has been combined with the two others covering "reserved names" and "protecting the rights of others" (available [here](#) and [here](#)). A final report will be produced and considered by the GNSO Council in September with the result sent to the ICANN Board.

#### Key dates:

- **August-September:** Final report to GNSO Council
- **September:** GNSO Council decision on final report

**ICANN staff contact(s):** [Liz Williams](#) (GNSO); [Craig Schwartz](#) (Services).

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To be covered in the next newsletter:

- IDNs
- Registry/registrar contract review
- IPv6

## ICANN Board

*The GAC is trying to stay in touch with ICANN. We have an annual work programme that was produced in Sao Paulo, and at Los Angeles we will produce the work programme for 2008 - that programme is public, it is not secret.*

#### **What issues are likely to appear in the next annual work programme?**

*IDNs in cc [country code] spaces is on our radar screen. Then there are security issues such as the denial of service attacks: what governments need to do with the potential threat. And recent attacks [a denial of service attack on Estonia] demonstrate a real need for governmental awareness.*

*Deployment of IPv6 is also something that governments need to keep an eye on. And then there are the rest of the issues: Whois, new gTLDs - topics that we view as follow-up issues.*

#### **What changes are in the pipeline for GAC?**

*I am looking to keep GAC interacting with ICANN, and that is one of the biggest challenges. The GAC has limited resources. Recently we got a government staff liaison and we highly appreciate that, it will be extremely useful, but there is also a limitation on GAC members.*

*I am going around telling everyone that it is my hobby to be chair of GAC. I have a lot of other duties, and I'm not an exception. I can think of only one or two GAC members that have ICANN and the GAC as a full-time job.*

*As such, keeping GAC in touch with a fast-moving community is a major challenge.*

#### **Quick Links**

[ICANN blog](#)  
[Public Participation site](#)



### Recent Board meetings

The Board met on 15 May 2007 to discuss the proposed budget for 2007/2008. The meeting comprised a presentation by Chief Operating Office Doug Brent.

Brent outlined ICANN's expected Net revenue for 2007/8 of \$49.4 million, with expenses amounting to \$41.6 million. For the first time in ICANN's history there will be a capital budget of \$1.6 million, and the remaining \$6.1 million will be a contribution to reserves. [N.B. the figures presented here are final and vary slightly from the near-final figures presented at the meeting.]

Doug Brent's presentation [is available here](#). The meeting's minutes [can be found here](#).

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On 18 June, the Board met and the agenda included:

- Discussion of Ombudsman's Report 7-317
- Review of Board Governance Committee's GNSO Review Process
- Review of Status of ccTLD Redelelegation Requests from IANA

The Ombudsman report concerned an issue with ALAC membership; the Board will review the report and get back to the Ombudsman. A move to a different bank for ICANN was approved as it would prove cheaper and more effective. A draft report for suggested changes to the GNSO would be produced for the San Juan meeting.

Minutes of the meeting [can be found here](#).

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On 29 June, the Board held a public meeting on the last day of the San Juan meeting. The agenda included:

- Approval of the 2007-2008 ICANN Budget
- Election of a new Chief Financial Officer
- Consultation on Operating Principles and Frameworks for Transparency and Accountability
- .COOP renewal sponsor agreement
- .TEL ICANN fee amendment
- Report: Protections for gTLD registrants
- Global Policy Proposals on IPv4 allocations
- Adoption of IANA Root Zone Procedures
- Board Committee Work and Other Business

Most of the discussion revolved around four topics: changes to the registrar contracts following RegisterFly; Internationalized Domain Names; accountability and transparency and the progress ICANN is making with regard to them; and the issue of IPv4 and IPv6 address expansion.

The adopted resolutions can be [viewed in full here](#). A full transcript of the meeting [can be found here](#).

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### Future meetings

You can view all past, current and future Board meetings, along with minutes and agenda on one webpage on the ICANN website at <http://www.icann.org/minutes/>.

## Interview with the CEO



*The President and CEO of ICANN, Dr Paul Twomey, answers a few questions about what the organisation has been up to recently and looks forward to changes coming.*

### **So what is most on your mind at the moment?**

Two things, and they inter-connect with one another. There are the rules liberalising the introduction of new general top-level domains (gTLDs), and then there is the introduction of internationalized domain names (IDNs).

With new gTLDs, it is inherently about choice. We've had two rounds of new top-level domains and we have learned from those experiences. The issue is now how to introduce them and what kind of third-party or arbitration process there can be for strings that might pose problems.

There has been an intense set of discussions over those rules and they are very important for the future of the domain name system. And that ties in with IDNs. We have accomplished more here than people realise. We're running a "twin track" of lab tests and evaluations that have all been successful so far. There is a new set of guidelines out, and then there is a set of policy questions that we are waiting for the ccNSO and GAC to get back to us on.

There is still some work that we need to do with IDNs though. A lot of people keep calling for domains to be "in their language" but they need to know that domains are not in any language, they simply use character sets and scripts that people then use to represent their languages. It's an important distinction because at the moment domains are restricted to a through to z, 0 to 9 and a few symbols. You can't, for example, use brackets or speech marks. People need to understand that the same limitations in Roman characters will also apply in other character sets.

### **What about RegisterFly?**

Well, we're currently reviewing a set of questions I posed as President following the debacle of the RegisterFly implosion. There is some protection already for registrants but we are looking at how to further ensure their protection, and how to encourage good practice among registrars.

The leading registrars have taken a very positive approach on this. It is also in their commercial interests since satisfied customers equals good business. The Regional At Large Organisations will be a key voice in this, as will the GNSO Council, but I'm very pleased with the leadership that the registrars themselves have shown with this.

[Since this interview occurred, ICANN has [opened a new consultation](#) on reform of the Registrar Accreditation Agreement.]

### **What is ICANN doing to solve its organisational issues?**

Well, one of the key priorities of the Board following the signing of the Joint Project Agreement with the United States government has been to really work on making ICANN an exemplar among international organisations when it comes to accountability and transparency.

I think this is another area where we have achieved much more than people realise. For example, there are the extended and extensive Board minutes, the OneWorldTrust report whose recommendations we are already implementing, we have improved our websites, produced a blog to aid dialogue with the community. Then we have a public participation website, a new general manager of public participation. We have the open budget process, and the complex and multi-sided processes that form our Strategic Plan and our Operating Plan.

So there's a lot there - oh, and a new set of principles and frameworks [released recently](#) - and we're continuing to work and improve upon them.

### **Finally, how is ICANN getting the message out about what it is doing?**

I think like many organisations and companies that live in an information-rich world, one of the challenges we have in ICANN is: how do we ensure that our community and the people affected by our decisions understand what is going on?

One of the most important things about this magazine is that it should ensure that people get information in a quick and to-the-point way. Hopefully we will be able to guide them to things that affect their interests rather than expect them to track changes on a website. To say: "Here's something new and here's how it affects you."

But we are continuing to look for ways to be more effective so any and all feedback is welcomed.

## Global Partnerships



The Internet is a global phenomenon in which ICANN plays a vital role. The Global Partnerships team and its regional managers are based internationally and reach out to those interested in the organisation in order to explain ICANN's processes and involve them in the ICANN model.

They also act as ICANN's international face, discussing with government and business representatives the unique nature of the Internet and ICANN itself. As a result, the team possesses a unique insight into the impact that the Internet has on societies across the world.

You can learn more about the regional managers [here](#). Several of the managers also have their own webpages where they post the latest information from their region, listed below:

- [Oceania \(Save Vocea\)](#)
- [Canada and the Caribbean \(Jacob Malthouse\)](#)
- [Latin America \(Pablo Hinojosa\)](#)
- [Middle East \(Baher Esmat\)](#)
- [Russia and surrounding countries \(Veni Markovski\)](#)

### **Recent highlights:**

- An accountability framework was signed with the Netherlands ccTLD
- Accountability framework with Puerto Rico
- Accountability framework with Fiji
- A public [preparatory IGF meeting](#) in San Juan

N.B. You can review all the ccTLD agreements graphically at: <http://www.icann.org/maps/ccTLD-agreements.htm>

## Participation

ICANN's ethos is one of cooperation between different groups to arrive at the best solution for all.

Vital in making this process work is participation by all those affected by, or interested in, a particular topic. ICANN has a number of ways in which you can get involved:

- Join one of the supporting organisations or advisory committees
- The [ICANN blog](#), where topics of interest are posted by staff and opened up to comment and review
- The [Public Participation Site](#), where open and active discussion on all topics under ICANN's purview is encouraged
- Post your comments on any of the topics that are [currently out for public review](#).

More details can be found at: <http://icann.org/participate/>

## Online Development

- A new IANA website has seen the old site undergo an entire rewrite and reorganisation. Information about IANA, its role, domain names, number resources and protocol assignments are all clearly and simply explained and an search engine helps make everything easier to find. The site is, for the moment, [in beta](#) awaiting feedback. Make your comments [here](#).
- A new-look public participation site has seen some improvements, and meeting sub-sites have been set up for the [San Juan meeting](#) and the [upcoming Los Angeles meeting](#).
- The ccNSO has a [new website](#) which improves the layout and provision of information. Further improvements will be introduced over the next few months.
- A series of new interactive maps have been produced and are available at: <http://www.icann.org/maps/>. They cover: Accredited Registrars; Board & Staff Representation; ccTLD Agreements; ccTLD Financial Contributions 05-06; Meetings; Regional Internet Registries; Root Servers; Root Zone Whois; San Juan 2007 Pre-Registrations; and Support for IDNs at TLD Registries.
- A new [public comment webpage](#) on the main ICANN site makes it easy to review and respond to issues current out for public review.

## Other News

**IANA:** The Rootzone Management Workflow Automation (RMWA) system has gone into beta testing. You will probably know it as eIANA. The system will ultimately mean faster changes to the Internet's base rootzone. It will also mean people can see the status of requested changes.

Despite many people's belief to the contrary, three-week changes in the rootzone only spend two or three days within IANA's system. That part at least will get faster. IANA is looking for ccTLD volunteers to test it out.

**ALAC:** The last regional at large organisation (RALO) covering North America was signed at the San Juan meeting in June, completing all five worldwide RALOs and finally removing the ALAC from its "interim" status. At the same time, changes to membership rules will open up the organisations to a wider range of influences.

**ICANN:** A number of new frameworks and principles have been [released in draft form](#) for community review. The documents include, for the first time, an information disclosure policy, a translation framework, code of conduct, and consultation framework. The documents were specifically designed to improve ICANN's accountability and transparency.

## Announcements

The following announcements were made in the past month:

**27 Jul:** [Registrant protection consultation opened](#)

**19 Jul:**

- [IDN test plan updated](#)
- [NomCom evaluator asks for public input](#)

**11 Jul:** [NARALO public comment opened](#)

**9 Jul:**

- [ccNSO-GAC release IDN issues report](#)
- [Domain transaction fee drops again](#)

**San Juan meeting announcements:**

- [Progress on TLDs, IDNs, Address Space](#)
- [Proposed .NAME renewal registry agreement posted for public comment](#)
- [Development of 2008-2011 Strategic Plan](#)

**23 Jun:** [Draft Management Operating Principles released](#)

**22 Jun:** [ccNSO Regions Working Group report posted for comment](#)

A full list of announcements is available online at: <http://www.icann.org/announcements/>

[News alert email subscription](#)

The Internet Corporation for Assigned Names and Numbers (ICANN) is an internationally organized, non-profit corporation that has responsibility for Internet Protocol (IP) address space allocation, protocol identifier assignment, generic (gTLD) and country code (ccTLD) Top-Level Domain name system management, and root server system management functions. These services were originally performed under U.S. Government contract by the Internet Assigned Numbers Authority (IANA) and other entities. ICANN now performs the IANA function.

As a private-public partnership, ICANN is dedicated to preserving the operational stability of the Internet; to promoting competition; to achieving broad representation of global Internet communities; and to developing policy appropriate to its mission through bottom-up, consensus-based processes.

2.6.4 ICANN Monthly Magazine, Special  
Issue on Nominating Committee,  
[http://www.icann.org/magazine/archive/nom  
com-200709.html](http://www.icann.org/magazine/archive/nomcom-200709.html)

## September 2007: Nominating Committee decisions



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### NomCom special edition

#### 2007 results

This is a special edition of the ICANN magazine covering the choices made by the independent Nominating Committee to fill nine seats within the ICANN structure.

Those choices cover:

- Three new Board members
- Two members of the GNSO Council
- Three members of the ALAC, and
- One member of the ccNSO Council.

The call for statements of interest in these posts was put out on 1 February 2007 with a final deadline of 18 May 2007.

In total, 93 individuals applied (12 female and 81 male). Of them, 70 applied for Board positions, 29 applied for the GNSO Council, 27 for ALAC and 24 for ALAC. The geographic split saw 25 apply from North America, 23 from Europe, 23 from Asia-Pacific, 13 from African, and 11 from Latin America and the Caribbean.

All the successful applicants, listed below, will take up their positions at ICANN's 30th annual meeting in Los Angeles, starting on 2 November. We wish them all the best in their new roles.

For more information on the Nominating Committee, please visit: <http://nomcom.icann.org>.

### ICANN Board of Directors

The ICANN Board makes all final decisions pertaining to ICANN's work. It comprises 21 members - 15 voting and six non-voting. The Nominating Committee chooses eight of the voting members, a majority, over a

three-year period.

Each of the three supporting organizations within ICANN chooses two voting members each, and the president (also the CEO) makes up the final voting member. The non-voting members are liaisons from each of the six advisory committees.

This year's selection is particularly significant as the new Board members will be required to vote in a new ICANN chair following Vint Cerf's departure after eight years. That vote will take place at a public meeting of the Board on Friday 2 November.

The successful applicants will serve a three-year term on the Board and they are:

#### **Harald Tveit Alvestrand (Norway, Europe)**



Harald Alvestrand is an Internet old-hand, having worked on one of the earliest networks in his homeland of Norway and then extensively within the Internet Engineering Task Force (IETF) since 1991.

Harald has written a number of RFCs, including RFC 1766, the first standard for language tags in Internet protocols. In the IETF, he was area director of Applications for three years, of Operations & Management for one year, and chair from 2001 to 2006. He was a member of the Internet Architecture Board (IAB) for two years.

He was also involved in the early days of ICANN, serving as alternate chair of the DNSO General Assembly from December 1999 to April 2001; and a member of the WIPO panel of experts on the DNS in 1998-1999.

Mr Alvestrand graduated from the Norwegian Institute of Technology (NTH), and has worked for, among others, Norsk Data, Cisco Systems and, currently, Google. He is a board member of NORID, the .no domain name registry, and the Unicode Consortium. He lives in Trondheim, Norway, and is married with three children.

"My main work on the board I would say will be to help make sure we have an understanding of the technical implications of what we decide, and what the social, economic and political consequences of those technical implications are."

#### **Dennis Jennings (Ireland/UK, Europe)**



Dr Dennis Jennings has had a wide and varied career. One of the early Internet pioneers, he helped create NSFNET - one of the forerunners of the Internet - and was actively involved in the creation of research networks in Europe, as well as ICANN itself. He served as chair of CENTR between 1999 and 2001.

Dennis was director of University College Dublin's Computing Services for 22 years; interim president of the Consortium for Scientific Computing in 1986; and is currently chairman of the Oversight Board of the Irish Centre for High-End Computing (ICHEC).

In 2002, he co-founded 4th Level Ventures - an Irish venture capital company focused on commercializing university research in Ireland - and he is also an "Angel" investor, investing in early stage technology companies. He is currently chairman and/or a board member of a number of small technology companies.

Dr Jennings holds a 1st Class honors physics BSc degree from University College Dublin, and a PhD obtained for a search for high-energy gamma radiation from pulsars. He is an opera and classical music enthusiast.

"I'm delighted to have been chosen, and very honored to be a member of the next ICANN Board. I hope that with my Internet background, and my management and business experience, that I will be able to add to the Board's deliberations.

"I am particularly interested in seeing ICANN get the international TLDs up and running as soon as possible,

broadening the appeal of the Internet to much more of the global community."

### Jean-Jacques Subrenat (France, Europe)



Jean-Jacques Subrenat is a well-travelled academic, researcher and diplomat. He spent three years in the French navy before becoming a student in Bordeaux and Paris, then a scientific researcher in Paris and Kyoto. From there he joined the French diplomatic service in 1972, spending the last ten years of his service, up until 2005, as an ambassador.

Over the course of his career, Jean-Jacques has worked in the ministry of foreign affairs, the ministry of industry, as diplomatic adviser to the Minister for Europe, director for Asia and the Pacific, alternate director for development aid, and alternate director for the Americas. He has served as an ambassador in Brussels, Estonia and Finland.

He is currently chairman of the advisory board of Institut Pierre Werner in Luxembourg, a tutor at the ENA (Ecole nationale d'administration) in Strasbourg, and a board member of the Lycée Vauban in Luxembourg.

Mr Subrenat has a doctorate from the Sorbonne University in Paris as well as other degrees from Bordeaux, Paris and Osaka. He is frequently invited as a speaker and writes articles on global trends, current affairs, international relations and social matters. He is remarried with four children.

"ICANN faces a number of challenges. For example, enlargement of the worldwide Internet community makes ensuring a reliable network paramount; and proper representation will require further imagination and fairness.

"But governance of the Internet could also serve as an example in meeting other global challenges such as access to clean water, food in the face of a rising world population, or energy use and supply. I'm looking forward to the job ahead."

## GNSO Council

The Generic Names Supporting Organization (GNSO) is the main policy development arm of ICANN. Its decisions and recommendations are made by the GNSO Council.

There are 18 members of the GNSO Council, comprising three members from each of the GNSO's six constituencies, plus three chosen by the Nominating Committee. There are also two non-voting liaisons, and a chair chosen from the Council members.

The Nominating Committee 2007 chose two new Council members this year, who will both serve two-year terms. They are:

### Olga Cavalli (Argentina, Latin America & Caribbean)



Olga Cavalli is a government advisor, academic and notable figure in Latin America's Internet community. She is a professor at the University of Buenos Aires, where she teaches technology and public policy.

In the private sector, Olga has worked as a consultant for companies and non-governmental organizations in Argentina, Brazil, Chile, Uruguay, Venezuela, USA, Canada and Germany. She is fluent in English, German and Portuguese.

As an advisor to the Argentine Ministry of Foreign Affairs, Ms Cavalli represented Argentina both at the WSIS second phase and in the GAC. She has also been involved in the ccNSO. Ms Cavalli is a key member of eLAC 2007, and a member of the Advisory Group for the Internet Governance Forum (IGF).

She holds a degree in Electronic and Electric Engineering from Mendoza University, an MBA from the UCEMA in Buenos Aires, and a masters in Telecommunication Regulation from the University of Buenos Aires. She is currently working towards a PhD in Business Administration. She has two children.

"What will happen with new gTLDs and what influence that may have in my region and with our culture - that is a subject that interests me a lot.

"I also teach organizational structure at the university and I find it very interesting how ICANN is structured because it is quite open and unique. I am interested in gaining a better understanding of how the different groups interact."

### Avri Doria (USA, North America)



Avri Doria is a familiar face within Internet governance circles and is currently chair of ICANN's GNSO council.

An adjunct professor at Lulea University of Technology in Sweden, she works as a consultant to the Internet Governance Forum (IGF) and is an associate with Interisle consulting.

Avri has been involved in the development of Internet protocols and architectures for over 25 years. She was an active participant in the IETF, chairing the IRTF Routing Research group and serving on the Multi Service Forum. Most recently, she participated in WSIS and post-WSIS civil society, chaired the civil society Internet Governance caucus, and was a member of the Working Group on Internet Governance (WGIG).

Ms. Doria holds masters' degrees in Philosophy (from the University of Chicago) and Counseling Psychology (from Rhode Island College). She is currently working on a trans disciplinary PhD dissertation at Blekinge University of Technology on the relationship between technology and governance. She is also researching methods of bringing the Internet into isolated areas, as part of which she is working with the semi-nomadic Sámi population of Lapland.

"What really interests me now, and why I applied for another term, is the GNSO reorganization. It's vital that is done in such a way as to get wider constituency participation, including individual registrants. That is something that I'd like to see happen."

## At-Large Advisory Committee (ALAC)

The At-Large Advisory Committee (ALAC) represents the interests of individual Internet users within ICANN.

The Committee comprises 15 members - three from each of five geographic regions. Two members from each region chosen by its Regional At Large Organization (RALO) and the third in each case is selected by the Nominating Committee. A chair is selected annually by the members.

Three of the five NomCom places were filled this year and the successful applicants will serve two-year terms. They are:

### Vanda Scartezini (Brazil, Latin America & Caribbean)



Vanda Scartezini is a high-profile figure both within the Brazilian Internet community and ICANN itself. She is currently a member of the ICANN Board and will leave the post at the same time she takes up her place on ALAC.

An electronics engineer, Vanda has held a number of management positions with private technology companies and public institutions. She is the co-founder of Brazilian IT consulting company Polo Consultores and also acts as President of Altis, a software and service outsourcing company. She is chair of the board of research company FITEC; an associate partner of Getulio Vargas Foundation Projects and member of the board of ABES, the Brazilian Software Industry Association.

Ms Scartezini served as National Secretary of both Industrial Technology and Information Technology in the Brazilian government. She is a former president of the Brazilian patent office, and acted as Brazil's GAC representative for four years until March 2004.

Ms Scartezini has acted as Brazil's government representative in

international missions around the world as well as acted as a consultant for a number of international institutions. Honored with many of the major prizes in the Brazilian IT Industry, she is also the co-author of a number of books on ICT and the author of several papers on ICT and intellectual property issues.

"ALAC is in an interesting and challenging process to become much more representative of users around the world. Having worked with ICANN for about seven years now, passing through GAC and GAC Vice chair, the Board and its committees, I guess I can both learn from ALAC members and add some value through my previous experience.

"I also think the Fellowship Program is of huge importance for the future of ICANN, so it makes sense to be at ALAC to encourage these new fellows to join RALOs and spread the ICANN community spirit around their regions. I welcome my new colleagues and I bet on our success together!"

### **Fatimata Seye Sylla (Senegal, Africa)**



Fatimata Seye Sylla is a key figure in the Senegalese Internet community. She worked for ten years within the Senegalese government, and for 9 years in the private sector. She conducted the first national project to introduce ICT in the educational system.

Fatimata obtained her first degree, in Computer Science, from Le Havre University and has a post graduate Management degree from the African regional management school in Dakar. She is also an MIT/ Media Lab Master of Science.

As an international consultant in the field of ICT use in education, gender, media and development, she has worked for a number of United Nations agencies as well as the International Development Research Centre (IDRC) and the Panos Institute. She was a Board Member of CATIA (Catalysing Access to ICTs in Africa).

Mrs Seye Sylla is a founding member and Board member of OSIRIS, a non-governmental organization aimed at promoting ICT use in Senegal, as well as ISOC in Senegal. She is presently the National Coordinator of the African Civil Society for the Information Society (ACSIS) in Senegal, and a council member of Free and Open Source Software Foundation for Africa (FOSSFA).

"I think one of the main challenges for ICANN is how to have developing countries more involved, and not only on the technical side. The Internet is used more and more for development, and ICANN needs to be a part of that."

### **Nguyen Thu Hue (Vietnam, Asia/Australia/Pacific)**



Nguyen Thu Hue is a lawyer by training and plays active role in the development of Vietnam's Internet. She has a degree in Economic Law from Hanoi Open University and a Masters in International Business Administration from the Asian Institute of Technology (AIT).

Nguyen also studied Internet Law at Harvard Law School, and held a position at the Hanoi office of Baker & McKenzie, an international law firm.

For two years, Ms. Nguyen was country coordinator for the Global Internet Policy Initiative (GIPI), an EU-funded project on internet policy reform in Vietnam. She was also program coordinator for the USAID-funded project "Internet Training for Female NGO Heads and Female journalists in Vietnam".

Ms Nguyen is the founder and director of the Center for Marinelife Conservation and Community Development (MCD), a Vietnamese non-governmental organisation. Prior to that, she worked as the country coordinator for the International Marinelife Alliance (IMA). She is married with two children and lives in Hanoi, Vietnam..

"I was happy but also a little worried when I heard I had been

chosen for the ALAC role. Happy because I can use my experience and time to help the Committee; worried because I see the need to balance across cultures while in ALAC. I think I can act as a bridge between the Committee and the Asia-Pacific region that I represent."

## ccNSO Council

The country code names supporting organisation (ccNSO) develops policy and makes recommendations relating to country-code top-level domains within ICANN. Its decisions are made by the ccNSO Council.

The Council comprises 18 members - three from each of five geographic regions, plus three chosen by the Nominating Committee. Members of the ccNSO from each region select their three representatives. A chair is selected annually by the members.

One of the three NomCom places was filled this year and the successful applicant will serve a three-year term. That person was:

### **Nashwa Abdel-Baki (Egypt, Africa)**



Nashwa Abdel-Baki was one of the pioneers in Egypt's Internet, helping to build national networks both locally and regionally.

She holds a BSc from the Faculty of Engineering, Cairo University; an MSc from the Faculty of Engineering, Ain Shams University; and a Doctorate of Engineering from Ulm University, Germany.

After graduating from Cairo University in 1983, Nashwa joined the Egyptian Supreme Council of Universities (SCU) as a systems engineer, a position she held for ten years. She been a driver behind a number of international IT conferences and networking workshops relating to building and managing national networks, and played an important role in the establishment of the African Regional Network Information Centre (AfriNIC).

In 2000, Dr Abdel-Baki was awarded a German Academic Exchange Service (DAAD) scholarship, leading a five-year research program. She is currently vice executive director of the Egyptian Universities Network, and an IT advisor to the Secretary General of the SCU.

"I am hoping to help in a number of dimensions. There is the promotion of IDNs, the promotion of country codes, and then also getting across to people the importance of ICANN. Egypt is still not a member, for example. Many people have heard of the organisation, but not many have realised its importance."

2.6.5 ICANN San Juan Meeting Daily  
Newsletter, 25 June 2007

<http://sanjuan2007.icann.org/files/sanjuan/monthly25jun07.pdf>



# Monday 25 June

**SUMMARY** Welcome to 29<sup>th</sup> meeting of ICANN, held in the Caribe Hilton in the capital city of Puerto Rico, San Juan. Registration opened officially on Sunday morning, adding to the 663 pre-registrations. More figures on attendees tomorrow. As ever, people from around the globe have arrived -- first-time visitors as well as the usual suspects. The San Juan Bautista celebration from Saturday lead to a gentle Sunday for those that arrived early. Recent arrivals fought jet-lag in the hotel bar.



## TODAY'S MAIN MEETINGS

### Welcome Ceremony

Time: 9:00

Room: San Geronimo

All are welcome to attend the opening of the 29<sup>th</sup> meeting of ICANN. Followed shortly afterwards by the Public Forum

### Protection of Registrants Workshop

Time: 12:00

Room: San Geromino

An open discussion moderated by Board member Susan Crawford covering important changes in the registrar market following the recent RegisterFly situation.

### Public forum on new gTLDs

Time: 14:30

Room: San Cristobal B

A review of the GNSO's work on introducing new top-level domains.

### Public forum on GNSO improvements

Time: 16:00

Room: San Geronimo

A discussion about changes to the make-up of ICANN's most significant supporting organisation.

## WHAT HAPPENED YESTERDAY

### ICANN Roundtable

As it does every meeting, ICANN held an introductory roundtable for those who have never been to an ICANN meeting before or who want to know more about how the organisation works. A number of attendees praised the new fellowships that allowed them to attend the meeting; while others urged ICANN to make the organisation and its processes more easily understandable.

### North American At Large meeting

A North American Regional At-Large Organization (NARALO) was formed, along with the election of two ALAC representatives. The NARALO is the final organization to be created to coordinate individual users involvement in ICANN. An MoU will be signed by regional representatives and ICANN's President and CEO on Thursday.

### Whois

No less than four GNSO meetings in one day on the issue of Whois. A joint GNSO and GAC also considered (much to the GNSO's relief) a different issue -- new generic top-level domains. The new Whois Working Group had an all-day, intensive session reviewing a Whois world where a look-up would show a designated "operational point of contact" instead of the registrant's contact details. Huge progress was made, but knotty issues remain: like how law enforcement from around the world would get quick access if personal data was shielded. The group has four more weeks to deliver a report on its work.

### IPv6

The ongoing issue of a transition to Internet Protocol version six in order to provide for the Internet's future expansion was covered, with remote participation through ICANN's public participation website. ICANN's chief engineer described the issues he'd faced deploying IPv6, and the director of a local Puerto Rican ISP described how IPv6 allows customers to connect with an ever growing number of people and services. The panel agreed that while there are costs in implementing IPv6 it may be possible for them to be recouped through additional services.

### Domain Tasting

The fourth workshop on the issue of domain tasting provided some informed and interesting discussion about what is rapidly becoming an important issue. Presentations and a transcript can be found on ICANN's San Juan meeting site at: <http://sanjuan2007.icann.org>.

## ANNOUNCEMENTS

ICANN posted a series of draft Framework and Principles for Accountability and Transparency for community review. There will be a review of them on Wednesday.

Sign up for ICANN newsletters: <http://icann.org/newsletter>

2.6.6 ICANN San Juan Meeting Daily  
Newsletter, 26 June 2007

<http://sanjuan2007.icann.org/files/sanjuan/tue26jun07.pdf>



# Tuesday 26 June

**SUMMARY** Tuesday is "Constituency Day" where the different and disparate elements of ICANN's supporting organisations hold their own meetings to discuss the latest developments and their positions on matters likely to be raised later in the week. Nearly all the meetings, with the exception of the Governmental Advisory Committee, are open to all observers. The first of a series of social events will be held in Old San Juan this evening.



Board member Susan Crawford moderates registrant workshop

## TODAY'S MAIN MEETINGS

### gTLDs Registries meeting Time: 9:00

#### Room: Flamingo A/B

And all-day meeting of the registries should prove interesting given the upcoming issue of new gTLDs, including internationalised domain names, as well as Whois.

### Registrars meeting Time: 9:00

#### Room: San Geronimo C

Like the registries meeting, there is a lot happening in the registrar world, particular with regard to changes in the Registrar Accreditation Agreement.

### New gTLDs Workshop Time: 12:30

#### Room: Tropical A/B

The cheekily titled "New Geo-TLDs: More Consumer Choice or More Consumer Confusion?" should be worth popping into.

### GAC/Board meeting Time: 16:45

#### Room: San Cristobal A

It's always interesting to see what happens at the Board/GAC meet.

## WHAT HAPPENED YESTERDAY

### Welcome Ceremony

Vint Cerf and Paul Twomey officially opened the meeting, with speeches from NTIA Deputy Assistant Secretary Meredith Atwell Baker; Dean of the Faculty of Natural Sciences at the University of Puerto Rico, Brad Weiner; Executive Director of the Puerto Rico Industrial Development Company, Boris Jaskille; and Bernadette Lewis, Secretary General of Secretariat of the Caribbean Telecommunications Union.

### Public Forums

There were no less than three public forums: the usual public forum with the Board present; a GNSO forum on new gTLDs; and one covering changes to the GNSO. The first GNSO forum drew so many people it had to change rooms. Topics included input on selection criteria; how much application fees would be; and how long before applications are taken. Suggestions will be followed up later in the week.

The second GNSO forum faced a deluge of comments from the floor. Most agree with the idea of non-voting IETF-like "working groups" to break the log-jam on controversial issues like Whois. But there's uncertainty about how far the model should go. Public input will be put into a draft by August, when more public comment will ensue.

### Protection of Registrants' workshop

A well-attended and wide-ranging discussion over reform of the registrar market. ICANN staff outlined: suggested changes to the Registrar Accreditation Agreement; plans for storing domain registrant data; the possibility of registry failure; and ICANN's increased efforts to chase up registrars that are not complying with the rules. Specific changes were not discussed but plenty of food for thought was provided by panellists and attendees.

### Latin America At-Large

The Assembly's second session made considerable progress on priorities for the coming year. Engagement by the regional community, and the importance of working with other regions were highlighted.

### Fellowships meeting

A new ICANN Fellowships programme has provided 34 individuals with funds for travel to the meeting. Each day at 4pm the Fellows meet at the Las Olas room to discuss the previous day. Yesterday, they agreed too many presentations were given in meetings. A video is on YouTube ([youtube.com/profile?user=ICANNnews](http://youtube.com/profile?user=ICANNnews)).

## ANNOUNCEMENTS

A new series of graphic, easy-to-use maps covering everything from Registrars to Board & staff representation; ccTLD agreements and financial contributions; Root Servers and so on were unveiled. They be found at <http://icann.org/maps>

Sign up for ICANN newsletters: <http://icann.org/newsletter>

2.6.7 ICANN San Juan Meeting Daily  
Newsletter, 27 June 2007

<http://sanjuan2007.icann.org/files/sanjuan/wed27jun07.pdf>



# Wednesday 27 June

**SUMMARY** Wednesday is supporting organisation and workshop day. The GAC spends all day drawing up the rough draft of its communiqué, while the other supporting organisations get down to discussing what different constituencies have drawn up the day before in the hope of either breaking new ground or coming to a conclusion over ongoing issues. A day of hard work is rewarded with the Gala Event starting from 7pm in the evening, taking place at the hotel's Expo Center.



Simon Greaves signs Fiji's accountability framework with CEO Paul Twomey

## TODAY'S MAIN MEETINGS

### GNSO public forum

Time: 8:30

Room: San Geronimo

A chance for constituencies to air their ideas and concerns.

### Freedom of Expression and gTLDs workshop

Time: 13:00

Room: San Geronimo

Likely to be a lively affair with some passionate views expressed on the role of rights online.

### Accountability and Transparency workshop

Time: 16:00

Room: San Geronimo

A great opportunity to discuss how ICANN itself is changing and ask whether that change is going along the right lines.

### ccNSO Council meeting

Time: 17:00

Room: San Cristobal B

Catch up with what is going on with the top-level domains across the world.

## WHAT HAPPENED YESTERDAY

### Constituency meeting: Registrars

Discussions ranged from interaction with the GNSO to input on the ICANN budget, picking up data escrow and changes to the Registrar Accreditation Agreement on the way. Their discussion with the ICANN board focused on ways to improve communications and on how best to make changes to the RAA.

### Constituency meeting: Cross-constituency

A presentation covering the realities of phishing was the highlight of a wide-ranging meeting. An "anti-phishing suspension plan" would allow for rapid "takedowns" of domains at the registry level. As ever, the rules would only apply to people of ill-intent -- who remain frustratingly difficult to distinguish from the good people online.

### Constituency meeting: Registries

New gTLDs and IDNs dominated the session, as they have in many of the meetings in San Juan. The registries in particular were concerned that the two occurred together. A decision was taken on how to stress the fact that there was largely agreement between different constituencies over IDNs. An update on the registry failover project was also given.

### Workshop on new gTLDs

Titled: "New Geo-TLDs - More Consumer Choice or More Consumer Confusion?", the answer from the session appeared to be "consumer choice". There was a general feeling that the proposed city TLDs - .nyc, .paris and .berlin -- were a good idea. Although there are still issues about what rules should apply to new geo-tlds and who should decide what they were.

### GAC/Board meeting

Not as lively as the Board/GAC meeting at the last meeting in Lisbon. Then everyone was talking about .xxx; this time they were discussing new top-level domains that have yet to appear -- internationalized domain names (IDNs) and new gTLDs just around the corner. They also spoke at length about ICANN's accountability and transparency.

### Fellowship programme

A presentation from ISOC's Sebastian Bellagamba outlined on the role and potential of the Internet Society. ICANN's strategic planning process was covered and the fellows discussed the major challenges facing ICANN for the next 3-5 years: IPv6 and IPv4 scarcity, DNS security, capacity building, botnets and translation.

## ANNOUNCEMENTS

ICANN signed two new accountability frameworks with ccTLDs: Puerto Rico was represented by Oscar Moreno; and Simon Greaves represented Fiji. There are now 28 countries that have signed ccTLD agreements (see them all at <http://www.icann.org/maps/cctld-agreements.htm>).

Sign up for ICANN newsletters: <http://icann.org/newsletter>

2.6.8 ICANN San Juan Meeting Daily  
Newsletter, 25 June 2007

<http://sanjuan2007.icann.org/files/sanjuan/thu28jun07.pdf>



# Thursday 28 June

**SUMMARY** Thursday is usually dominated by the Public Forum. This time a few events might give it a run for its money. The North American RALO signing will mark the end of a long process to get global organisations feeding into the At-Large Advisory Committee; the Internet Governance workshop will see ICANN's role in the wider world discussed and reflected upon; and there will be a bus heading to the University of Puerto Rico for a "Geeks and Greeks" discussion at 1pm.



Bernard Turcotte, Milton Mueller, Jon Nevitt and John Jeffrey on stage

## TODAY'S MAIN MEETINGS

### Public Forum

Time: 8:30

Room: San Geronimo

The end-of-meeting public forum. All views welcome.

### North American RALO signing

Time: 12:00

Room: San Geronimo

The final piece of the RALO global jigsaw will be signed on stage.

### Internet Governance workshop

Time: 12:15

Room: San Geronimo

A discussion about how ICANN should approach the IGF's discussion of "critical Internet resources" in November.

### At-Large Policy Priorities Discussions

Time: 14:00

Room: Tropical C

If you want the complex issue of IDNs boiled down in under an hour, this is your meeting.

## WHAT HAPPENED YESTERDAY

### GNSO Forum and Council meeting

Registry contractual conditions were the first topic in both the forum and council meeting of the GNSO. A group was set up to gather more information on domain tasting, with the expectation of a policy development process (PDP) starting in September. Then came an issues report on handling protected names and abbreviations. The Council decided ICANN staff should suggest a dispute resolution procedure for new gTLDs, and gave a three-month window.

### Accountability and Transparency workshop

A review of ICANN's new principles for improving the organisation's accountability and transparency focused on organisational changes that ICANN needs to make to be fully accountable. A "bylaw bingo" quiz and unconventional discussion approach elicited some interesting discussion between Board members and long-term ICANNers. The new information disclosure policy was also discussed.

### Fellowships

The ICANN Fellows discussed DNSSEC and translation, while Board member Susan Crawford shared some ICANN stories, including the organisation's founding myths and controversies in the past and today. ICANN's Ombudsman Frank Fowle gave an overview of his position.

### Freedom of Expression workshop

The issue of constraints to be placed on the creation of new generic top-level domains, especially those considered sensitive or offensive, has caused plenty of debate over which rules to apply and how, or whether any such constraints were a restriction of free speech.

It was clear consensus is some way off, especially since no one really knows what will happen when the Internet registry market is liberalized next year. Expect the discussion to continue at future meetings.

### French and Spanish Strategic Plan consultations

The Internet's non-English-speaking communities reviewed ICANN's Strategic Plan before moving on to discuss the broader issues. Involvement in ICANN for those that aren't native English speakers remains an issue, as does effective translation of ICANN documents.

### ASO information session

Three presentations that covered the current state of the Internet's number resources, the PDP followed in the addressing community, and current policy proposals were applauded for bringing new participants up-to-date with the addressing world.

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2.6.9 ICANN San Juan Meeting Daily  
Newsletter, 25 June 2007

<http://sanjuan2007.icann.org/files/sanjuan/fri29jun07.pdf>



# Friday 29 June

**SUMMARY** The final day of the meeting comprises one event – an open Board meeting held in the main room from 8.30am and lasting up until 1pm, depending on the amount of discussion between Board members. Initial registration figures show around 1,000 people turned up to ICANN's 29<sup>th</sup> meeting, making it the biggest ever turnout. Attention now turns to the 30<sup>th</sup> meeting, to be held in ICANN's home town on Los Angeles. See you all on 29 October.



The queue for comments at the ICANN Public Forum

## TODAY'S MAIN MEETING

**Public Board meeting**  
Time: 8:30  
Room: San Geronimo

### Agenda

- ◆ Approval of 18 June 2007 Board Minutes
- ◆ Discussion and Approval of 2007-2008 ICANN Budget
- ◆ Election of New Chief Financial Officer
- ◆ Consultation on Operating Principles and Frameworks for Transparency and Accountability
- ◆ COOP Renewal Sponsor Agreement
- ◆ TEL ICANN Fee Amendment
- ◆ Report: Protections for gTLD Registrants
  - ◆ Registrar Data Escrow Program
  - ◆ Registrar Accreditation Agreement Amendments
  - ◆ Registry Fail-over
  - ◆ Contractual compliance
- ◆ Global Policy Proposals on AS Numbers and remaining IPv4 Allocations
- ◆ Adoption of IANA Root Zone Procedures for Evaluation IDN Deployment
- ◆ Board Committee Work and Other Business
  - ◆ BGC's GNSO Review

## WHAT HAPPENED YESTERDAY

### ICANN public forum

A change in the format saw the presentation of reports replaced with a more informal summing-up, leaving more time for public discussion. The opportunity was seized upon by a long queue of individuals who covered the main topics of the meeting: new gTLDs, IDNs, registry and registrar contracts and ICANN's transparency and accountability as well as IPv4 address exhaustion.

### Geeks and Greeks: A Dialogue on Technology, Policy and the Internet

ICANN chairman Vint Cerf, CEO Paul Twomey and SSAC chairman Steve Crocker spoke to a packed lecture hall at the University of Puerto Rico's Law School. Vint Cerf spoke about the early days of the Internet and what it has now become – plus the challenges for the future. Paul Twomey outlined the global economic impact that the Internet was having and where it was going. A question-and-answer session covered the thorny issues of privacy, crime and abuse of the Internet's systems.

### Internet governance workshop

A panel moderated by Markus Kummer of the Internet Governance Forum (IGF) reviewed the issue of "critical Internet resources", which will be a main topic at the IGF's meeting in Rio in November. A range of perspectives of what the term meant and which elements would be most usefully addressed at the IGF were presented.

### Fellowships

The ICANN Fellows discussed the issue of root servers, with ICANN CTO John Crain giving a presentation and answering questions. Web developer Marc Salvatierra spoke about the evolution of the ICANN website and plans for the future. And general manager of public participation Kieren McCarthy outlined his role in the organisation.

### At Large priorities meeting and committee workshop

A lively meeting saw At Large provide a bird's-eye view of internationalized domain names, plus French government representative Bertrand de la Chapelle gave a personal insight into the work of the GAC.

### North American RALO signing

The final RALO was agreed and signed on stage by Paul Twomey and 10 representatives covering Canada to Puerto Rico via Hawaii.

## ANNOUNCEMENTS

ICANN signed an accountability framework with the Netherlands' .nl registry; a public consultation process was announced to cover ICANN's Strategic Plan; and IANA unveiled its new website.

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2.6.10 ICANN Los Angeles Meeting Daily  
Newsletter, 29 October 2007  
<http://losangeles2007.icann.org/files/losangeles/mon29oct07.pdf>



# Tuesday 30 October

**SUMMARY** Tuesday is "Constituency Day" where the different elements of ICANN's supporting organisations hold their own meetings to discuss the latest developments and their positions on matters likely to be raised later in the week. With the exception of the Governmental Advisory Committee, they are open to observers. The evening will see the Gala event at the Sony Studios with a special tribute to Vint Cerf. Tickets are limited to 800 so pick them up early at the registration booth..



John Kneuer

## TODAY'S MAIN MEETINGS

### ALAC/ Board meeting

Time: 9:00

Room: Century A/B

The agenda was not settled at time of going to print, but with a wealth of topics to hand this meeting should prove interesting.

### ccNSO members meeting

Time: 9:00

Room: Los Angeles Ballroom

The country code organisation has to decide what it plans to do with the issue of Internationalized Domain Names.

### Intellectual Property Interests

Time: 14:00

Room: Newport B

Almost certain to be about the lengthy new gTLD meeting yesterday.

### GAC meeting with the Board

Time: 16:45

Room: La Jolla Ballroom

Always a meeting worth popping your head into. Expect IDNs and new gTLDs to head the agenda.

## WHAT HAPPENED YESTERDAY

### Welcome Ceremony

The special guest of honor this year was Assistant Secretary of the Department of Commerce for the United States government, John Kneuer. Aside from discussing Vint Cerf's role in ICANN and thanking him, Kneuer took the opportunity to announce that the US government would soon be opening a "Notice of Inquiry", or public review, of ICANN in which he encouraged all those interested to participate and send in their views. That inquiry will form part of the mid-term review of the ICANN Joint Project Agreement in March 2008.

### President's report

Given by president and CEO of ICANN, Paul Twomey, the report covered the latest progress at ICANN. Twomey spoke about ICANN's Strategic Plan and noted a recent trend in interest from the non-technical community - mainly governments, corporations, and private users, and their key concerns about the security and stability of the Internet. Other topics included the current beta testing of internationalized domain names; the accountability and transparency frameworks; and stressed the importance of that day's meeting of the GNSO covering new gTLDs.

### GNSO workshop on new gTLDs

A monster six-hour meeting, split into three sessions covered the past two-and-a-half years' worth of work carried out by the GNSO on the introduction of new gTLDs.

The meeting received widespread plaudits as the highly complex and, on occasion, controversial subject was dealt with methodically, openly and with a significant amount of public participation both within the meeting and online.

Special briefing papers covered the recommendations that had been made in an earlier report by the GNSO. The papers made the material accessible and, as a result, a well-informed and lively debate raged. What became clear over the course of the meeting was the amount of work and subsequent careful compromises that had been arrived at during the lengthy process.

Inevitably however there remain issues of dispute, in particular two of the recommendations, 6 and 20, about how the actual system for new gTLDs should actually work. Meanwhile the largest hurdle in the process still remains - devising and dealing with real-world implementation plans for the final recommendations.

## MEDIA COVERAGE

*ICANN moving to independence:* The Australian

*Internet Pioneer Leaves Oversight Group:* Associated Press

*Internet founding father steps down from ICANN:* CBC.

*Cerf Has 5 Books to Write:* Associated Press

*ICANN focuses on international domains, security:* The Line

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# Monday 29 October

**SUMMARY** Welcome to 30<sup>th</sup> meeting of ICANN, held at the LAX Hilton in Los Angeles. Registration opened on Sunday morning, adding to the 895 pre-registrations. It is expected to be ICANN largest ever meeting. And for good reason: two of the biggest issues ever to strike the domain name system – Internationalized Domain Names (IDNs) and new generic top-level domains (gTLDs) – are high on the agenda. Plus of course the departure of Vint Cerf as chairman after nine years at the head.



## TODAY'S MAIN MEETINGS

### Welcome Ceremony

**Time: 9:00**

**Room: International Ballroom**

All are welcome to attend the opening of the 30<sup>th</sup> meeting of ICANN. It will be formally opened by Assistant Secretary of the NTIA, John Kneuer. Followed by the Public Forum

### GNSO Improvements Workshop

**Time: 11:00**

**Room: International Ballroom**

A chance to review suggested changes to the structure of ICANN's main policy body.

### New gTLDs workshop

**Time: 13:00**

**Room: International Ballroom**

A lengthy six-hour session, but one that hopes to cover years of determined and considered work on how to expand the Internet through new registries.

### Welcome cocktail

**Time: 19:00**

**Room: Pacific Ballroom.**

## WHAT HAPPENED YESTERDAY

### GAC / ccNSO joint meeting

The ccNSO and GAC met in a joint session to discuss the impact and policy that extending the domain name system to thousands of languages may have on the those running different countries' Internet registries.

The ccNSO outlined where it is with the issue as an organisation and shared the results of an IDN survey with the GAC prior to official publication on Tuesday. The GAC responded by outlining their opinions and concerns regarding a suggested "fast-track" approach. One of the ongoing issues is how to treat countries - for example India - where a range of languages are spoken. At the moment the model effectively assumes every country only possesses a single formal language.

The two groups also discussed the ccNSO Council's recent request for an Issues Report concerning the selection and delegation of IDN ccTLDs associated with the ISO 3166-1 two-letter code list.

### IPv6 workshop

Two IANA workshops focused on the issues of IPv6 from different perspectives. The first looked at the policy issues surrounding IPv6 deployment with presentations from Paul Wilson of APNIC; Mark McFadden of BT (on behalf of ETNO); and Joel Jaeggli of Nokia. There was vigorous discussion of the issues surrounding IPv4 depletion and the possibility of a trading market in IPv4 space.

The second session looked at the technical issues seen in IPv4 deployment and saw presentations from Takashi Uematsu of NTT West; Jay Daley of Nominet; and Dave Piscitello of ICANN's SSAC. The discussion focused on the issues surrounding IPv6 deployment, particularly the security issues.

### GNSO / GAC joint meeting

The GNSO gave presentations on ongoing work regarding dispute resolution for international inter-governmental organisations (IGOs), and domain tasting. Both topics may be launched as formal policy development processes (PDPs) at the GNSO Council meeting later this week. An update was provided on Whois and the OPoC approach, with discussions on suggestions for studies.

The GAC updated the GNSO on their discussions regarding the way conflicts between Whois and national laws will be addressed, and clarified a few matters with respect to it. The GNSO then outlined its draft comments on the issue of ccTLD IDNs

## MEDIA COVERAGE

The Associated Press released a profile of Vint Cerf which has been reprinted in newspapers across the world. "The bad news is we're not going to find another Vint," Steve Crocker was quoted as saying. "We're now going to go through a period where ordinary mortals are managing things."

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2.6.11 ICANN Los Angeles Meeting Daily  
Newsletter, 30 October 2007  
<http://losangeles2007.icann.org/files/losangeles/tue30oct07.pdf>



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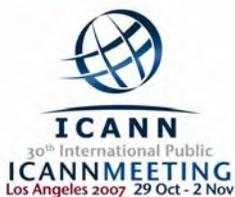
*Internet founding father steps down from ICANN:* CBC.

*Cerf Has 5 Books to Write:* Associated Press

*ICANN focuses on international domains, security:* The Line

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2.6.12 ICANN Los Angeles Meeting Daily  
Newsletter, 31 October 2007  
<http://losangeles2007.icann.org/files/losangeles/wed31oct07.pdf>



# Wednesday 31 October

**SUMMARY** Wednesday is supporting organisation and workshop day. The GAC spends all day drawing up the rough draft of its communiqué; the GNSO Council makes its decisions; the other supporting organisations get down to discussing what they had drawn up the day before; and the broader views of ICANN's work are discussed in public meetings. A run of three big meetings take place in the afternoon in the main room: a discussion of the IGF, review of new accountability framework, and translation.



## TODAY'S MAIN MEETINGS

### GNSO Council

**Time:** 8:30 – 12:00

**Room:** International Ballroom

Big decisions for the GNSO Council covering new gTLDs, domain tasting, IDNs, and more...

### IGF Workshop

**Time:** 13:00

**Room:** International Ballroom

Discussion of next month's Internet Governance Forum in Rio

### Translation workshop

**Time:** 14:00

**Room:** International Ballroom

A review of ICANN's multi-lingual efforts, and a look forward to future improvements and changes

### Strategic Plan, and Accountability and Transparency Frameworks

**Time:** 15:30

**Room:** International Ballroom

Open review and discussion of the two most important documents on ICANN and how it operates as an organisation.

## WHAT HAPPENED YESTERDAY

### At Large meetings

Growing pains appeared at the ALAC meeting when representatives of the regional at large organisations (RALOs) accused the Committee of being poor value of money and operating badly. They then proceeded to list a number of ways in which they intended to keep the Committee members to account.

This soon gave way to some constructive dialogue however. Statements were produced on gTLDs and IDN questions, and a resolution passed in favour of an IDN fast-track. ALAC requested more resources from ICANN.

### Board meeting with GAC

As ever, an interest and topic-filled meeting. GAC chair Janis Karklins strongly hinted that the GAC wants to be involved in all policy decisions regarding IDNs – including the so-called "fast track".

A thoughtful paper on accountability of ICANN was produced by the vice-chair in his role as a Canadian representative. ICANN shouldn't be held to account to the same degree as government officials, it argued, but there need to be more independent checks on the organisation – including a stronger role for the Ombudsman and greater understanding of Board decisions. The US representative requested more staff support and legal research to be carried out by ICANN in order to improve understanding of Whois.

### ccNSO meetings

Unsurprisingly, the main order of the day was Internationalized Domain Names. The ccNSO has put itself at the heart of the debate recently and it is still grappling with the issues, although there was a general feeling after the meeting that members had a much better and deeper understanding this time around. There was also a lot of discussion about DNSSEC. Country code managers appear to be broadly in favour, but some concerns remain, including complexity, fraudulent use and likely demand.

### Registry constituency meeting

A wide-ranging meeting of the registries, saw a significant amount of time devoted to discussion of changes in the GNSO. But, of course, Internationalized Domain Names (IDNs) were also a hot topic. There was also an interesting discussion about what the Internet world will look like and how it will function with a large expansion of top-level domains. The arrival of large numbers, potentially hundreds, of new registries in the next few years is going to have a huge impact on this constituency.

### IP constituency meeting

The meeting highlight was lively debate over the merits of a proposed UDRP process specifically for international intergovernmental organizations (IGOs). There was support for granting them special status, as per WIPO-2 recommendations. The IPC's suggested approach permits IGOs to challenge registrants whose domains are "identical or confusingly similar" to their names or abbreviations. There were mixed opinions about whether to approve the idea.

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2.6.13 ICANN Los Angeles Meeting Daily  
Newsletter, 1 November  
<http://losangeles2007.icann.org/files/losangeles/thu1nov07.pdf>



# Thursday 1 November

**SUMMARY** Thursday is dominated by the Public Forum. It should be a lively affair. A number of big policy issues have cropped up at the Los Angeles meeting, including Internationalized Domain Names (IDNs), new generic top-level domains (gTLDs), IPv6, ICANN's Strategic Plan – outlining the organisation's path forward – as well as the review of a set of new Accountability and Transparency principles. Plus of course it will be the last time that Vint Cerf chairs an open forum. Expect noise and laughter.



Vint Cerf at his Tribute event

## TODAY'S MAIN MEETINGS

### Public Forum

**Time: 8:30**

**Room: International Ballroom**

A full rundown of what ICANN has been accomplishing since the last meeting. Reports from the different supporting organisations and advisory committees, plus the various internal ICANN committees, an update on IDNs and the Ombudsman report. This will be followed by a public meeting open to all to express their views on anything that has happened this week, or that will concern ICANN in the future.

### ALAC secretariats joint meeting

**Time: 13:00**

**Room: Plaza A**

A review of ALAC's work over the week.

### GNSO Council Discussion of Input from Meetings

**Time: 14:00**

**Room: Carmel Room**

A summary and review of all the GNSO work during the week.

## WHAT HAPPENED YESTERDAY

### ccNSO meeting

A very productive meeting. The ccNSO Council will recommend to the Board that an IDN working group be set up to propose how to add a limited number of country code internationalized domain names (IDN) in a short timeframe – the so-called IDN fast-track.

At the same time it also recommended that no “names or meaningful abbreviations” that refer to a territory (as defined by the ISO 3166-1 list) be used as a gTLD in all scripts, including ASCII, and recognised languages. The Council also adopted a self-selection mechanism for itself regarding where territories fit into a given region. The current assignment is based on citizenship and approval of the relevant government. The ccNSO also picked up two new members: Serbia and China.

### GNSO Council

A complex gathering of ICANN's main policy body. It approved opening a policy development process (PDP) on the issue of domain name tasting. The seemingly never-ending issue of Whois was tackled and the result was that the Council decided to take on an independent third-party to review what the consequences would be to changing the Whois.

The Council decided not to follow a suggestion that it formally review the issue of international intergovernmental organisations (IGOs) and whether their domain names should be protected. But it noted there was nothing to stop people self-organising and study the issue on their own.

### Translation meeting

After a slow start, the meeting to discuss ICANN's multilingual approach drew some passionate comments from non-English speaking members. A Chinese and Spanish speaker (ALAC and Board respectively) expressed how much they enjoyed being able to express themselves in their own language. There were some fears about the cost of a new translation policy, being devised by an independent expert ICANN has hired, and who was present. Practical issues did not make it to the discussion but there was a general feeling that the meeting was a good first step.

### Strategic Plan, and Accountability and Transparency Frameworks

A free-flowing and open discussion about where ICANN is headed. Packed with ICANN heavyweights, the meeting was thoughtful and thought-provoking – although really for those interested in the organisation itself, rather than the work it produces.

### ALAC workshop on the RAA

An impressive effort to explain the impact of changes in registrar contracts on average Internet users. In general, the meeting was very supportive of existing systems, and the policy of third-party rating of registrars was endorsed. There were a few suggestions for improvements: different enforcement measures, better monitoring of compliance; tighter accreditation.

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2.6.14 ICANN Los Angeles Meeting Daily  
Newsletter, 2 November 2007  
<http://losangeles2007.icann.org/files/losangeles/fri2nov07.pdf>



# Friday 2 November

**SUMMARY** The final day of the meeting comprises one event. Since it is the annual meeting, there will be not one but two Board meetings. The first will be as usual – the Board discussing the issues and making decisions on the work put before it. That meeting will then close and the new Board members will take their places and hold a second meeting – with the most important agenda item being the vote for a new chairman. Then it will close and preparations will begin for Delhi in February. See you there.

## TODAY'S MAIN MEETINGS

### Board meeting

Time: 8:30 – 13:00

Room: International Ballroom

### Meeting A

1. Approval of minutes
  2. Discussion on Strategic Plan
  3. Update on IDNs
  4. GNSO Improvements
  5. Independent Reviews
  6. Contractual Conditions PDP
  7. Review of proposed ALAC
- Bylaw changes
8. ccNSO Region Reform
  9. Update on Whois
  10. Discussion of new gTLD policy and implementation
  11. Approval of SSAC
- Nominations
12. Board Finance Committee
  13. Discussion of MoUs with Regional and International Organizations (CITEL, CTO)
  14. .museum contract change
  15. Registrar Data Escrow
  16. Other Business
  17. Acknowledgements and thanks

### Meeting B: (New Board)

1. Election of Chair
2. Election of Vice-Chair
3. Appointment of committee leadership/membership
4. Confirmation of Officers of ICANN
5. Other Business.

## WHAT HAPPENED YESTERDAY

### Public Forum

As usual the public forum started with ICANN's internal committees providing updates on their work, followed by a series of reports on current topics. The Ombudsman delivered his annual report; there was an update on IDNs, the Strategic Plan, and the NomCom review, followed by a short public comment period.

After that, all of the supporting organisations and advisory committees outlined what progress they had made during the course of the week and raised any concerns or issues they had.

Finally an update on the GNSO improvement process and independent reviews was provided; a report on registrant protection given, and the floor was then opened to comments.

All of the presentations, and the transcript of the session, can be found on a single meeting webpage at: <http://losangeles2007.icann.org/1nov/public-forum>

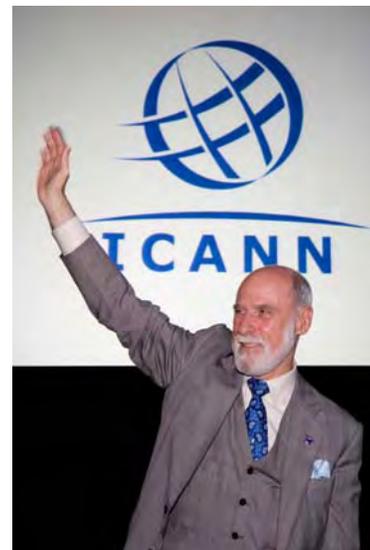
**Wolfgang Kleinwachter** suggested ICANN do some outreach to help people find out about the Nominating Committee; asked why the Board didn't react when the ALAC chair suggested a "users summit" at the Paris meeting, arguing it would be a great signal to governments. **Vint Cerf** suggested a joint meeting with ISOC.

**Milton Mueller** focused on the "keep the core neutral" campaign he is a part of. He expressed concern about ICANN's "attempt to impose standards of morality and public order" on new gTLDs.

**Adrian Kinderis** was disappointed by attendance at the new gTLD workshop by Board members (four said they were there for the entire event). He complained about the cost of hotel rooms in Delhi and praised the ICANN meeting website.

**Chris Ambler** asked about the status of his application for .web in light of the new gTLD process. ICANN's general counsel **John Jeffrey** said ICANN would review the situation with regard to rights over gTLDs applied for in the past. Brett Fausett raised the same concern over the .iii application.

**Mike Rodenbaugh** discussed GNSO improvements and raised the "800-lb red herring" of reduced value in voting in ICANN's main policy body. **Phil Corwin** agreed with proposed changes to the RAA but complained about the number of closed meetings that the GAC had held this meeting. Vint Cerf argued that the GAC has opened up more than ever before. *Other comments were made.*



2.7.1 Introduction to ICANN Fact Sheets on  
the ICANN Blog; Factsheet: DNS attack  
<http://blog.icann.org/?p=37>

# ICANN Blog

Internet Corporation for Assigned Names and Numbers

---

« [RegisterFly Site Back Up](#)  
[International Women's Day](#) »

## Factsheet: DNS attack

March 8th, 2007 by Kieren McCarthy

Today ICANN posted [the first](#) [pdf] in what we hope will be a series of factsheets that will help explain various elements of ICANN's mission as well as wider, technical aspects of the Internet.

The aim and intention is very clear: many of the issues that affect the Internet are quite technical and as a result are not well understood. Since the Internet is of such importance, and since ICANN believes that the best decisions over the Net's future path will derive from wide and open discussion by all interested parties, the hope is that a series of factsheets written in plain English will improve that discussion and encourage involvement.

This [factsheet](#) hopes to serve several different ends: provide some timely information on the 6 February 2007 attack on the root server system; correct some misunderstandings about the root servers; act as an information resource for future referral; explain how the Internet is protected and by whom; outline what the attack was and how and why it happened; and lastly, look forward to what can be done to help tackle such attacks in future.

The factsheet has been produced by ICANN, and has ICANN's masthead on it, but the information has been compiled and written with the wider Internet community in mind and as such we are releasing it under a Creative Commons licence. This means people are free to use it, copy it, add to it, do whatever they want with it, so long as a credit is given to ICANN, so long as people don't use the material to make money, and so long as whatever changes are made by others are also released under a Creative Commons licence.



In other words: spread it as far and as wide as you like. If people want to make different-language versions of the factsheet, we would be delighted to receive copies.

We have also compiled a tentative list of other topics we hope to cover in future, but if you feel particularly strongly that an area in which ICANN can claim a legitimate interest needs to be covered, please do add it in a comment below.

[\[Download\] Factsheet: DNS attack](#)

This entry was posted on Thursday, March 8th, 2007 at 4:53 am and is filed under [Participation](#), [ICANN](#). You can follow any responses to this entry through the [RSS 2.0](#) feed. You can [leave a response](#), or [trackback](#) from your own site.

[RSS feed](#) | [Trackback URI](#)

**16 Comments »**

*Comment by [George Kirikos](#)*  
2007-03-08 08:33:28

The timing of the report is perfect, as I just posted:

<http://gnso.icann.org/mailing-lists/archives/ga/msg06114.html>

Everytime I see these reports of “attacks”, my wallet starts to tingle, as the scaremongering seems to always result in later demands for “more money”.

I’ll take issue with 1 specific example of disinformation. On page 2, it says “In theory, if even one of the 13 root servers is up and running, then the Internet will continue to run unhindered as the directory will still be visible to the network.”

This is very misleading. Indeed, due to caching, the internet can function with only minor hiccups if ZERO root servers are up and running. The root zone file is very tiny. You can see a copy of it at:

<http://www.internic.net/zones/root.zone>

How long did that file take to load? Not long, since it is only 68 KBytes in size! And, if you ignore all the minor banana republic countries and TLDs, there really is much less “important” information in that 68 KByte file (i.e. due to Zipf’s law, see:

<http://nms.lcs.mit.edu/papers/dns-ton2002.pdf>

<http://www.cs.cornell.edu/people/egs/papers/codons-prenanog.pdf>

[http://en.wikipedia.org/wiki/Zipf's\\_law](http://en.wikipedia.org/wiki/Zipf's_law)

i.e. for most people, .com, .net, .org, .gov, and a few major ccTLDs matter most).

What’s really important is what happens when the “cache” is stale (i.e. the time-to-live (TTL) of the data has expired). Using a telephone book analogy, the “TTL” is related to “how often you should check to make sure that a phone number has changed.” DNS itself can be considered like a hierarchical directory of phonebooks, i.e. the root is the directory of addresses of where to find the white pages for each country (or city), all the way down to the local city phonebook which is typically published once per year.

Of course, with DNS, the “TTL” is typically a lot less than the 1 year of physical phonebooks. However, this notion that the internet “breaks” if zero root servers are available is like saying that the telephone system will break if you don’t get a copy of this year’s phonebook.

An expired cache is similar to using the 2006 phonebook, instead of the current 2007. If you look up my phone number in 2006’s phonebook, or even 2005’s whitepages, you’ll be fine, as the number is the same as it for me in 2007. For a few people, though, the number will be incorrect. In a DNS context, thus, having expired cache data need not be greatly costly. For example, the IP address for ICANN’s website has been the same for the past 2 years:

<http://whois.domaintools.com/icann.org>

IP History: 1 change. Using 1 unique IP address in 2 years.

I suspect you’ll find ICANN’s website at 192.0.34.163 tomorrow, and the day after that too...these things don’t change very often.

For its nameservers: NS History: 6 changes. Using 3 unique name servers in 6 years.

Our pals at VeriSign:

<http://whois.domaintools.com/verisign.com>

IP History: 1 change. Using 1 unique IP address in 2 years

NS History: 2 changes. Using 2 unique name servers in 5 years.

So, what \*really\* matters is how often the data in the root zone file changes. That will determine how

[Reply to this comment](#)

*Comment by [Kieren McCarthy](#)*  
2007-03-08 10:22:21

You have to be kidding me, George.

How on earth do you connect a factsheet about the 6 Feb DNS attack to some ill-defined conspiracy about control of the root zone?

This is about giving people a clear, concise explanation about how these foundational systems work and you're running around with an aluminium hat on rambling incoherently about people inducing fear while munching on caviar.

Why couldn't you just have said: "I think the next factsheet you do should be on IANA." ?

Kieren

[Reply to this comment](#)

*Comment by [Dr Eberhard W Lisse](#)*  
2007-03-12 05:43:17

George,

and you run which TLD?

el

[Reply to this comment](#)

*Comment by [Stéphane Bortzmeyer](#)*  
2007-03-08 08:58:36

George Kirikos, between two despising comments against "banana small countries" suggested that every ISP keeps a copy of the root zone file, to be able to sustain a long failure of the root name servers. (Or even to be able to work without root name servers.)

The issue with this scheme is **not** the size of the root zone file (which is indeed quite small because of ICANN's very restrictive policies). The issue is ensuring it is up to date. I just witnessed a name server which was using this method and still serving the root zone file of 2004! ".eu" or ".mobi" were not in it. The cron job which refreshed it simply stopped working and nobody noticed.

Having zillions of stale copies of the root zone file spreaded in many places is certainly not going to help when debugging DNS problems.

If we examine the situation with bogons list, or BGP filters, we can worry a lot: stale data used for many years without a way to change it is an actual plague in many organizations.

[Reply to this comment](#)

*Comment by [George Kirikos](#)*  
2007-03-08 09:59:17

Of course fresh data is preferred to stale data, that's obvious. Presenting it as though those are the only 2 choices is misleading, though. They are not the only choices.

**If ALL** the root zone servers went down, and one had the **choice** of saying “the internet is down for today, stop using it” or had the alternative of “let's use the zone file from 30 minutes ago or 2 hours ago or yesterday, or even 2 days ago, that we had cached”, most folks would go with the latter. Furthermore, if everyone knew that the root servers were down, most TLD operators would be smart enough to decide that this was not a great day to renumber their networks! 😊 And if folks knew that the zone file used by the root servers only changed once in the past month, yet one's local copy of it was last cached 7 hours earlier, one knows that it doesn't matter if the root servers are down, because even if they were up, their query results would be 100% identical.

If ICANN wants to publish how often and by how much the root zone file changes, and which TLDs are changing the most, to counter my argument, they should go ahead. Those are real world stats that would be very educational.

Indeed, if part of ICANN's mission is to promote the security and stability, this would be consistent with having a relatively small zone file that is not dynamically changing every 10 seconds at the whim of the operator of .greed or .anotherTLDwedontneed or .myvanitytld. This means FEWER TLDs, not more. If there were thousands of TLDs, we'd have a large root zone that is harder to mirror/distribute and that could get stale very quickly.

[Reply to this comment](#)

*Comment by [George Kirikos](#)*

2007-03-08 10:15:18

By the way, the fact that “nobody” noticed that the zone file hadn't been updated since 2004 strengthens my argument. If one didn't add the new TLDs (like .mobi or .eu), probably one wouldn't have noticed (i.e. had no major problems) even longer. A 2004 telephone book is almost as good as a 2007 one.

[Reply to this comment](#)

*Comment by [George Kirikos](#)*

2007-03-08 10:50:12

What are you talking about, Kieren? I talked about coming price increases. “Ill defined conspiracy about control of the root zone” is indeed VERY ill-defined — it is UNDEFINED, sheesh. I’ve never disputed ICANN’s control of the root zone.

As to scaremongering to justify price increases or other things people want, if you’ve not seen it before, you’ve not been watching closely enough. I gave the example of WLS earlier. Let’s see, you actually wrote an article about this in The Register in 2002:

[http://www.theregister.co.uk/2002/07/18/internet\\_monopoly\\_alert/](http://www.theregister.co.uk/2002/07/18/internet_monopoly_alert/)

where in an aside you wrote “And, that VeriSign is still under investigation for using underhand **scare tactics** to force people to renew domains with itself over competitors.” That’s your example of VeriSign’s use of scare tactics (my emphasis was added). Scare tactics are common in this industry, from suggesting people need “Domain Privacy”, to the games played by those higher in the food chain.

Don’t be so naive to think that these “attacks” aren’t going to be used at some later date (sooner, rather than later) to attempt to justify more money, ultimately from consumers, while those employing the scare tactics laugh all the way to the bank. Scare tactics were used by registries to justify “presumptive renewal”, i.e. essentially permanent ownership of their TLDs. How many billions of dollars did consumers lose due to that scare mongering, that somehow the world would explode if we didn’t have competitive tendering of the gTLD operations?

When the 7% .com and 10% .net/info/biz/org price increases come along, “higher registry costs due to DDOS attacks” will most certainly be their main argument.

If you want to write another factsheet, why don’t you focus on providing some data as to the frequency and nature of root zone file changes, as mentioned in other comments? Or, heaven forbid, try to get some dollar figures to see how much DDOS attacks are costing — webhosting companies get DDOS attacks everyday, yet I see the price of webhosting FALLING, not rising, unlike domain names. I’m sure GoDaddy or other registrars who offer webhosting can educate you. Indeed, many webhosts offer DDOS protection at very low if not as a free add-on these days, due to the economies of scale and rapidly falling technology costs they’ve seen for anti-DDOS solutions.

[Reply to this comment](#)

*Comment by [Kieren McCarthy](#)  
2007-03-08 13:09:37*

Hey George,

My point was that you took a straight piece about the DNS attack and the root server systems to somehow launch into a wild and barely connected future conspiracy — extrapolation on acid.

I should apologise here - you ran foul of our spam removal software by writing too many comments in too short a period of time. This is classic spamming behaviour and the software, once it recognises an offender, then works retrospectively and removes other comments from that IP address.

So you triggered something and the software killed your comments but I’ve been through it manually and they should all now be back up.

Kieren

[Reply to this comment](#)

*Comment by John Crain*

2007-03-08 11:54:29

Somebody noticed,

What percentage of out of date data is fine with you George? Is it ok if the TLD under which your website, e-mail etc. operates no longer resolves for portions of the Internet?

Yes, I agree cache is an important factor here. What the fact sheet here eludes top is that as long as one of the root servers is answering effectively then people can update that information when their cached data expires.

You claim that the root-zone changes once a month?

The root-zone is publicly available so my suggestion to you would be to go do some research on that before making such statements.

The zone is published twice daily. Changes to nameserver records and related glue records are a regular thing.

[Reply to this comment](#)

*Comment by [George Kirikos](#)*

2007-03-08 12:44:38

[One of my past comments (replying to Kieren) was censored (labelled as “spam”) and still hasn’t appeared yet, so who knows if this one will appear either....]

John: I didn’t claim that the root zone changes once a month — I was doing a hypothetical, i.e. if the root zone had last changed X days ago, but one’s cache was recently updated Y days ago, and Y was less than X, then the results from using the cached copy would be 100% identical as the “live” copy, even if we weren’t within the actual TTL specified by the zone file. Sorry if I confused anyone by using made up numbers, instead of “X” and “Y”.

I don’t get paid to compile zone file diffs (if some researcher or staffer has the time, be my guest), but it should be fairly evident that most major TLD operators would not be changing their nameservers each and every 12 hours.....if they are, they shouldn’t be running that TLD. One can use [domaintools.com](http://whois.domaintools.com) to see how often nameserver changes are done by corporate websites (I already gave examples for [icann.org](http://icann.org) and [verisign.com](http://verisign.com) — as a third, <http://whois.domaintools.com/godaddy.com> reveals that GoDaddy had 2 unique nameservers in the past 3 years), i.e. 2nd level, below the TLDs, and I’m confident the 1st level (i.e. the TLDs themselves, that appear in the root zone file) change even less. It would be an odd network indeed if things changed more frequently as we moved UP the hierarchical DNS tree — that’s the opposite of stability. The most frequent changes will be at the bottom levels, not the top.

I’m glad we agree on caching. Of course if one root server is operating, the cached data can be updated. But, suppose they’re all down? Is it the end of the world? Probably not, since if the stale cache was used (i.e. like using a 2004 phonebook, instead of a 2007 phonebook), the odds are pretty good that you’ll likely still reach the person at the published number.

If BitTorrent, RSS, FTP, or other technologies are used, one could make the system even more resilient. e.g. one can imagine a version of bind or similar software that is caching the root that has pseudocode like:

“if all root servers are down, try to get fresher copy via FTP; if FTP fails, try HTTP; if HTTP fails, try BitTorrent, if BitTorrent fails (then the internet is probably really messed up!), try dialing the secret phone number to a hypothetical dialup system, given only to big ISPs; if the dialup fails, keep trying and notify administrator). Indeed, if the diffs were small enough, one could even publish them in newspapers (like the WSJ).

[Reply to this comment](#)

*Comment by John Crain*

2007-03-08 13:16:22

Whether the end of the world appears once all root-servers are down may depend on your view point. I'm sure that as operator of one of those servers my world will be pretty miserable.

The reason we have the the multiple servers and the anycast scenarios is exactly to prevent this scenario.

There is a theory that a signed zone (dnssec) may make local copies much more practical, although still the issue of ensuring that up to date data is used is still critical.

If there is a well published alternative mechanism, that will be just as subject to attack as the servers themselves and likely less easy to harden,

The good news from the recent attack is that even though gigabytes of extra requests were being sent to the servers the anycast solutions put into place by many of the operators were effective.

If you believe there is a better protocol/method for improving resilliency then I would suggest taking the time to write them in a document and publishing them through the RFC process.

[Reply to this comment](#)

*Comment by [Simon Waters](#)*

2007-03-09 05:44:32

The suggestion to move all servers to Anycast is not a logical conclusion to draw from the report.

Against this kind of attack Anycast is clearly very useful.

Had the attackers attacked say the Anycast routing protocol in some way rather than the root DNS servers, the result may have been quite different, and I'd now be arguing with should keep Anycast server because they are useful against DDoS attacks.

It is like concluding that because aircraft won the Battle of Britain, Britain no longer needs a Navy. Not having Anycast for some root servers is a diversity issue. This attack didn't suggest that diversity is bad. That will come when someone compromises one of the root servers 😊

I still believe that the root-server model is basically flawed. Root zone is a 20KB file compressed. If every caching name server were to grab a copy of this file from the root servers, a whole compressed copy every 2 days, and if there were 4 billion recursive name servers, then the total traffic would be similar in magnitude to this attack (4Gbps). Of course we have protocols that allow us to send only what has changed (ixfr, or rsync spring to mind), when it has changed. With that, and realistic figures for the number of recursive servers, one could retire most of the current root servers. With a digitally signed root zone file, we don't even care how it gets to the recursive servers, ICANN could get away with a copy of GNUPG, and a selection of dial-up accounts (in case one is down or attacked), and a peer to peer file transfer system, would be sufficient to fulfill the technical requirement of distributing the root zone file.

Slaving the root zone on recursive name servers is a performance win, and could be a security win if ICANN put a digitally signed copy of the zone somewhere accessible, since then people wouldn't have to rely on the integrity of the many root server operators, their servers, staff etc. Just the integrity of ICANN, their zone file, and their ability to keep the privates keys private, and strong cryptography. Much of which we have to rely on anyway for them to correctly update the existing root zone.

[Reply to this comment](#)

*Comment by [George Kirikos](#)*  
2007-03-09 06:58:38

Well said, Simon. I was thinking about this further last night, and assuming we kept the number of new TLDs reasonably small, so that the zone file doesn't explode in size to several megabytes (sorry new TLD advocates, we don't need 5000 new TLDs), conceivably root zone updates could be encoded in small brief satellite bursts, using frequencies like the global positioning system (GPS).

Hackers likely have little chance of taking down the global telephone system (although as it moves to IP over time, you never know). But, global satellites, sending out signed 20 KB burts every few hours — probably orders of magnitude harder to take down (unless the Chinese use their latest gizmos to knock down all the satellites, but if they did we'd have bigger things to worry about, like global thermonuclear war). Shortwave radio would be another alternative (whatever's most cost-effective).

By the way, was it wise for ICANN to explain in so much detail (i.e. the large packet sizes that were dropped) how the attack was blocked? Why not just publish a hacker's guide, "Yes, guys, please use random smaller packet sizes next time, to make filtering less trivial." Security by obscurity isn't great either, but perhaps be a little less giving until all the anycast systems are rolled out.

[Reply to this comment](#)

*Comment by [Search Engines W](#)*  
2007-03-10 01:24:28

Could you consider a future blog post - crediting the people who were responsible for implementing these safeguards and the scenario of how they were discussed?

This is of historical importance and should be documented

Thanx

[Reply to this comment](#)

*Comment by [Kieren McCarthy](#)*  
2007-03-10 04:45:05

There is traditional sensitivity about providing any information that might be used in a future attack, but yes I agree that this information is interesting and important.

I think a big chunk of it is that when you are doing a job you don't think to write down what you actually do in that job. Just getting on with it is enough.

I will ask about, see if the root server operators are willing to compile this - even if the information can't be released until a future date.

Kieren

[Reply to this comment](#)

*Comment by [John Crain](#)*  
2007-03-10 03:59:58

My suggestion to those who believe that they have solutions to improve the way the protocols work follow the practice that turns any idea into reality or not:

Write them down in a well thought through document that stands up to review.

The place for development of Internet standards of this type is through the Internet Engineering Task Force (<http://www.ietf.org>.)

A blog page is definitely not the place for documenting such things.

There are two relevant working groups at the IETF:

In the “Internet” area there is DNS extensions

<http://www.ietf.org/html.charters/dnsxt-charter.html>

In the “Operations and Management” area there is DNS operations:

<http://www.ietf.org/html.charters/dnsop-charter.html>

I look forward to reading the drafts when they are written.

I for one also look forward to seeing more people contributing. Remember that well thought out and documented solutions tend to get the most traction.

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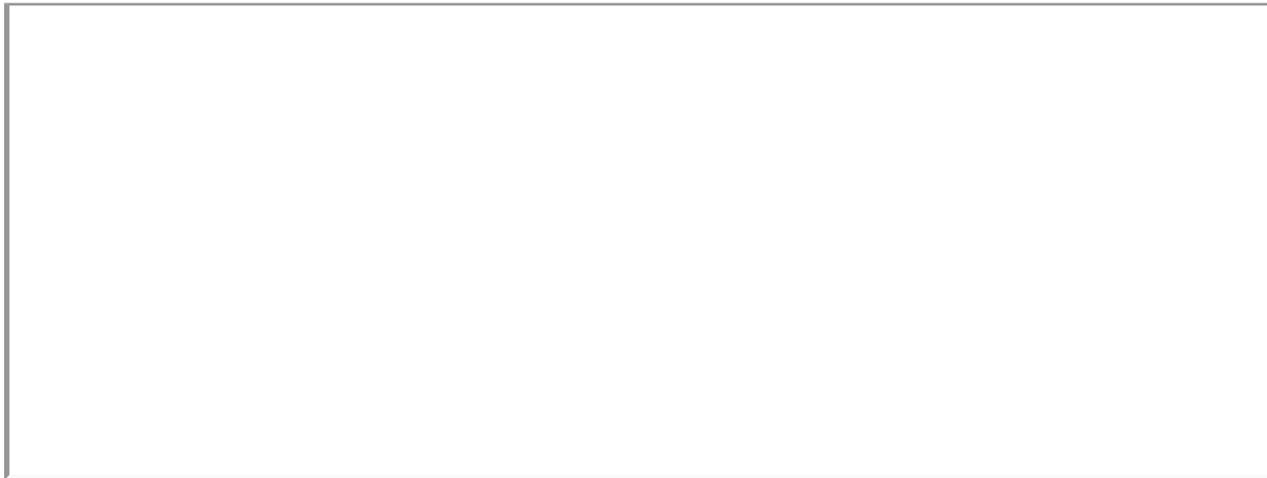
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## 2.7.2 Fact Sheet: Root Server Attack on 6 February 2007

<http://www.icann.org/announcements/factsheet-dns-attack-08mar07.pdf>



# Factsheet

## Root server attack on 6 February 2007

### Executive summary

- The Internet sustained a significant distributed denial of service attack, originating from the Asia-Pacific region, but stood up to it.
- Six of the 13 root servers that form the foundation of the Internet were affected; two badly. The two worst affected were those that do not have new Anycast technology installed.
- The attacks highlighted the effectiveness of Anycast load balancing technology.
- More analysis is needed before a full report on what happened can be drawn up. The reasons behind the attack are unclear.
- Root server operators worked together in a fast, effective and co-ordinated effort.
- Recommendations made last year for improving the security of the DNS still need to be followed through. Other measures should also be considered.

On 6 February 2007, starting at 12:00 PM UTC (4:00 AM PST), for approximately two-and-a-half hours, the system that underpins the Internet came under attack. Three-and-a-half hours after the attack stopped, a second attack, this time lasting five hours, began.

Fortunately, thanks to the determined efforts of engineers across the globe and a new technology developed and implemented after the last DNS attack of this size, on 21 October 2002, the attack had a very limited impact on actual Internet users.

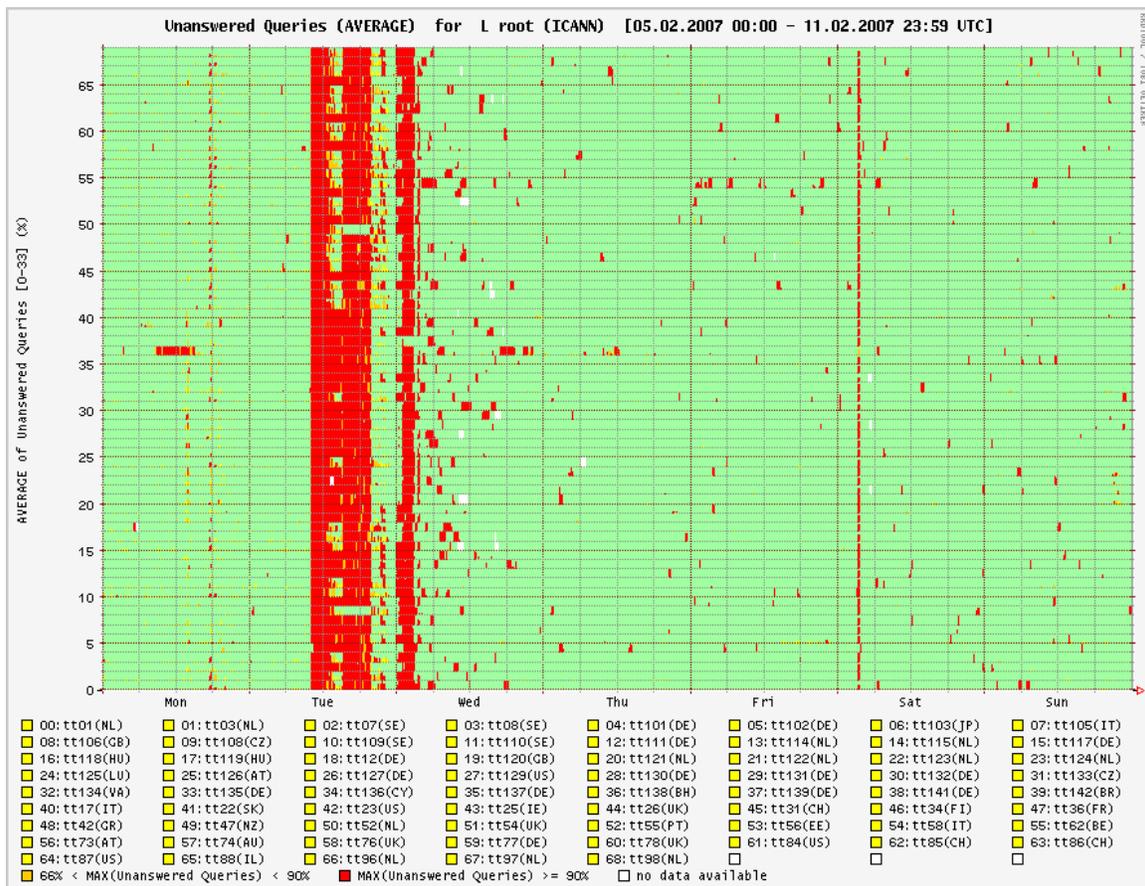
This factsheet provides the most important details of the attack and briefly explains how the domain name system works and the systems in place to protect it. It also outlines how such attacks are possible and discusses possible solutions to future attacks.

### What happened?

The core DNS servers of the Internet were hit with a significant distributed denial of service attack, or DDoS. In such an attack, billions of worthless data packets are sent from thousands of different points on the Internet to specific computer servers in order to overwhelm them with requests and so disrupt the smooth running of the Internet.

The Internet works by splitting up information into very small packets, and then appending a small amount of identifiable information so that the packets can be rebuilt at the other end. This approach is what makes the Internet so effective at sharing information. However, it is both possible to create false packets and to use the Internet's checking system—which makes sure that packets aren't lost along the way—to attack a specific spot on the Internet.

It is still too early to be sure of the exact method used—a meeting of root server operators in March will hope to gain a better understanding—but so far there are two broad conclusions: the attack originated from the Asia-Pacific region and the Anycast technology that was designed to deal with such attacks worked very effectively.



The attack on L-root in the week of 5 February 2007 (source: RIPE NCC dnsmon)

At least six root servers were attacked but only two of them were noticeably affected: the “g-root”, which is run by the U.S. Department of Defense and is physically based in Ohio, and the “l-root” run the Internet Corporation for Assigned Names and Numbers (ICANN), which is physically based in California.

The reason why these two were particularly badly affected was because they are the only root servers attacked that have yet to install Anycast (a further three root servers without Anycast were not attacked this time).

Even though it was a large attack, the new technology, combined with the speed, skills and experience learnt by root server operators over the years, helped to make sure that actual Internet users were not inconvenienced.

## What are root servers and why are there only 13 of them?

Root servers are the base on which the Internet’s naming system runs. Each server contains a copy of the same file, refreshed and replaced twice a day, which lists where on the Internet all the directories for top-level domains such as .com or .net or .uk can be found. The file itself is actually very small but

it acts as the Net’s definitive directory and without it, the single Internet that we enjoy now would be put at risk.

There are 13 servers dotted across the world that store this file (and they are named “A” through to “M”). The reason why there are 13 is due to the decision back in the very early days of the Internet to give a certain type of data packet (called UDP) a maximum size of 512 bytes. This 512-byte size provides just enough room to name 13 different places on the network (although they are represented by servers in 100 different places geographically).

Although it has since become possible to send much larger UDP packets, the speed, simplicity and universal acceptance of the 512-byte UDP packet has meant that retaining 13 root servers has been agreed on as the most secure way to underpin the Internet.

In theory, if even one of the 13 root servers is up and running then the Internet will continue to run unhindered as the directory will still be visible to the network. This theory was put to the test in October 2002 when an attack similar to the one in early February 2007 managed to swamped nine of the 13 servers. The Internet continued to run but it was a wake-up call for the

root server operators who immediately set about devising a system to improve stability.

The result was the roll-out of a new technology called Anycast. Anycast allows a number of servers in different places to act as if they are in the same place. So while there remains 13 locations on the network for root servers, the reality on the ground is that not only are there often dozens at one spot but dozens of servers in other locations that can also deal with requests. In the case of the f-root, there are no less than 42 different locations supporting the root server. This approach has two advantages:

1. The servers spread the load of an attack among themselves
2. The servers can be spread geographically around the world so if something physically happens at one location—for example an earthquake—then the root server itself can remain operational.

## What do you actually do when hit with a massive attack?

The operators of the servers that were hit by the attack were aware of it almost instantaneously. Because of the way the attack worked (where a command is given at the same time to a large number of computers to send data to the same place), it arrived like a brick wall, which immediately set off all the alarms built into the networks.

Engineers looked at the statistics for their servers and made a provisional decision over what the problem was. In this case it was clear almost immediately that it was a distributed denial of service attack.

There are two main ways to deal with such an attack: either try to suck up the queries by adding extra bandwidth and servers to the system to answer all the requests and so allow more legitimate queries through; or find patterns in the queries being sent and decide if those patterns can be used to filter the attacking traffic, either by stopping the source of the attack (by ignoring all requests from it) or working with those further upstream to filter their bad traffic.

Engineers in charge of the affected servers across the world used both methods at the same time, while also talking to one another and discussing methods to remove the bad data without affecting the normal information that continues to flow at the same rate as normal over the network.

In the case of an attack in February of 2006, engineers soon discovered that all the attack packets were larger than the 512-byte size and so simply blocked any packets larger than that.

Since most normal data packets are actually less than 100 bytes in size, the effect of stopping larger packets had virtually no impact on normal Internet users but managed to kill the attack, which at that point accounted for 99.7 percent of all the traffic in the system.

Root server operators have a wide range of emergency communication procedures in place, from established protocols and connections to secure chatrooms, right down to home telephone numbers of the most senior engineers, enabling them to share data and offer help. Data can then be compiled and analysed to learn from the incident and evaluate performance.

## What do you mean by queries?

This is a highly simplified but illustrative explanation of how the Internet works: you type in a domain name or a search term and your computer tries to find where in the world the information that relates to that data is. That data can in fact be anywhere on any computer anywhere in the world so long as it is connected to the Internet, so finding it requires a highly efficient address book.

The domain name system is that address book, translating easy-to-remember names into the harder to remember numbers that computers use as addresses.

When you type a domain name into a computer, such as “www.example.com”, your computer will ask (query) a known DNS server—usually provided by your ISP—for the number address of that site, called an IP number. If that server does not already know the answer, then it will enquire of the nearest matching name server that it knows. Even if it does not know anything about example.com, or even .com, all name servers know the addresses of the 13 root servers.

Those root servers contain pointers to all top-level domains, such as .com or .org or .info. The servers for .com will then know the information pointing to the name servers for example.com which in turn will be able to answer with the IP address of www.example.com.

All this happens extremely quickly and it is all based around a system where one server is able to query another. So when attackers try to stop a server from working, they simply send millions of requests per second for information in an effort to overwhelm the server.

The attacks can be enormous. In both the attack this February and the one last February, the amount of data being sent to specific servers was measured in some cases at 1Gb per second—which is roughly equivalent to receiving 13,000 emails every second, or over 1.5 million emails in just two minutes.

## Where did it come from?

All that can be said is that the attack traffic (data packets) came from the Asia-Pacific region. There was some speculation in the press that the attack originated from South Korea. This was educated guesswork since it is likely the attack originated from hundreds of individual computers that have been infected with a virus and controlled remotely by an attacker to send data packets to a specific location.

Compromised computers—commonly called “zombies”—are combined to form “botnets” which can then be directed as required. Botnets are most commonly created by conning ordinary consumers into opening something on their computer that appears to do nothing but which installs hidden software to be used later for an attack.

Because of the widespread availability of high-speed, always-on Internet access in South Korea, those seeking to create botnets from across the world often target citizens in the country as it is likely to yield a higher success rate. But while the logic may appear to be firm, the data is so far inconclusive as to where the attack came from.

It could just as easily have come from a number of different countries at the same time. It is even possible that the attack originated from outside the region and many of the Internet addresses that the attack appeared to come from had in fact been “spoofed” or faked. In fact, engineers are fairly sure that it did come from Asia-Pacific, but even so this does not mean that whoever was behind the attack is based in Asia-Pacific because they could just as easily triggered it from anywhere on the network, i.e., anywhere in the world.

## Why aren't all root servers using Anycast if it's so good?

This was in fact a conscious decision on the part of the root server operators. Common practice among Internet engineers across the globe is to make sure that the systems they use vary so that there is no single point of failure.

For example, many of the normal DNS servers that companies and even individuals run are built on top of Windows, but others are on Linux, some are on MacOS X, some are on NetWare, Unix, OS/2 and so on. They also use different software and different versions of the same software. Why? Because if everyone ran the same software on the same operating system, there is the risk that a specific security hole could take down the whole system. Running a wide variety hugely reduces that risk.

So it was with the Anycast system. There were some concerns that there might be a security risk in allowing a lot

of different servers to appear as if they were coming from the same place. And so just a few root servers tried the system first, tested it thoroughly and ironed out any bugs before the next set moved over.

With the Anycast technology apparently proven, it is likely that the remaining roots—D, E, G, H and L—will move over soon.

## Where are the root servers?

Due to the Internet's historical basis, 9 of the 13 root servers were originally based in the United States (with four in California). The four outside the country were based in Japan, the Netherlands, Sweden and the UK. However, with Anycast technology the situation has changed dramatically and now there are more root servers based outside the United States than within it. You can find over 100 root servers on every continent and in countries ranging from Australia to Venezuela.

## Do the root server operators talk to one another?

Yes. While each operator retains a large degree of autonomy, the operators meet regularly at Internet conferences. Most of the operators know one another personally and have developed close working relationships.

Over the years, the operators have developed a series of procedures and protocols to aid them in their work. Aside from having the contact details for server locations, they also have home telephone numbers of individual engineers in the case of an emergency. When an attack does appear, multiple lines of secure communication are prepared including telephones, chatrooms and instant messaging.

The group will then largely work together as a team, sharing information and identifying the problem areas. Those operators that are either not included in the attack or whose servers are holding up will offer their assistance, whether that be in analysing trends or reconfiguring equipment to help stave off the attack.

## Who's in charge of co-ordinating the root servers?

No one person or group is in charge of the servers or of co-ordinating their operators, although there are two committees that exist within the Internet Corporation for Assigned Names and Numbers (ICANN) that often review the situation and provide advice and occasional recommendations about the operational requirements of root name servers and their security. They are the Root Server System Advisory Committee (RSSAC) and the Security and Stability Advisory Committee (SSAC).

The RSSAC usually meets during IETF (Internet Engineering Task Force) meetings, and the SSAC usually meets during ICANN meetings.

## Why do people do attack the root servers anyway?

People's motives for attacking a system that they have clearly dedicated years to understanding is uncertain. It is widely believed that attacks on the domain name system are simply a result of the hacker mentality directed at a different target.

The technical challenge associated with bringing down some of the world's most heavily protected servers is certainly one explanation. The desire to say that you brought down the Internet is something that is likely to inspire a small group of individuals.

However, while it remains quite rare that the root servers themselves are attacked, there is a long history of people using the same techniques to target individual websites, sometimes for personal reasons, sometimes for political reasons, sometimes for financial gain.

More recently, with the expansion of e-commerce, denial of service attacks are being used by criminal gangs as a form of extortion. Gambling sites and banks have occasionally been the target of disruptive attacks and asked to provide payment in return for ending them. This in itself has created a market for botnets which can be hired or purchased from the individuals who have built them in order to direct an attack.

One possible explanation for the root server attacks is that they act as an advertisement for a particular botnet.

## What can be done to reduce the risk of such attacks in future?

There are various measures aside from strengthening the root servers that will aid in defeating future attacks on the DNS.

In a March 2006 report on the DNS attack of the previous month, the SSAC made three recommendations for counteracting such attacks:

1. That those running DNS server adopt "source IP address verification"—i.e., that they improve and tighten existing systems.
2. That root server operators—and those running country code top-level domains—draw up and publish their countermeasure policies, respond quickly to queries, and act quickly to add servers back into the system if the owner shows they have improved their security.
3. ISPs should only accept DNS queries from trusted sources (i.e., their own customers) rather than allow anyone to use their servers.

Those recommendations have met with mixed success: the problem in many cases is that there is nothing beyond a moral sense of obligation to push the changes through. In many cases, the cost of reviewing and reconfiguring systems has seen the issue put on the back burner.

Aside from the infrastructural changes, there is the issue of botnets and individual behaviour. Operating system manufacturers—Microsoft in particular—have invested heavily in recent years in improving the security of their software so it is harder for people to remotely take over machines. However, it is also vital that individual Internet users are educated to recognise what is likely to be an effort to secretly install software on their home computers.

A third category is the huge increase in individual Internet users installing routers in their homes, usually to provide wireless access or to link up several computers in the house. These consumer products usually come with the same password and a large percentage of home users never change this default password, making it easy for hackers to seize control of them for their own ends. If consumers were encouraged to change the default password or if router manufacturers were persuaded to provide each unit with a different password, then future attacks against the Net's infrastructure could be tackled at source.

## Where can I find more information?

Wikipedia article on Anycast:

<http://en.wikipedia.org/wiki/Anycast>

The owners of the f-root discuss Anycast:

<http://www.isc.org/index.pl?/pubs/tn/?tn=isc-tn-2003-1.html>

Wikipedia article on root servers:

[http://en.wikipedia.org/wiki/Root\\_nameserver](http://en.wikipedia.org/wiki/Root_nameserver)

The Root Servers Association:

<http://www.root-servers.org/>

Root Server System Advisory Committee:

<http://www.icann.org/committees/dns-root/>

Security and Stability Advisory Committee:

<http://www.icann.org/committees/security/>

SSAC report into February 2006 attack:

<http://www.icann.org/committees/security/dns-ddos-advisory-31mar06.pdf>

RIPE NCC's dnsmon monitoring service:

<http://dnsmon.ripe.net/dns-servmon/>

## Useful Terms

**Anycast** – A network addressing and routing scheme whereby data is routed to the nearest or best destination as viewed by the routing topology. In anycast, there is also a one-to-many association between network addresses and network endpoints: each destination address identifies a set of receiver endpoints, but only one of them is chosen at any given time to receive information from any given sender. Anycast is best suited to connectionless protocols rather than connection-oriented protocols such as TCP, since the receiver selected for any given source may change from time to time as optimal routes change, silently breaking any conversations that may be in progress at the time. Anycast is generally used as a way to provide high availability and load balancing for stateless services such as access to replicated data; for example, DNS service is a distributed service over multiple geographically dispersed servers.

**botnet** – Compromised computers, or “zombies”, are combined to form “botnets” which can then be directed as required. Botnets are most commonly created by conning ordinary consumers into opening something on their computer that appears to do nothing but which installs hidden software to be used later for an attack.

**Distributed denial of service attack, or DDoS** – A type of denial of service attack in which an attacker uses malicious code installed on various computers to attack a single target. An attacker may use this method to have a greater effect on the target than is possible with a single attacking machine. On the Internet, a distributed denial-of-service (DDoS) attack is one in which a multitude of compromised systems attack a single target, thereby causing denial of service for users of the targeted system. The flood of incoming messages to the target system essentially forces it to shut down, thereby denying service to the system to legitimate users. DDoS attacks are most effective when launched via a large number of open recursive servers: distribution increases the traffic and decreases the focus on the sources of the attack. The impact on the misused open recursive servers is generally low, but the effect on the target is high. The amplification factor is estimated at 1:73. Attacks based on this method have exceeded seven (7) Gigabits per second.

**Domain Name System** – The Domain Name System (DNS) helps users to find their way around the Internet. Every computer on the Internet has a unique address—just like a telephone number—which is a rather complicated string of numbers. It is called its “IP address” (IP stands

for “Internet Protocol”). IP Addresses are hard to remember. The DNS makes using the Internet easier by allowing a familiar string of letters (the domain name) to be used instead of the arcane IP address. So instead of typing 207.151.159.3, you can type www.internic.net. It is a mnemonic device that makes addresses easier to remember. The DNS translates the domain name you type into the corresponding IP address, and connects you to your desired website. The DNS also enables email to function properly, so the email you send reaches the intended recipient.

**ICANN** – The Internet Corporation for Assigned Names and Numbers is an internationally organized, non-profit corporation that has responsibility for Internet Protocol (IP) address space allocation, protocol identifier assignment, generic (gTLD) and country code (ccTLD) top-level domain name system management and root server system management functions. As a private-public partnership, ICANN is dedicated to preserving the operational stability of the Internet; to promoting competition; to achieving broad representation of global Internet communities; and to developing policy appropriate to its mission through bottom-up, consensus-based processes.

**RSSAC** – The Root Server System Advisory Committee advises the ICANN community and Board about the operation of the root name servers of the domain name system. It also provides advice on the operational requirements of root name servers, including host hardware capacities, operating systems and name server software versions, network connectivity and physical environment. RSSAC examines and advises on the security aspects of the root name server system, and reviews the number, location, and distribution of root name servers considering the total system performance, robustness, and reliability.

**SSAC** – The Security and Stability Advisory Committee advises the ICANN community and Board on matters relating to the security and integrity of the Internet’s naming and address allocation systems. This includes operational matters (e.g., matters pertaining to the correct and reliable operation of the root name system), administrative matters (e.g., matters pertaining to address allocation and Internet number assignment), and registration matters (e.g., matters pertaining to registry and registrar services such as Whois). SSAC engages in ongoing threat assessment and risk analysis of the Internet naming and address allocation services to assess where the principal threats to stability and security lie, and advises the ICANN community accordingly.

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## About ICANN

ICANN is a nonprofit organisation responsible for coordinating the Internet’s systems of unique identifiers, including the systems of domain names and numeric addresses that are used to reach computers and other devices on the Internet. ICANN’s mission is to ensure the stable and secure operation of these unique identifier systems, which are vital to the Internet’s operation. In addition, ICANN coordinates policy development related to these technical functions through its effective bottom-up consensus model. Further information about ICANN is available at <http://icann.org>.



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2.7.3 Fact Sheet: Registerfly and Registrars  
[www.icann.org/announcements/factsheet-registerfly-registrars-26mar07.pdf](http://www.icann.org/announcements/factsheet-registerfly-registrars-26mar07.pdf)



# Factsheet

## Registerfly and Registrars

### Executive summary

- An ownership dispute, coupled with a history of poor service, at RegisterFly (a registrar), has meant that its customers have had tremendous difficulty managing their domain names.
- The company's activities have affected many of its estimated 100,000 (or more) customers and among other things resulted in the reported loss of hundreds, possibly thousands, of domains.
- The organisation charged with ensuring the stability and security of the domain name system, the Internet Corporation for Assigned Names and Numbers (ICANN), attempted to get the registrar to address the problems.
- After many months of discussion with RegisterFly and following the processes under the Registrar Accreditation Agreement, ICANN announced it was terminating the registrar's accreditation.
- The situation has highlighted several issues within the registrar system, and ICANN's president has called on the community to reform the Registrar Accreditation Agreement and wider registrar policy.

Financial and operational difficulties at one of the companies approved to sell Internet domain names to the public – a “registrar” – compounded by an ownership dispute, had significant consequences for its estimated 100,000 (or more) customers, and their approximately one million domain names.

Argument between the owners of registrar RegisterFly, John Naruszewicz and Kevin Medina, eventually resulted in a lawsuit, but in the months prior to that, the company's electronic systems for registering and managing domain names failed to work optimally. This resulted in an unusually high number of complaints from customers, many of them directed to the Internet Corporation for Assigned Names and Numbers (ICANN).

As efforts were made to rectify the situation, a significant number of registrants reported that their domain names had expired against their wishes; many were also not able to move control of their domains to a different company.

This factsheet will explain why and how the problem arose, give an explanation of the current system, and discuss possible solutions to prevent a similar failure from happening again.

### What happened?

RegisterFly customers complained that the company was failing to renew expiring domain names (domain names such as “example.com” are typically registered for a period of one or two years and thereafter need to be renewed or the name is released for registration to the wider Internet community).

This resulted in a large number of customer complaints to RegisterFly, overwhelming the company's customer service staff, resulting in more complaints. As the problem worsened, public awareness of the problem grew, further increasing pressure on the company.

ICANN had been trying for a number of months to rectify the situation, ultimately holding two face to face meetings with RegisterFly executives on 15 June 2006 and 3 December 2006, as well as a number of phone calls and emails, to explain where the failings were and what the company would need to do to overcome them.

When its internal difficulties descended into a lawsuit, ICANN stepped in, asserting its rights under the Registrar Accreditation Agreement before starting on the process to terminate that agreement with RegisterFly. ICANN sent two employees to RegisterFly's offices in order to inspect and copy the company's registration data (they were refused entry); threatened court action; issued a notice of termination of the RegisterFly accreditation agreement; and worked with registries and individual registrants to ensure as far as possible that the problem was contained.

The result at the time of publication continues to be a constant stream of concerned, upset and angry domain name holders.

## Why did this happen?

Even though the RegisterFly situation has caused significant disruption to its customers on the Internet, the situation itself is not a unique event.

Since the creation of ICANN in 1998 and its subsequent opening up of the domain name market in March 1999, there have been several registrar failures and ICANN has, on occasion, been forced to remove accreditation from registrars. For the most part, however, any fallout has been negligible.

It is not uncommon for there to be a large number of complaints regarding domain names. ICANN typically receives between 600 and 800 complaints a month concerning domain names, many of them involving spam or hosting problems. As technical co-ordinator of the domain name system, ICANN concerns itself with the assignment of domain names rather than how they are used and has traditionally taken a free-market approach to the supply of domains in an effort to foster competition.

The result of this approach has, in the vast majority of cases, proved beneficial to end customers (registrants). In 1999, there was but a single registrar, Network Solutions, and it charged \$50 per year for a domain name. As of March 2007, there are over 850 registrars and the cost of a domain name has fallen to the extent that you can get them for free as part of a bundled service (although the wholesale cost for most domains is \$6).

The market-based approach has also fashioned its own response to individual business failings. In the past, when registrars had trouble or went out of business, their databases were simply purchased by another registrar, added to its existing system, and the first end-users would have known about it was when they

received an email informing them of the change in sponsorship.

In order to make sure that the competition model worked effectively, ICANN also devised the Shared Registration System (SRS), which enabled registrants to move ownership of their domains to a different registrar if they were unhappy with the service they received at their existing registrar. As time has progressed, much of this system has become automated, often requiring only a few clicks of a mouse. The result has been a rich, diverse and competitive domain name market, something that has contributed to the explosion of the market which now covers nearly 80 million gTLD domain names.

## So what was different about RegisterFly?

There were several unique factors with RegisterFly that caused the safety valves in the system to not work as usual.

The lawsuit created uncertainty over ownership of the company and may have hindered the sale of RegisterFly's registrant data. A judge resolved ownership of the company, deciding in favour of Kevin Medina, at the beginning of March 2007.

In meetings with ICANN, RegisterFly consistently promised to put right faults in its system but, despite the negative impact it had on its own customers, failed to do so.

RegisterFly refused to allow ICANN to inspect and copy data that was vital to safeguard registrants' interests and failed to fix its own systems to enable all customers to move their domains away from the company.

Such behaviour was against the interest of its own customers and was also inconsistent with its contract with ICANN.

## How did RegisterFly become an accredited registrar?

ICANN has never approved RegisterFly as an accredited registrar.

RegisterFly originally acted as a "reseller" of registrations for other accredited registrars. Around the end of 2004, ICANN approved and entered into a Registrar Accreditation Agreement with a company called Top Class Names, Inc.

Within a couple months, the name of Top Class Names was changed to RegisterFly.Com, and eventually, ICANN was notified that the management of the company had also been changed.

This was an example of "back-door accreditation" where an unaccredited company buys one that is accredited and then assumes their role.

## What exactly is ICANN's role?

One of ICANN's founding principles was to create competition on the Internet and the gTLD domain names so its full potential could be realised. One of the first things ICANN did was make sure that the domain name system itself was split up into registries (such as .com or .info) and registrars (companies entitled to supply the names under the registries).

While it is important that only one company run a registry, there is no reason why hundreds of companies cannot supply the domain names for that registry (just so long as the system is in place to make sure the same name isn't sold twice). This was a brand new and untested market at the time (March/April 1999) so considerable emphasis was placed on competition.

As such, ICANN has never attempted to act as a traditional economic regulator of the domain name market and it does not have any powers that provide it with that authority. ICANN is not a government agency and is not entitled to act like one: its authority over registrars is based on private contracts and ICANN requires the wider community's approval to make changes to those contracts.

The organisation was criticised when the RegisterFly situation first entered the public consciousness for not having done more. ICANN disputes this charge since it had been closely following the situation for over a year and had persistently requested that RegisterFly fix some of its practices, with some success. It was only when the situation became untenable that ICANN decided it had no choice but to publicly demand RegisterFly comply with distinct requests.

During the process, in which ICANN attempted to enforce RegisterFly's contractual obligations, RegisterFly took full advantage of the procedural protections within the RAA, with the result that ICANN could not immediately intervene and the problems continued.

There is now a strong case for alterations in both the Registrar Accreditation Agreement and policy to ensure that such a situation should not reoccur. As such, a public meeting will be held at ICANN's meeting in Lisbon between 26 and 30 March 2007 as a first step. The aim is to elicit feedback and ideas for change and the community is strongly encouraged to contribute.

## So does ICANN now want to become a traditional regulator?

Not at all. The competitive market for domain names has been a remarkable success and it would be self-defeating to dismantle that system. Especially since a key part of the success was that there was no regulatory body deciding what was and was not allowed. ICANN intends to keep it that way.

However it is clear that there is a hole that needs to be plugged to provide the average Internet user with greater security and peace of mind over their domains.

The ICANN community will have to decide what changes need to be made to achieve that goal without impinging on the effectiveness of the current system. It is also hoped that such changes will foresee future problems and pre-empt them.

## So what are the solutions?

That is something that has to be discussed and fleshed out so that the resulting changes don't end up creating more problems than they attempt to solve.

To jumpstart the process and encourage widespread debate, ICANN president Paul Twomey publicly announced a series of questions for discussion.

The hope is that the result will be a reinvigorated system that will be capable of adapting to changes in the future rather than relying on one incident to force change.

## Issues for Discussion

### Purpose of Register Accreditation Policy and Agreement

What is the primary purpose of the Registration Accreditation Agreement? Is it a compliance tool? If so how can it be strengthened to protect registrants?

### Rating of Registrars

How should ICANN and/or the registrar constituency encourage a system that rates registrars according to customer service and performance and should this be available to registrants?

### Affiliated Registrars / Group ownership

Affiliated registrars have common ownership or control. What is the best mechanism for ICANN to hold affiliated registrars accountable for an affiliates actions?

### Additional compliance enforcement tools

Stronger compliance tools need to be included in any reform to the RAA. What are those tools? Do they encompass liquidated damages? Should registrars be able to be suspended more readily? Are there other options? What are the mechanisms that allow such options to be enforced quickly?

### Transfer policy

What elements of the transfer policy need to be reformed? Should registrants have an alternative to their current registrar for the issuing of authocodes and the unlocking of them? Should ICANN or another entity be able to do this?

### Registrar operator skill testing

How is it possible to assess registrar skills and to train registrars to a common standard of performance upon which registrants can rely?

### Accreditation by purchase

It is possible for companies to avoid the accreditation application process by buying a registrar. How can abuse of this loophole be stopped?

### Proxy registrations

There needs to be an examination of proxy registrations in light of difficulties faced in registrar data recovery. What is the balance between privacy and disclosure?

### Reseller liability under RAA

What tools are needed to ensure better accountability by resellers to registrants?

### Registrar data escrow

What data needs to be escrowed? If implementation needs to move faster, greater resource allocation is required. What level of resourcing is necessary?

### Clarification of ICANN's responsibilities and the options available to registrants

ICANN recently posted a guide for registrants on its website but additional consumer options (outside ICANN) should be identified for and provided to registrants. Is there a need for a new entity to assist customers and intervene on behalf of their concerns?

## Where can I find more information?

### The Registrar Accreditation Agreement

<http://icann.org/registrars/ra-agreement-17may01.htm>

### A history of the Shared Registration System (SRS)

<http://icann.org/registrars/accreditation-history.htm>

### A full list of accredited registrars

<http://icann.org/registrars/accredited-list.html>

### ICANN president and CEO calls for public debate over RAA

<http://icann.org/announcements/announcement-21mar07.htm>

### ICANN announcements regarding RegisterFly

<http://icann.org/announcements/announcement-2-16mar07.htm>

<http://icann.org/announcements/announcement-2-08mar07.htm>

<http://icann.org/announcements/announcement-3-07mar07.htm>

<http://icann.org/announcements/announcement-02mar07.htm>

### How to Get Help When You Have a Problem with Your Registrar

<http://icann.org/announcements/announcement-06mar07.htm>

## Useful Terms

**Domain Name System (DNS)** – The Domain Name System helps users to find their way around the Internet. Every computer on the Internet has a unique address - just like a telephone number - which is a rather complicated string of numbers. It is called its "IP address" (IP stands for "Internet Protocol"). IP Addresses are hard to remember. The DNS makes using the Internet easier by allowing a familiar string of letters (the "domain name") to be used instead of the arcane IP address. So instead of typing 207.151.159.3, you can type [www.internic.net](http://www.internic.net). It is a "mnemonic" device that makes addresses easier to remember.

**Registrar** – Domain names ending with .aero, .biz, .com, .coop, .info, .museum, .name, .net, .org, and .pro can be registered through many different companies (known as "registrars") that compete with one another. A listing of these companies appears in the Accredited Registrar Directory.

The registrar you choose will ask you to provide various contact and technical information that makes up the registration. The registrar will then keep records of the contact information and submit the technical information to a central directory known as the "registry." This registry provides other computers on the Internet the information necessary to send you e-mail or to find your web site. You will also be required to enter a registration contract with the registrar, which sets forth the terms under which your registration is accepted and will be maintained.

**Registry** – The "Registry" is the authoritative, master database of all domain names registered in each Top Level Domain. The registry operator keeps the master database and also generates the "zone file" which allows computers to route Internet traffic to and from top-level domains anywhere in the world. Internet users don't interact directly with the registry operator; users can register names in TLDs including .biz, .com, .info, .net, .name, .org by using an ICANN-Accredited Registrar.

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## About ICANN

ICANN is a nonprofit organisation responsible for coordinating the Internet's systems of unique identifiers, including the systems of domain names and numeric addresses that are used to reach computers and other devices on the Internet. ICANN's mission is to ensure the stable and secure operation of these unique identifier systems, which are vital to the Internet's operation. In addition, ICANN coordinates policy development related to these technical functions through its effective bottom-up consensus model. Further information about ICANN is available at <http://icann.org>.



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## 2.7.4 Fact Sheet: IPv6

<http://www.icann.org/announcements/factsheet-ipv6-26oct07.pdf>



This factsheet does not represent the entirety of the IPv4/6 technical discussion but is intended to be an accessible document that provides a simple introduction to the subject for non-technical readers.

# Factsheet

## IPv6 – The Internet’s vital expansion

### Executive summary:

- There is widespread agreement within the technical community that the Internet’s current system is unable to cope with the network’s expansion.
- Every device attached to the Internet needs its own unique address. The “free pool” of existing addresses will run out completely within five years.
- The proposed solution is an updated system running on Internet Protocol version 6, or IPv6.
- IPv6 adoption has been slow. Since it is not directly compatible with the current IPv4 system, there is inertia to the move.
- This delay has become a matter of increasing concern.
- It is important that companies, governments and regulatory authorities understand the issues surrounding IPv6 and why its use should be encouraged.

Every device that connects to the Internet needs an address. But those addresses are rapidly being depleted. As unlikely as that may seem, the system put in place in 1977 assumed that four billion separate addresses on the network would be more than sufficient.

The Internet’s enormous success and growth has seen those addresses rapidly taken up. Within the next five years, and possibly sooner, the “free pool” of addresses – those that have not yet been used or assigned – will run out. As a result, unless a method of providing more addresses is introduced, the Internet’s growth will become increasingly constrained over the next decade.

Fortunately, Internet engineers foresaw the problem and back in 1996 devised a solution that would provide 340 trillion trillion trillion separate addresses. To give an idea of the scale, if all existing four billion Internet addresses were contained inside a Blackberry phone, the new system would fill a container the size of the Earth.

Adoption of that solution – called Internet Protocol version 6 (IPv6) – has been slow. The benefits of IPv6 are long-term. Technical workarounds that allow for continued use of the existing Internet Protocol version 4 (IPv4) system have also appeared that allow several devices to share one Internet address.

The slow movement to IPv6 has caused increasing concern in the technical community and relaxed expectation of movement has moved to active promotion of IPv6 adoption.

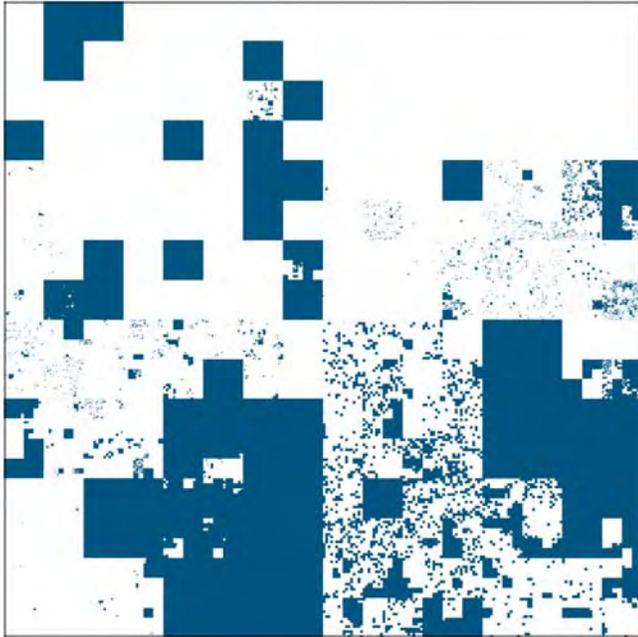
### What is IPv6 and why is it needed?

IPv6 stands for Internet Protocol version 6 and is the technological solution that allows for a vast expansion in the number of Internet addresses.

At the moment, the Internet uses version 4 of the Internet Protocol that provides just over four billion unique addresses on the network. The Internet was designed for each device attached to the network to have its own individual numerical address so computers can communicate with one another, so while four billion addresses was once seen as more than sufficient, the explosion in the Internet’s use

has rapidly seen those addresses eaten up. IPv6 theoretically allows for 340 trillion trillion trillion addresses, so IPv4's fundamental limitation is address space.

The majority of Internet users will never need to concern themselves with IP addresses because the domain name system (DNS) links the addresses with names such as "example.com", so people need only recall a name to get to a particular part of the Internet. But without those numeric addresses in the first place, the Internet simply wouldn't work.



**Existing Internet (IPv4)**  
**(unallocated addresses in blue)**

Many of the electronic devices people carry around today such as mobile/cell phones, PDAs, pagers, and so on, use the Internet. At the moment, most of those devices access the Internet through a "gateway" that has a single, unique IP addresses on the Internet but produces a number of private addresses behind it. These private addresses are then provided to individual devices. As applications evolve, however, the advantages to each device having its own unique address are going to increase. In the future it is expected that not only will the number of people connecting to the network increase but also that they will each possess more devices that also need to be connected to the Internet.

As the Internet continues to become an everyday part of our lives there are predictions that appliances such as refrigerators, televisions, even alarm clocks will make use of the network.

## Are there any stop-gaps?

The reduced availability of IPv4 addresses (as of October 2007, only 17 percent is left), and the slowness to move to IPv6, has seen people develop systems and solutions to make the most of the IP addresses they already have.

One such system is called Network Address Translation (NAT). It allows one outside IP address to be shared between a number of computers and other devices. Each of the devices is given its own private IP address within the network but to the wider Internet they all appear to come from one address or device. With NAT technology, the outgoing connection, such as browsing a website, works well, but inbound connections such as file-sharing applications or voice-over-IP (VoIP) require special attention. Operating servers from within a NAT environment is particularly awkward, although NAT's low cost continues to make the system attractive.

As IPv4 addresses become increasingly scarce, many believe it is inevitable they will become increasingly valuable. As a result, the existing allocation system has come under increasing scrutiny as some organisations look to profit from the scarcity and others seek to avoid unnecessary extra costs in the future expansion of the network infrastructure. The Organisation for Economic Co-operation and Development (OECD) is among the organisations reviewing the potential economic impact of this scarcity.

There are a variety of predictions, using different models, that attempt to estimate when there will be no more IPv4 addresses to allocate. The cut-off date ranges from 2009 to 2013.

It is now the widespread opinion of the technical community that for the continued and uninterrupted expansion of the Internet, it is vital that IPv6 adoption begin in earnest.

## How are IP addresses allocated?

The Internet Assigned Numbers Authority (IANA) - a function of the Internet Corporation for Assigned Names and Numbers (ICANN) – jointly manages allocation of the global IP address pool with the Regional Internet Registries (RIRs).

In the early days of the Internet, address "blocks" were allocated to organisations – mostly universities and research organisations - by the Network Information Center (NIC) which operated under IANA. But as demand exploded, particularly outside the United States, the RIRs were established in order to deal with requests from different geographic regions. IANA now supplies address blocks to these RIRs, who then allocate them to other users, mostly Internet Service Providers (ISPs). ISPs then make these IP addresses available to their customers, the individual Internet users.

The allocation of those blocks over time has closely reflected use of the Internet around the world, with many IPv4 blocks provided to the burgeoning North American Internet community in the early days because that was where the Internet started and where investment in the infrastructure first occurred. More recent allocations reflect the modern global use of the network.

## What is ICANN's role?

ICANN acts as a coordinator of the Internet's unique identifiers, including IP addresses. Its stakeholders cover a broad spectrum from

governments to individual Internet users. Some of those stakeholders will play an important role (in conjunction with other technical and non-technical bodies) in making IPv6 a reality. In June 2007, the ICANN Board resolved that the organisation would “work with the Regional Internet Registries and other stakeholders to promote education and outreach, with the goal of supporting the future growth of the Internet by encouraging the timely deployment of IPv6.”

ICANN has held, and continues to hold, open forums and discussions about IPv6 in order to spread understanding and facilitate cooperation between Internet organisations.

## How far are we with IPv6 adoption?

Despite the fact that IPv6 was defined over a decade ago, its adoption has been slow – too slow. There are a number of inter-relating factors for this:

- **Cost.** It costs network providers time and money to move to an IPv6 system and to be able to run the existing IPv4 system alongside IPv6 (something that will be essential for some time into the future).
- **Features.** Although IPv6 provides incremental improvements over IPv4, its main advantage - greatly increased address space - has yet to provide a compelling case for investment. Address depletion simply has not been a major focus for many businesses.
- **Incompatibility.** IPv6 is not directly compatible with IPv4. There are technologies that enable the two to communicate but IPv4 is liable to survive a long time into the future, so bridging technology will be needed for a significant period of time.
- **Demand.** There is currently little or no demand for a move to IPv6 from paying customers. But all applications need an upgrade, and in that regard, application sellers have work to do.

Some predict that a widespread shift to IPv6 will only occur once the cost of running on IPv4 starts rising due to scarcity. However, governments are beginning to recognise the need for movement to IPv6 and have started using incentives, funding and contractual obligations to encourage the transition. The Chinese, Japanese and Korean governments have been leading rollout; the US government has mandated that contractors be IPv6-ready by the summer of 2008; and the European Union is reviewing methods to encourage adoption.

The RIRs are also supporting the adoption of IPv6 with four of the five making public statements on the matter. The American Registry for Internet Numbers (ARIN), stated that it felt “compelled to advise the Internet community that migration to IPv6 is necessary for any applications that require ongoing availability from ARIN of contiguous IP number resources”. And the Latin American and Caribbean Network Information Center (LACNIC) has launched a campaign to have all the region’s

networks running IPv6 before 2011. Mexico's domain registry, NIC.mx, have stated they will stop allocating IPv4 on 1 January 2011.



An IPv4/IPv6 size comparison: if all the IPv4 addresses could fit within a Blackberry, it would take something the size of Earth to contain IPv6

## What are the advantages of IPv6?

- Greatly expanded address space, with plenty of addresses for everyone. Home users will have enough for thousands of devices. Enterprises will be able to reduce the cost of managing internal address space.
- It allows for every machine/device to have its own IP address on the wider Internet, simplifying network designs and also allowing for easier remote configuration.
- It allows for much larger data packets.
- It will open the door to a new generation of devices because of larger address space.
- It provides an improved degree of connectivity where individuals will be able to interact directly with devices anywhere on the network i.e. anywhere in the world. One example frequently quoted is being able to turn your home air conditioning on from the office, but there are likely to be thousands of other examples in future.
- Since most experts agree that an eventual shift to IPv6 is inevitable, there may be a significant “early mover” advantage to businesses and governments that adopt the protocol.

## What are the issues with IPv6 rollout?

IPv6 is already available in some desktop and server operating systems. However, the vast majority of Internet content and services are only provided over IPv4, which is a problem as IPv4 and IPv6 are not interoperable. That means a desktop computer that only has an IPv6 address cannot access a website that only has IPv4 connectivity

without passing through a NAT-PT device or some other form of protocol translation system or application gateway.

Another key issue in IPv6 deployment is that the vast majority of networks were built for IPv4. Enabling IPv6 on those networks involves making sure that provisioning, management, monitoring, auditing, billing and firewalls all work with IPv6.

Widespread deployment only becomes possible when consumer devices work with IPv6, and there is still some work to be done to make a very large number of devices fully compliant. The problem is also with those who have not even started looking at what needs to be done to deploy IPv6. Issuing millions of consumers with updated devices could be expensive.

Because some of the more useful features in IPv6 have been made available in IPv4, ISPs have not felt it is a priority to deploy it on their production networks and create products until now.

## Is it IPv6 or nothing?

No. IPv4 will continue to be in active use for the foreseeable future, particularly in developing countries, due to the cost of moving to IPv6.

As long as IPv4 continues to serve people's needs, a wholesale move will not happen. And although there is an increasing sense of urgency that people should start moving to IPv6, it is not the same situation as the Year 2000/Y2K issue that had a clear date by which transition was vital.

New allocation policies for both IPv4 and IPv6 addresses have been drawn up, and discussion is ongoing about how best to reintroduce unused IP addresses into the system, particularly in the case where early allocations of IPv4 address space were larger than proved necessary.

It is important to note however that there have been many transitions in Internet technology over the years, from dial-up modems to always-on DSL, from host files to the domain name system. IPv4 to IPv6 is a more complex step on the path of the Internet's future. But it is crucial to expansion of the network.

## Where can I find more information?

There are a number of resources available for those who wish to know more about IPv6. A few are below:

IPv6 resource website:

<http://www.ipv6.org/>

IPv6 Wikipedia page:

<http://en.wikipedia.org/wiki/IPv6>

ISOC FAQ on IPv6:

[http://www.isoc.org/educpillar/resources/ipv6\\_faq.shtml](http://www.isoc.org/educpillar/resources/ipv6_faq.shtml)

## Glossary

**IANA** - Internet Assigned Numbers Authority: The IANA is the authority originally responsible for the oversight of IP address allocation, the coordination of the assignment of protocol parameters provided for in Internet technical standards, and the management of the DNS, including the delegation of top-level domains and oversight of the root name server system. Under ICANN, the IANA continues to distribute addresses to the Regional Internet Registries, coordinate with the IETF and others to assign protocol parameters, and oversee the operation of the DNS.

**IP** - Internet Protocol: The communications protocol underlying the Internet, IP allows large, geographically diverse networks of computers to communicate with each other quickly and economically over a variety of physical links. An Internet Protocol Address is the numerical address by which a termination point in the Internet is identified.

**RIR** - Regional Internet Registry: There are currently five RIRs: AfriNIC, APNIC, ARIN, LACNIC and RIPE NCC. These non-profit organizations are responsible for distributing IP addresses on a regional level to Internet service providers and local registries.

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## About ICANN

ICANN is a nonprofit organisation responsible for coordinating the Internet's systems of unique identifiers, including the systems of domain names and numeric addresses that are used to reach computers and other devices on the Internet. ICANN's mission is to ensure the stable and secure operation of these unique identifier systems, which are vital to the Internet's operation. In addition, ICANN coordinates policy development related to these technical functions through its effective bottom-up consensus model. Further information about ICANN is available at <http://icann.org>.

---

2.8.1 Translation principles and framework  
<http://public.icann.org/translation/principles-policy>



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Encouraging interaction with the Internet community

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## Translation principles and framework

ICANN translation principles

[Back to main Translation page](#)

ICANN will provide timely and accurate translations, and move from an organisation that provides translation of texts to one that is capable of communicating comfortably with a range of different languages.

The translation framework comprises a four-layer system:

- The bottom layer contains those specific documents and publications that address the organisation’s overall strategic thinking. They will be translated into an agreed block of languages.
- The next layer contains a class of documents that ICANN undertakes to

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- [Registrars Expired Domains Abuse](#)
- [Translate ICANN’s message into our own language, hope more people know ICANN](#)
- [5665](#)
- [Use an IDN.com to create a new site for my favorite girl](#)

**Who's Online**

There are currently *0 users* and *6 guests* online.

provide in different languages to allow interaction within ICANN processes by non-English speakers.

- The third layer comprises documents suggested by ICANN staff as being helpful or necessary in ongoing processes; and documents requested by the Internet community for the same reasons. These documents will be run through a translation approval system.
- The top layer is where the community is encouraged to use online collaborative tools to provide understandable versions of ICANN materials as well as material dynamically generated by the community itself. ICANN will provide the technology for community editing and rating, and a clear and predictable online location for this interaction to occur. It will also seek input from the community to review the tools.

English will remain the operating language of ICANN for business consultation and legal purposes.

Every effort will be made to ensure equity between comments made in languages other than English and those made in English. If it is not possible to arrange the release of particular documents in the agreed languages at the same time, then each language will be provided with the same time period in which to make comments.

ICANN will adopt the International Organisation for Standardisation's 639-2 naming system for identifying and labeling particular languages.

- [Trends of Chinese IDN\(展望中文域名未来走向\)](#)
- [Chinese ccTLD](#)
- [Inappropriate use of Domain by former partner](#)
- [.pro domain extension](#)
- [How about dot whocares?](#)

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- [Updated: Global Policy Proposal for Autonomous System Numbers - Background Report](#)
- [Will there really be a new Russian Internet?](#)
- [Possible Next Steps in Dispute Resolution](#)
- [Dashboard Allows Window into ICANN Performance](#)

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**Net coverage**

## [Back to main Translation page](#)

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### Translation policy for ICANN

As part of a number of [draft management operating principle documents](#) at its San Juan meeting in June 2007, ICANN produced a [translation framework](#).

That document outlined the principles and broad framework for translating documents within the ICANN system, but did not go into real or practical solutions. The purpose of this note is to recognise that translation is an increasingly important issue within the Internet community and so outline the real, practical steps that ICANN is taking with respect to working with other languages.

### [En Espanol](#)

In arriving at the translation framework, ICANN's general manager of public participation was charged with: reviewing the recommendation contained within the OneWorldTrust's review of ICANN; reviewing the documentation referred to within that recommendation; reviewing ICANN's current translation efforts; and talking to people both within and outside the community in an effort to understand translation efforts put in place by other international organisations.

An internal review document was produced and ran through three iterations over the course of four meetings between March and June 2007. Decisions were taken during a meeting on 15 June 2007 about the best way forward.

- [Net Neutrality Summit to be Held on Jan 26 by University of San Francisco](#)
- [Net Neutrality Summit to be Held on Jan 26 by University of San Francisco](#)
- [Dispute Resolution and ICANN](#)
- [Internet Quietly Providing Ways to Save Energy](#)
- [Internet Quietly Providing Ways to Save Energy](#)

[more](#)

### Recent comments

- [Fair Points](#)  
bretfausett  
2008-01-11 21:30
- [registrar misuse of domain check](#)  
cate  
2008-01-09 13:27
- [Some thoughts](#)  
kieren.mccarthy  
2008-01-08 20:52
- [Here's what to do](#)

The finished internal report suggested the four-layer translation system that is reproduced in the translation framework. Until the translation plan becomes more specific and detailed, ICANN can't be certain about budget requirements, service levels (i.e. precise timelines) and cost to the community. In the coming fiscal year, ICANN has more than doubled the funds available for translation.

The report made several conclusions and recommendations. They were:

#### Conclusions:

- The current approach is unsustainable
- ICANN needs a demand-driven & flexible translation system
- There needs to be a single system and a single point-of-contact
- The costs and methods of translation need to be carefully reviewed

#### Recommendations:

- A four-tier translation stack
- Introduction of machine translation with wiki-style editing and community-rating
- Produce a community-request system
- Hire a consultant with appropriate expertise
- Review the possibility of an in-house translation team
- Start on the process immediately

The translation issue is a very complex one and ICANN recognises that it does not have the skills in-house to produce a comprehensive and equitable translation policy.

kieren.mccarthy  
2008-01-08 20:23

- **The 10th, but...**

kieren.mccarthy  
2008-01-08 20:09

- **"Fly by night" hosting services**

chip1949  
2008-01-08 18:49

- **questions!**

kilokan  
2008-01-07 12:44

- **A Few Ideas About Virtual Meetings**

bretfausett  
2008-01-04 01:22

- **Public forum for discussing ICANN/registrar issues**

Richard Silverstein  
2007-12-28 04:05

- **Not yet totally easy**

philemon  
2007-12-25 22:51

ICANN will therefore hire someone with the appropriate expertise as soon as possible in order to review the situation and provide a report on how the organisation can move forward as efficiently as possible. Either that report or an interim report will be produced for the Los Angeles meeting at the end of October 2007. That review will include:

- What ICANN should translate and in which languages
- What the best system is to provide fast and accurate translations

In the meantime, ICANN has created an internal translation co-ordination committee with members from across the organisation in order to:

- Identify and hire the expert and prepare the groundwork for his/her review
- Discover what the level of demand is for different translations
- Review the different needs and requirements for translation across departments
- Work out the implications of a broad, systemic translation policy
- Talk to others outside the organisation, both within the Internet community and those in the wider world, in order to build up awareness throughout ICANN and its community of translation issues

In terms of pragmatic work, the committee will also:

- Implement machine translation, wiki-style editing and community rating

- Produce an effective system for registering community interest in particular translations
- Produce a multi-lingual glossary

ICANN will produce regular updates on its progress on translation here on the ICANN blog and review where and when it can make the most of existing expertise within the Internet community.

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[Back to main Translation page](#)

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By kieren.mccarthy at 2007-08-09 15:28 | [Staff](#) | [translation](#) | [Login](#) or [register](#) to post comments

2.8.2 ICANN Translations Page  
(introductory information and details on all  
documents currently in translation process)  
<http://public.icann.org/translation>



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## Translation at ICANN

### Welcome to the translation page

This page has been set up to inform the community about the efforts being made within ICANN to move to being a more international organisation by providing materials in languages other than English.

**Update:** A translation glossary has been posted on the Web using Google spreadsheets. [You can view it here](#). If you are interested in becoming part of the team that builds up and agrees upon the terms, please email the ICANN translation team on trans-comm [at] icann {dot} org.

Search



Recent blog posts

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- [Registrars Expired Domains Abuse](#)
- [Translate ICANN's message into our own language, hope more people know ICANN](#)
- [5665](#)
- [Use an IDN.com to create a new site for my favorite girl](#)

**Who's Online**

There are currently *1 user* and *6 guests* online.

**Online users**

- yan.sun



The hope is that the community will review these pages and assist in helping the organisation by providing useful feedback, offering to help, supplying useful leads, and so on.

**Languages**

ICANN is dedicated to providing information on its processes to as wide an audience as possible and recognises that in many cases this will mean providing information in languages other than English.

However as we hope the community will recognise, this is a not a simple task, which is why ICANN translation team will be making its plans and deliberations public in the hope of progressing forward as smoothly and swiftly as possible.

We hope the community will work in partnership with ICANN staff on tackling these issues.

- Trends of Chinese IDN(展望中文域名未来走向)
- Chinese ccTLD
- Inappropriate use of Domain by former partner
- .pro domain extension
- How about dot whocares?

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- Will there really be a new Russian Internet?
- Possible Next Steps in Dispute Resolution
- Dashboard Allows Window into ICANN Performance

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**Net coverage**

## Pages

There are a number of pages that cover the work of the ICANN translation team.

- There is a [translation principles and policy page](#), which covers ICANN's current public policy and planned approach to translation. A useful start point.
- There is a webpage covering [what exactly the translation team is up to](#), what it is doing and planning to do.
- And there is an [issues page](#), which outlines some of the thorny issues surrounding translation with some quick thoughts on each.

This is ICANN's public participation site and so we encourage you to comment on pages, or produce blog posts outlining issues you think are important or we may have missed.

Equally there is demand for a forum for translation, where conversation can continue on in parallel, please request it and we will set one up.

If people believe a chatroom would be of use, likewise we will set one up.

All the best,

ICANN's translations team

By kieren.mccarthy at 2007-08-09 16:40 | [translation](#) | [Login](#) or [register](#) to post comments

## ICANN MEETING IN OCTOBER

Hi, my name is Glory. I represent Nigeria Internet Registration Association, the body incharge of our local domain (.ng) We will want to attend the meeting come next month. What is required of us? Please your

- [Net Neutrality Summit to be Held on Jan 26 by University of San Francisco](#)
- [Net Neutrality Summit to be Held on Jan 26 by University of San Francisco](#)
- [Dispute Resolution and ICANN](#)
- [Internet Quietly Providing Ways to Save Energy](#)
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## Recent comments

- [Fair Points](#)  
bretfausett  
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- [registrar misuse of domain check](#)  
cate  
2008-01-09 13:27
- [Some thoughts](#)  
kieren.mccarthy  
2008-01-08 20:52
- [Here's what to do](#)

rapid response will be highly appreciated as we need to apply for Visa urgently if we are to make it to the meeting.

Thank you very much as I await your response.

By Glory at 2007-09-05 15:35 | [Login](#) or [register](#) to post comments

### Website and visa information

Hi Glory,

We have a whole website for the LA meeting that you can find at <http://losangeles2007.icann.org/>.

On that site, we have a dedicated page to the issue of visas. You can find it at: <http://losangeles2007.icann.org/visa>

I hope this helps.

Kieren McCarthy

General manager of public participation

By kieren.mccarthy at 2007-09-06 00:37 | [Login](#) or [register](#) to post comments

### It is so very good to have a community like this.

Hi im daryl this is my email greyian\_0219@yahoo.com

[www.ordinary-people.tk](http://www.ordinary-people.tk)

*Visit my website new update i am the web designer*

By greyian at 2007-08-23 01:33 | [Login](#) or [register](#) to post comments

kieren.mccarthy  
2008-01-08 20:23

- **The 10th, but...**  
kieren.mccarthy  
2008-01-08 20:09

- **"Fly by night" hosting services**  
chip1949  
2008-01-08 18:49

- **questions!**  
kilokan  
2008-01-07 12:44

- **A Few Ideas About Virtual Meetings**  
bretfausett  
2008-01-04 01:22

- **Public forum for discussing ICANN/registrar issues**  
Richard Silverstein  
2007-12-28 04:05

- **Not yet totally easy**  
philemon  
2007-12-25 22:51

---

### Good initiative

It is a really good surprise. The involving of volunteers is a good signal sent to community.

I agree for the creation of "translation forum" in which is centralized the contribution of users and for chatroom which mean a strong interaction of users.

Rafik Dammak

ISOC-TN, IEEE-CS, IEEE-ComSoc, IEICE, IPSJ member

By rafikd at 2007-08-13 08:31 | [Login](#) or [register](#) to post comments

2.8.3 ICANN terms glossary (French, Mandarin, Arabic, Spanish and Russian)  
[http://spreadsheets.google.com/ccc?key=pDH-2Ym3VBKcgxpude9tobg&hl=en\\_GB&pli=1](http://spreadsheets.google.com/ccc?key=pDH-2Ym3VBKcgxpude9tobg&hl=en_GB&pli=1)

\*Note: All terms, regardless of written language, should be followed by the Acronym in English, i.e., "Système de noms de

<b>ACRONYM</b>	<b>English (EN – source language)</b>	<b>(AR) العربية</b>	<b>中文 (ZH)</b>
ACE	ASCII Compatible Encoding		咨询委员会
ADR	Alternate Dispute Resolution		
	Advisory Committee		和咨询委员会
AfriNIC	African Network Information Centre		非洲互联网信息中心
	At-Large		大众
ALAC	At-Large Advisory Committee	اللجنة الاستشارية العام	大众咨询委员会
ALS	At-Large Structures		大众架构
APNIC	Asia Pacific Network Information Centre		亚太网络信息中心
ARIN	American Registry for Internet Numbers		美洲互联网号码注册机构
ASO	Address Supporting Organisation	المنظمة المساندة الخاصة بالعناوين	地址支持组织
CBUC	Commercial and Business Users Constituency		商业和企业用户社群
CCNSO	Country Code Names Supporting Organisation	منظمة المساندة الخاصة بأسماء المواقع لرمز الدولة	国家代码域名支持组织
ccTLD	Country Code Top-Level Domain		国家和地区顶级域名
	Consensus Policy		
DNR	Domain Name Resolvers		域名解析器
DNS	Domain Name System		域名系统
GAC	Governmental Advisory Committee	اللجنة الاستشارية للحكومة الاستشارية الحكومي	政府咨询委员会
GNSO	Generic Names Supporting Organisation	منظمة المساندة الخاصة بالأسماء العام	通用名称支持组织
gTLD	Generic Top-Level Domain		通用顶级域名

domaine (DNS)"

<b>Français (FR)</b>	<b>Español (ES)</b>	<b>Русский (RU)</b>
Encodage compatible ASCII	Codificación Compatible con ASCII	
Règlement extrajudiciaire des différends	Proceso Alternativo de Resolución de Disputas	
		Консультативный комитет
Registre de numérotation Internet pour l'Afrique	Centro africano de información de redes	
At-Large	At-Large	Расширенный
Comité consultatif At-Large	Comité Asesor At-Large	Расширенный консультативный комитет по делам индивидуальных пользователей
Structure At-Large	Estructuras de At-Large	Расширенные структуры
	Centro de información de redes de Asia y el Pacífico	Сетевой информационный центр стран Азии и Тихоокеанского региона
	Registro norteamericano de números de Internet	Американский реестр номеров Интернета
Organisation de soutien des adresses	Organización auxiliar de direcciones	Вспомогательная организация по адресам
Regroupement des utilisateurs d'Internet à des fins commerciales	Unidad Constitutiva de Usuarios Comerciales y Empresariales	
Organisation de soutien des codes de pays	Organización de Apoyo para Nombres de Dominio con Código de País	Организация доменных имен индивидуальных стран
Nom de domaine de premier niveau de code pays	Dominio de Alto Nivel con Código de País	Домен высшего уровня страны
Politique faisant l'objet d'un consensus OR Politique consensuelle	Política de Consenso	
	Resolutores de nombres de dominio	Определители имен доменов
Système de noms de domaine	Sistema de Nombres de Dominio	Доменная система имен
Comité consultatif gouvernemental	Comité asesor gubernamental	Правительственный консультативный комитет
Organisation de soutien des noms génériques	Organización de Apoyo para Nombres de Dominio	Организация по поддержке общих имен
Noms de domaine générique de premier niveau	Dominio Genérico de Alto Nivel	Общий домен высшего уровня

	<b>gTLD Registries</b>		
<b>IANA</b>	<b>Internet Assigned Numbers Authority</b>		互联网号码分配当局
<b>ICANN</b>	<b>Internet Corporation for Assigned Names and Numbers</b>		互联网名称与数字地址分配机构
	<b>ICANN Staff</b>		ICANN员工
<b>IDNA</b>	<b>Internationalised Domain Names in Applications</b>		
<b>IDNs</b>	<b>Internationalised Domain Names</b>	أسماء النطاقات الدولية	国际化域名
<b>IDN-WG</b>	<b>Internationalised Domain Names Working Group</b>		
<b>IETF</b>	<b>Internet Engineering Task Force</b>		互联网工程任务组
<b>IP</b>	<b>Internet Protocol Address</b>		IP地址
<b>IPC</b>	<b>Intellectual Property Constituency</b>		知识产权社群
<b>ISCPC</b>	<b>Internet Service and Connection Providers Constituency</b>		互联网服务与连接提供商社群
<b>ISOC</b>	<b>The Internet Society</b>		互联网协会
<b>ISP</b>	<b>Internet Service Provider</b>		互联网服务提供商
<b>LACNIC</b>	<b>Latin America and Caribbean Network Information Center</b>		
<b>NCUC</b>	<b>Non-Commercial Users Constituency</b>		非商业用户社群
<b>NomCom</b>	<b>Nominating Committee</b>		
	<b>Ombudsman</b>		调查员
<b>PDP</b>	<b>Policy Development Process</b>		
	<b>President/CEO</b>		总裁/首席执行官
<b>PRO-WG</b>	<b>Protecting the Rights of Others Working Group</b>		
<b>RALO</b>	<b>Regional At-Large Organisation</b>		地区大众组织
	<b>Registrant</b>		

Registres de TLD génériques	Registros de gTLDs		
	Autoridad de números asignados en Internet	Агентство по распределению номеров Интернета	
Société pour l'attribution des noms de domaines et des numéros sur Internet	Corporación para la Asignación de Números y Nombres en Internet	Корпорация Интернета по распределению адресов и номеров	
Utilisation des noms de domaine internationalisés dans les applications	Nombres de Dominio Internacionalizados en Aplicaciones (IDNA)		
Noms de domaine internationalisés	Nombres de Dominio Internacionalizados	Многоязычные доменные имена	
Groupe de travail sur les noms de domaine internationalisés	Grupo de Trabajo de Nombres de Dominio Internacionalizados		
	Equipo de ingeniería en Internet	Инженерная проблемная группа Интернет	
	Protocolo de Internet	Протокол Интернет	
Regroupement sur la propriété intellectuelle	Unidad Constitutiva de Propiedad Intelectual		
Regroupement des fournisseurs d'accès à Internet et de services Web	Unidad Constitutiva de Proveedores de Conexión y de Servicios de Internet		
	La sociedad Internet	Общество Интернет	
	Proveedor de servicios de Internet	Поставщик услуг Интернет	
	Registro de direcciones de Internet latinoamericano y del Caribe		
Regroupement des utilisateurs non commerciaux	Unidad Constitutiva de Usuarios No Comerciales		
NomCom Comité de nomination	NomCom Comité de Nominaciones		
Processus de développement des politiques (PDP) OR Processus d'élaboration des politiques (PDP)	Proceso de Desarrollo de Políticas		
Groupe de travail sur la protection des droits des tiers	Protección de Derechos Ajenos		
Organisation At-Large de votre région	Organizaciones Regionales At-Large	Региональная расширенная организация по делам индивидуальных пользователей Интернета	
Requérant OR titulaire OR demandeur	Registrante		

	<b>Registrar</b>		注册商
	<b>Registry</b>		注册机构
	<b>Registry Operator</b>		
<b>RC</b>	<b>Registrar Constituency</b>		
<b>RFC</b>	<b>Request for Comments</b>		
<b>RGP</b>	<b>Redemption Grace Period</b>		赎回宽限期
<b>RIPE</b>			
<b>RIR</b>	<b>Regional Internet Registry</b>		地区互联网注册机构
<b>RN-WG</b>	<b>Reserved Names Working Group</b>		
	<b>Root Servers</b>		根服务器
<b>RSO</b>	<b>Root Server Operator</b>		
<b>RSSAC</b>	<b>Root Server System Advisory Committee</b>		根服务器系统咨询委员会
<b>RyC</b>	<b>Registry Constituency</b>		
<b>SSAC</b>	<b>Security and Stability Advisory Committee</b>		安全与稳定咨询委员会
<b>SO's</b>	<b>Supporting Organisations</b>		支持组织
<b>sTLD</b>	<b>Sponsored Top-Level Domain</b>		
<b>TLD</b>	<b>Top-Level Domain</b>		顶级域名
<b>TLG</b>	<b>Technical Liaison Group</b>		技术联络组
<b>UDRP</b>	<b>Uniform Dispute Resolution Policy</b>		统一域名争议解决政策
<b>URL</b>	<b>Uniform Resource Locator</b>		统一资源定位符
<b>uTLD</b>	<b>Un-sponsored Top-Level Domain</b>		
<b>W3C</b>	<b>World Wide Web Consortium</b>		万维网联盟
	<b>Whois</b>		Whois
<b>WIPO</b>	<b>World Intellectual Property Organisation</b>		世界知识产权组织

Registraire	Registrador	Регистратор
Registre	Registro	Реестр
Opérateur de registres	Operador de Registros	
Regroupement des bureaux d'enregistrement	Unidad Constitutiva de Registradores	
Demande de commentaires	Solicitud de Comentarios	
	Período de gracia de redención	Период отсрочки аннулирования регистрации имени домена
Réseaux IP Européens	Réseaux IP Européens	
	Registros regionales de Internet	Региональный реестр Интернета
Groupe de travail sur les noms réservés	Grupo de Trabajo de Nombres Reservados	
Serveur racine	Servidor raíz	Корневые серверы
Opérateur de serveur racine	Operador del servidor raíz	
Comité consultatif sur le système de serveurs de la racine	Comité asesor en el sistema de servidores raíz	
Regroupement des registres	Unidad Constitutiva de Registros	
Comité consultatif pour la sécurité et la stabilité	Comité asesor de seguridad y estabilidad	Консультативный комитет по безопасности и стабильности
	Organizaciones auxiliares	Организации поддержки
Domaine de premier niveau commandité	Dominio de Alto Nivel Patrocinado	
	Dominio de nivel superior	Домен высшего уровня
Politique uniforme de règlement des différends portant sur des noms de domaines	Política Uniforme de Resolución de Disputas por Nombres de Dominio	Единые Правила Рассмотрения Споров о Доменных Именах
	Ubicador de recurso uniforme	Универсальный локалатор ресурса
Domaine de premier niveau non commandité	Dominio de Alto Nivel No Patrocinado	
	Consortio de la red mundial	Международный консорциум всемирной сети Интернет
Whois	Whois	Кто есть кто
	Organización mundial para la propiedad intelectual	Всемирная организация по охране интеллектуальной собственности

	Board of Directors		



## 2.10.1 ICANN Budget, Fiscal Year 2006 – 2007

<http://www.icann.org/announcements/proposed-budget-2006-07-clean-24jun06.pdf>



# Proposed Budget: Fiscal Year 2006–2007

24 June 2006

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## Planning Process

This proposed fiscal year 2006-07 budget provides a description of the ICANN budgeting process for this upcoming year, the annual operating plan describing the outcomes that the organisation has set out to achieve, and an explanation of the revenue model and spending plan for the year. After public comment and follow-up discussions with constituency groups and the ICANN Board of Directors' Finance Committee, the budget will be amended and submitted to the ICANN Board for adoption in Marrakech on 30 June 2006.

ICANN's twelve-month planning calendar is divided into two six-month segments. The first six months of the fiscal year (July through January in ICANN's case) is devoted to strategic planning. The Strategic Plan is based on a bottom up, multi-phase consultation with the ICANN community. It attempts to set out the community's views of the priorities that ICANN needs to adopt in the next three years as it continues to evolve as a global organisation serving the Internet community in maintaining the stability and security of the Internet's unique identifier systems.

Development of this strategic plan began at the ICANN meeting in Luxembourg in July 2005. Extensive consultation with the community was undertaken in workshops with the Supporting Organizations (SOs) and Advisory Committees (ACs), and also in general sessions conducted in English, French and Spanish. At the request of the community, a further series of questions was posted for comment on a public forum on the ICANN website.

During the second half of the fiscal year, ICANN pointed its planning activities toward the annual Operating Plan and Budget, i.e., the one-year plan that works to accomplish the objectives set out in the three-year Strategic Plan. In particular, the Operating Plan is comprised of the set of projects necessary to accomplish the objectives described in the longer-term Strategic Plan. This draft plan (see, <http://www.icann.org/announcements/announcement-04may06.htm>) was presented for review and comment in Wellington and in public comment forums. The revised Operating Plan arising from those consultations is posted below. ICANN now is posting an Expense Budget based upon the goals below and upon regular operating expenses.

ICANN staff developed this budget through a bottom-up, collaborative approach involving key ICANN stakeholders, including those who contribute to its revenue.

In order to develop budgetary requirements in a zero-based, bottom-up fashion, ICANN department heads each created departmental annual operating objectives. ICANN senior staff

then met as a group to identify additional objectives that are shared as a team. After compiling these objectives into a single operational plan and identifying the owner of each objective, each manager wrote a departmental budget. The departmental budgets were reviewed by management to ensure effective and efficient use of funds. Senior management then conducted an additional review of the consolidated budget.

The process also included (and will continue to include) consultations with the ICANN Board of Directors Finance Committee and ICANN constituency groups. Consultations with the community will continue through the public comment period for the proposed budget.

The process thus far has greatly enhanced communication among stakeholders and between ICANN and the Internet community. There has been a great exchange of information among the parties describing the challenges and opportunities facing all.

ICANN's 2006-07 budget is intended to enable ICANN to meet the requirements of the Internet community and fulfil the obligations in the final year of the MoU with the U.S. Department of Commerce. The new budget was developed through ICANN's evolving strategic planning process. The budget incorporates the "operational objectives" identified through that planning process.

## **Operational Objectives**

### **Operational Plan Highlights**

The ICANN Operational Plan describes over 50 individual measurable projects set out for the fiscal year. Several of these goals (or groupings) of them are of prime importance to many constituency groups. Therefore, before describing the Operational Plan in detail, it is first meaningful to briefly discuss some of the important aspects of the plan in more detail.

### **Compliance**

The budget provides that ICANN will augment the corporate compliance program, including the system for auditing registry and registrar contracts for compliance by all parties to such agreements. ICANN published its compliance program at <http://www.icann.org/compliance/>.

The compliance program will build upon existing, constructive relationships with the registrar and registry communities. The elements of the initial program will consist of:

- Establishment of technical and non-technical audit functions to review, on a regular basis, registry/registrar operations to ensure compliance with contracts and appropriate standards.

- Statistical tracking and analysis of registrant and user complaints/comments regarding specific registries/registrars.
- Rapid follow-up on specific instances of behaviour. Working constructively with registries and registrars to implement and complete corrective action plans.
- Implementing a planned escalation of actions and associated cure periods, including legal and specific performance remedies, in order to correct ongoing harm and to ensure legitimacy for the compliance function.
- With the registrar constituency, re-writing the Registrar Accreditation Agreement to better define acceptable forms of operation.

An effective compliance program will protect peer and client members of the Internet community by ensuring consistency of conduct across the registrar and registry communities.

### **Improvement of Registration Services**

Registration providers offer an invaluable service to the global Internet community by registering domain names and IP number assignments and publishing the information that ensures stable mapping of names to Internet resources. ICANN will provide and improve the following services to registration providers:

- Provide improved staff support for the GNSO, ccNSO, ASO and advisory committees to facilitate integrated development and implementation of the framework of technical rules, standards and agreed procedures (which the Internet community refers to as "policies") that together facilitate the effective management of the domain space and IP address allocations.
- Provide staff and infrastructure to supply data escrow coordination and services.
- Improve the accreditation process and issue accreditations, eliminating backlog and effectively evaluating and dealing with problematic accreditation applications made for securing deleted names only.

Services to registrants:

- Facilitate the implementation of failover mechanisms to protect registrants in the event of registry failure.
- Enhance the website and staff the public participation function to educate consumers about resources for protection of consumer interests, dispute resolution, consumer protection and law enforcement, as well as promote consumer interests through information and service tools.

- Improve Whois accuracy through ICANN's Whois Data Problem Reports system. The new closed-loop system will provide follow-up from staff to ensure that corrections are made or names are deleted. ICANN staff will also undertake proactive statistical sampling studies to determine the overall database accuracy and then develop a plan for improvement.
- Implement tracking mechanisms for facilitating the channelling and resolution of customer service issues.

Meeting the needs of registration providers and consumers is already a significant element of ICANN's budget, but there are many activities that are under-funded and under-staffed in light of the demand for such services. To provide the level of service that appropriately fulfils ICANN's service goals will require substantial investments in systems, infrastructure, regional presence and personnel.

## **IANA Performance**

ICANN's stakeholders require timely, reliable, and accurate responses to their operational requests, and responsiveness to their evolving needs.

To increase its effectiveness, ICANN's IANA function has initiated a work program to map its processes and activities. Systemic improvements to these processes will enable faster, more efficient and more accurate performance of ICANN's operational functions.

Significant accomplishments achieved this year that improved performance are:

- completion of the planned staffing of the IANA function,
- completed the implementation of a request tracking and response management system to improve turnaround times across the operation,
- publication of meaningful, accurate statistics describing IANA performance, and
- frequent communication with requestors of IANA services.

On an ongoing basis, ICANN staff will meet performance targets, continually improve those targets (“raise the bar”), and refine the management system based on experience and feedback from ICANN's stakeholders. These goals are defined in detail below.

## **Introduction and Designation of New gTLDs**

The development of an appropriate process and policy for the creation of new generic top-level domains (gTLDs) is central to fostering choice and competition in the provision of domain registration services, and as such is critical to the promotion of ICANN's core values. The questions to be addressed in the implementation of a new gTLD strategy are complex and draw

on technical, economic, operational, legal, public policy and other elements. Many stakeholders in the global Internet community will be interested in participating in the implementation of the strategy, and ICANN is committed to facilitating their participation and involvement.

ICANN is bringing to close two processes: the designation of new sponsored TLDs as a result of the recent round of ten applications; and the gNSO policy development process (PDP) that will guide the introduction of TLDs going forward. The former process has resulted thus far in the designation of five new TLDs and the experiences gained are also informing the PDP. Previously, in accordance with the Memorandum of Understanding with the USG, ICANN published and began implementation of its strategy for designation of new TLDs (see, <http://www.icann.org/topics/gtld-strategy-area.html>). The implementation of the GNSO created process, resulting in an on-going methodology for the designation of new TLDs will signify the full implementation of ICANN's strategy created for this purpose.

## **Deployment of Internationalised Domain Names**

Internationalised Domain Names (IDNs) are domain names represented by local language characters. Such domain names could contain letters or characters from non-ASCII scripts (for example, Arabic or Chinese). Many efforts are ongoing in the Internet community to make domain names available in character sets other than ASCII.

These "internationalised domain name" (IDN) efforts were the subject of a 25 September 2000 resolution by the ICANN Board of Directors, which recognized "that it is important that the Internet evolve to be more accessible to those who do not use the ASCII character set," and also stressed that "the internationalization of the Internet's domain name system must be accomplished through standards that are open, non-proprietary, and fully compatible with the Internet's existing end-to-end model and that preserve globally unique naming in a universally resolvable public name space."

ICANN is now in a position to effectuate, eventually, the deployment of IDN TLDs. Recent achievements include the formation of a President's Advisory Committee, publication of updated guidelines for IDNs at the second-level, and publication of a timeline to place IDN TLDs (with appropriate safeguards) in the root-zone on an experimental basis (see, <http://www.icann.org/topics/idn/>).

## **Contingency Planning**

In accordance with good business practices and the objectives described in the MoU with the U.S. Department of Commerce, ICANN has developed a contingency plan (that remains confidential to preserve its effectiveness) to ensure continuity of operations in the event the organisation incurs a severe disruption of operations, or the threat thereof, by reason of its bankruptcy, corporate dissolution, a natural disaster, or other financial, physical or operational event. Similarly, ICANN has developed a contingency plan to ensure continuity of registry and

registrar relations in the event that any such organisation suffers a severe disruption of operations.

The budget for the contingency plan requires capital investment, new geographically diverse infrastructure, and staff time to put into place agreements, relationships and procedures that will guarantee on-going operations.

## **Globalisation**

ICANN has translated documents into 17 different languages. As a global organisation, ICANN will provide multilingual communications and materials to communicate with regional Internet communities in order to provide relevant expertise, assistance, and information. As part of developing and implementing an economical and effective strategy, ICANN will, in consultation with the community:

- identify appropriate languages and materials for translation,
- translate at meetings to facilitate effective participation,
- seek to work with appropriate entities, interested parties within the ICANN structure, and the Supporting Organisations, and Committees, as appropriate, to implement the strategy to facilitate multilingual communications, and
- use existing resources and opportunities to implement a strategy as efficiently and effectively as possible.

ICANN has been contacted by several governmental and non-governmental agencies regarding establishing regional presences/partnerships in certain locations. This budget contains seed money to develop those inquiries, take initial steps to explore the establishment of potential presences to ensure the efficacy and appropriate operational strategy for the site, and retain the services of regional liaisons. ICANN will conduct consultations regarding the establishment of regional presences with the Internet community and provide an operational plan to the Board for approval.

ICANN's newly retained regional presences in Africa, the Middle East, Europe, the Caribbean, and Latin America will be augmented by an additional presence in Asia-Pacific and will:

- Enable responsiveness to local needs in multiple time-zones.
- Cooperate closely with key regional stakeholders, such as ccTLD operators or RIRs.
- Permit ICANN staff to participate in regional Internet-related activities economically.
- Engender participation in the ICANN process by representatives of developing countries.

## **The MoU with the Department of Commerce**

To date, ICANN has timely met 16 of the 25 deliverables described in the MoU with the U.S. Department of Commerce. Several others have been essentially completed pending publication of final reports or notices. A significant portion of the budget will be dedicated toward achieving the remaining objectives set forth by the MoU and for continuing to evolve the ICANN organisation in preparation for the post-MoU environment.

Key areas of focus (described in more detail in this document) in driving toward completion of all deliverables are: achieving stable agreements with ccTLD operators that address, among other things, issues affecting the stable and secure operation of the DNS; formalization of relationships under which root name servers throughout the world are operated and continuing to promote best practices; and continuing the process of implementing new top level domains

## **Introduction to ICANN Operational Objectives**

This draft version of the ICANN Operating Plan is a one-year plan based upon the goals set out in the ICANN Strategic Plan (see, <http://www.icann.org/strategic-plan/consultation-process-2005-06/>). It is comprised of projects and annual operating objectives compiled by the ICANN staff. Throughout the first half of the present 2005-06 fiscal year ICANN has developed its Strategic Plan in consultation with the ICANN community. Successive versions of the work-in-progress Strategic Plan were published as it has been developed through those consultative discussions until it was approved by the ICANN Board of Directors at the ICANN meeting in Wellington. During the second half of the fiscal year, ICANN points its planning activities toward the annual Operating Plan and Budgeting, i.e., the one-year plan that works to accomplish the objectives set out in the three-year Strategic Plan. In particular, the Operating Plan is comprised of the set of projects necessary to accomplish the objectives described in the longer-term Strategic Plan.

During last year's review, collaboration and discussion of the Operating Plan, three suggestions were made regarding the form and format of the plan:

- The objectives described in the plan should be linked to specific goals in the strategic plan,
- Budget should be established for each of the projects outlined in the Operating Plan, and
- Specific outcomes should be defined for each of the projects so that an objective degree of success can be determined.

This year's Operating Plan takes steps to address those requests. This year's Operating Plan is a series of projects with allocated resources and deliverables. The headings below are the objectives described in the ICANN Strategic Plan. Under each of those headings are the projects that comprise the operating plan so that each project is linked to a specific strategic objective. Following the Project plans is a matrix describing the budget associated with each project. A complete description of the Operating Plan, including project descriptions, budget and specific

outcomes can be found at <http://www.icann.org/announcements/announcement-04may06.htm> or <http://www.icann.org/>.

This draft plan was presented for review and comment in Wellington and in public comment forums. The revised plan, arising as a result of those consultations, is posted below. ICANN has now developed an Expense Budget based upon the costs associated with the goals below and upon calculation of projected regular operating expenses, i.e., the organisation necessary (“business as usual”) to support the accomplishment of the objectives. Some comments made during the above-mentioned consultations indicated that ICANN should carefully weigh “make-buy” decisions, i.e., whether to hire staff or outsource specific resource needs. Having defined and revised this plan, the budgeting and ongoing management process includes making economic decisions concerning staffing levels, outsourcing, resource acquisitions and other items to ensure that the accomplishment of these objectives is being conducted in an economical manner.

## **Organisational Excellence in Operations**

### **Operations performance targets**

#### **IANA**

- Measure and subsequently improve IANA customer satisfaction through:
  - ensuring necessary and sufficient resources are devoted to the IANA function,
  - the design and implementation of surveys and other methodologies to measure client requirements,
  - implementation of additional automation techniques for receiving and processing requests,
  - provision of 24/7 service,
  - improved statistical reporting in order to direct continuous improvement efforts (including publication of IANA statistics to indirect beneficiaries of IANA services such as providers and users).
- Improve the robustness of IANA infrastructure, including disaster preparedness, in order to ensure ongoing operations in the event of physical or business disruption. This includes
  - Archiving existing IANA data and implementing a system for ongoing archiving of data in order to provide additional secure backup of historical IANA information

#### **gTLD Registry tasks**

- Registry failover – Establish a comprehensive plan to be followed in the event of financial, technical, or business failure of a registry operator, including full compliance with data escrow requirements and recovery testing.

- Policy implementation - Establish the infrastructure, resources and workflow for the implementation of the ICANN developed consensus policy: (i) form necessary external relationships; (ii) test, then create internal work-processes and simulation of such; (iii) review implementation plan with gTLD registries, management and ICANN Board; (iv) announce implementation process/procedures. Following the implementation of these processes, a review and evaluation of the functionality of the process will be initiated. This is to ensure that the process mechanism works for all parties involved or some way affected by it. These implementations will probably include:
  - The process for considering new registry services
  - Transfer policy review
  - WIPO considerations
  - RGP / RGP II

### **gTLD Registrar tasks**

- Continue to improve full contractual compliance program for registrars and registries including compliance philosophy, staffing plan, complaint management, auditing procedures, and interactions with government agencies. Develop metrics to measure program effectiveness.
- Enhance automated processes involved in managing Registrar Liaison functions including registrar accreditation and renewal processes, the registrar database and billing systems, and project management.
- Enhance registrar/registry partnerships through regional workshops and through enhanced communication and reporting:
  - Regional Workshops
  - Reporting / dashboard
  - Communications
  - Translation
  - IDN TLD communication
- Develop a registrar data escrow program in collaboration with the registrar community. Install and operate the infrastructure needed to escrow data or contract with an outside entity to provide technical infrastructure. Create a process for approving third-party data escrow service providers and verifying compliance with ICANN's data escrow policies and procedures
- Re-form the RAA to address current issues not addressed in the current agreement, among them: new markets and market behaviours, approval mechanisms for registrar fees, standards for accreditation approval, registrar data escrow and failover mechanisms, sanction program.

## **L-Root Server Operations**

- Improve resilience to the L-root system. In addition, create and deploy Any-cast locations to mitigate operational risk. Deploy a system that can remain operational during sustained DDOS attacks. Enhance monitoring and statistical capabilities to allow analysis of data.

## **End Users**

- Develop methods for handling queries and complaints. Collect data from phone calls and emails so that tools can be developed that will reduce staff burden, communicate effectively with those who contact ICANN, and answer questions that are passed in through the Board or staff. Tailor these efforts so that complaints are passed on to appropriate bodies or organizations (i.e., not ICANN).
- Review UDRP for effectiveness.

## **Procedures for dealing with potential business failure of key operational entities**

- Develop and implement emergency response plan comprised of procedures to react to the business or physical failure at ICANN, at one or more gTLD registrars, or at operators of the top-level domains. Features of the plan will include:
  - An effective data escrow program at the registrar-level and procedures for sharing that information with a substitute registrar when appropriate. Aspects of the plan will include:
    - Establishing an ICANN escrow agent
    - Implementing a Quality Assurance plan
- Develop and implement a registry failover plan to ensure ongoing query resolution in the event of registry failure (physical or business).
- Continue execution of contingency plan. Ensure continuation of operations during physical or business interruption of ICANN operations including providing and maintaining appropriate redundant, geographically diverse infrastructure and executing business backup arrangements, such as a coordination plan with TLDs, root-servers and other critical infrastructure players.

## **Further improve accountability of the budget process and ensure regularity of revenue flows consistent with ICANN mission and objectives**

- Develop tools for planning and reporting against project budgets (in addition to the present departmental accounting methods). Report on performance against project plans.
- Ensure that information describing budget, independent audit or financial contributions is published on a timely basis and all information is current.
- Set aside a portion of revenue that will (in four years) result in a cash reserve of at least 12 months expenses.

- Complete registry and registrar agreements in order to provide for regular revenue for next several years.
- Negotiate agreements with RIRs and ccTLDs to augment and balance revenue flows across possible sources.
- Develop alternate forms of revenue in accordance with recent discussions among gTLD registrars and registries. Reduce fees to those entities paying the relatively highest amount of fees to better balance revenue flows across sources.

### **Improve access to technical advice and the resolution of technical issues in local communities**

- Create community response program by:
  - Designing and providing educational opportunities for ccTLDs in developing areas
  - Utilising Regional Liaisons to create communications network by training them on the first technical level and providing access to technical expertise at the next level

### **Develop and implement a workforce planning methodology for ICANN staff to attract and retain the high quality staff**

- Improve effectiveness of ICANN performance through economic and effective hiring, performance measurement and leadership management and development. The workflow planning methodology will include:
  - Developing workforce planning methodologies
  - Developing performance measurement tools
  - Providing leadership development training
  - Implementing effective and economical talent acquisition and retention techniques
- Integrate communications and enhance performance of geographically separated offices by establishing team goals.

### **Key initiatives addressed by ICANN in the fiscal year**

#### **Internationalized Domain Names (in particular, deployment of IDNs at the top-level)**

- IDN: take steps (e.g., develop and staff a Program Plan) toward enabling Internet users to access the internet using their local language or script identifiers. In some of the areas described in the plan ICANN seeks the expertise and mandate to act and will pursue the necessary partnerships. The major sub-projects of the Program Plan to be accomplished in this fiscal year are:
  - TLD root zone testing to establish the viability of potential solutions

- Creation and maintenance of an IANA repository for housing technical, cultural, and linguistic information to be shared and an IANA process for introducing IDN labels into the root zone
- Creation of appropriate standards and guidelines
- Bottom up policy development to guide IDN TLD implementation
- Ensure timely, effective communications across the IDN engaged community – in particular between the President’s Advisory Committee and stakeholders

Each of the above has technical and policy development aspects. These aspects should be segregated and managed with the appropriate ICANN bodies. In particular, use the Policy Development Process involving and coordinating the activities of multiple Supporting Organisations and Advisory Groups developed in accordance with the section describing excellence in policy development below.

**Security, e.g., DNSSEC deployment, preventing hijacking of network resources (e.g., network addresses and resolvers)**

- Implement signing of the root zone (DNSSEC) and enable IANA to accept signed TLD zones in order to enhance network security. Determine timetable, coordination requirements and costs for full deployment.
- Transition Root Zone authoring from VeriSign to ICANN (VeriSign continues publishing) in order to fulfill the requirements in the MoU and create a more seamless process for root zone publication.

**Designation of new gTLDs**

- Develop capacity to support the Policy Development Process consideration of economic, consumer, market and business issues through the engagement of expertise in economics and statistics.
- Introduction of New gTLDs - ICANN will develop an implementation plan for the introduction of new gTLDs guided by the anticipated finalization of the GNSO PDP on introduction of new gTLDs . Policy questions that on the critical path to and affecting the implementation are: selection criteria, allocation method, and contractual policy related topics. After successful implementation of the policy, it is anticipated that interested gTLDs.
- Develop and implement program for universal acceptance of gTLDs (i.e., registries with more than three letters).

**WHOIS development**

- See gTLD Registry tasks and policy implementation: Establish within ICANN the infrastructure, resources and workflow for consideration of new registry applications by the

implementation of the ICANN consensus policy. Apply methodology to results of Whois policy development.

### **Addressing issues of DNS market behaviour (within IP addresses and domain names)**

- See gTLD Compliance – work to improve Whois accuracy.
- Set-up task force with appropriate economic, technical and statistical skill sets to determine root causes of market behaviour and determine if practices are appropriate:
  - Add storm
  - Add/deletes
  - RGP
  - Whois accuracy

As appropriate, make recommendations to create incentives, amend agreements (see, restructure of RAA above), and implement new services that will mitigate that behaviour.

### **Sustainability: Analyse implications of increased demand on ICANN operations and policy processes and develop ways of improving scalability**

- First, establish management reporting function so that workload metrics can be analyzed. Through the VP, Policy Development Support, work with the supporting organisations and advisory committees to develop metrics so that the workload of those organisations can be analyzed.

### **Organisational Excellence in Policy Development**

#### **Develop capacity to better understand economic issues and the implications of these factors on ICANN policy development**

- Facilitate the Policy Development Process consideration of economic, user, market and business issues through the retention of expertise in economic studies and statistical analysis.

#### **Improve the efficiency and effectiveness of Supporting Organizations and Advisory Committees**

- In collaboration with the Supporting Organisations and Advisory Committees, develop and implement effective collaboration tools to facilitate the policy development process.
- Provide economic assistance to volunteering organisations that includes appropriate cost controls and cost-benefit analysis:
  - Investigate and implement a travel assistance policy for Supporting Organisation volunteers,
  - Provide support to constituencies to enhance their effectiveness.

- In a collaborative fashion determine how to enhance stakeholder participation in RSSAC and SSAC led discussions that are so important to ICANN's stability & security mission.
- Through the Vice President, Policy Development Support:
  - accomplish the objectives set out in the strategic plan regarding the reviews to measure the efficiency and effectiveness of Supporting Organizations and Advisory Committees through statistical surveys to determine present effectiveness,
  - identify & manage new & existing policy development requirements through interaction in the community (updating those requirements throughout the year),
  - maintain a docket of all pending policy development matters, including their schedule and current status
  - retain economics expertise to develop frameworks for establishing objective performance criteria and measuring performance against the criteria,
  - initiate a Policy Development Process involving and coordinating the activities of Supporting Organisations and Advisory Groups
  - implement the recommendations described in the GNSO Evaluation Report; recommendations requiring funding might include: enhanced forms of expertise and staff support, web page improvement, automation of processes, and development of collaboration tools.

## **Increasing International Participation in ICANN and the Use of the Internet System of Unique Identifiers**

### **Redesign ICANN business and policy practices and processes to meet the needs of a global audience, improving the ability of stakeholders to participate in ICANN processes**

- Determine, with Supporting Organisation and Advisory Committee collaboration, a liaison process appropriate to each SO and AC in order to fully implement cross-representation. Measure the efficacy of the liaison roles in each case to ensure that each plays a full and appropriate role.
- Facilitate effective and multilingual communication to ICANN stakeholders, to enable larger portions of the community to interact in ICANN processes. [This includes identifying the translation of materials and documents, website, and real-time translation at meetings. Identify translation of appropriate ICANN documents.] Create an operational policy or guideline to steer future translation efforts. [Translation is not an end in itself but rather a means to an end. Therefore, budget for translation is included in each of the projects here as necessary to accomplish the goal in the most effective manner.] The expense for translation efforts outside the specific efforts will be budgeted and monitored, including translation of:
  - ICANN meetings
  - Routine newsletters/publications
  - ICANN Website

### **In each region, work with cc managers, local Internet communities and regional organizations to develop and monitor outreach programs to improve access to DNS services**

- Through the Regional Liaison network, work with the community to better represent the regions in ICANN and facilitate ICANN responsiveness to stakeholders in all the regions, including work with respective stakeholders and end-user community. Respond to the needs of the internet community and support ICANN staff in relation to business plans. Includes participation in respective meetings, such as post WSIS (participation in IGF), and regional initiatives, as well as sponsoring/co-hosting regional workshops.

### **Increase Participation In and Efficiency of the ICANN Multi-Stakeholder Environment**

#### **Improve and deepen participation in the ICANN process by governments, end users, and the business and technical communities**

- Implement the vision for improvements in the GAC role, in accordance with ICANN Board direction that has been communicated to the GAC Chair. Potentially create a secretariat function and funding of selected GAC activities such as travel for the Chair, meeting participation, and sponsorship of regional meetings.
- Given the objective of ICANN to embrace stakeholders globally, design and provide educational opportunities for ccTLDs in developing areas - especially with regard to IANA services - in order to improve security and stability of the Internet through education. Coordinate with ISOC and other entities to provide services economically. Importantly, sum the resources dedicated to soliciting participation from each region to ensure that sufficient investment is made to achieve ICANN objectives.
- Develop informed participation by, and effective representation of, the international individual Internet user community in ICANN, including an ALAC that contributes to ICANN's policy and decision-making process, a global network of user groups involved as "At-Large Structures" (ALS) organized into 5 Regional At-Large Organizations (RALOs) that share information, educate, coordinate, and support effective, structured user involvement in ICANN. Tools for accomplishing these goals include:
  - Fellows programs
  - Workshops
  - Translation
- After developing a set of project objectives in consultation with ICANN constituency organisations, develop and implement a "recruitment plan" (including metrics and targets) of leading technical, business and policy individuals that describes the benefits and

opportunities associated with participation in the ICANN model. Use increased participation to enhance Supporting Organisation and Advisory Committee effectiveness and potentially develop alternate streams of revenue.

### **Develop and implement a communications plan that clearly explains ICANN's mission and communicates ICANN's activities and achievements**

- Fully staff ICANN's Communication functions (including a Manager, Public Participation) as described in ICANN planning documents.
- Evolve the ICANN web sites and continue to implement broadcast and information dissemination tools such as RSS, web logs and newsletters. Improve (reliability and visibility) posting of and response to correspondence in the form of letters and comments, as well as public meeting presentations.

### **Implement a program to enhance relevant skills and knowledge in existing participants and in the next generation of ICANN leadership.**

- Provide training for ICANN participants (Supporting Organisations & Advisory Committees):
  - Interaction: develop a model for negotiation and exchange in the SO and AC environments.
  - Identify opportunities for working within the ICANN model regarding policy development and technical coordination and the potential effect and benefits of those efforts.
- Create a program to encourage and fund participation by interested parties in developing countries. Program elements include: technical workshops targeting stability and security issues, education regarding the policy development process, and attendance at ICANN meetings.

### **Develop a knowledge management program to institutionalize corporate memory and communicate core ICANN values**

- Create processes for routinely capturing and archiving information, data, and issues as they are developed. Develop tools for easily accessing this information. Implement a program to capture and archive historic information in the same manner.

**Strengthen relationships with key partners to assist ICANN in carrying out its mission and identify key forums with which ICANN should interact to assist in dealing with issues that are related to but not in ICANN's ambit**

- Establish partnerships (formalize with MoUs where feasible) with local, regional or international organizations, to gain partnerships and formal support for ICANN's mission.
- Measure and implement a plan to improve ICANN meeting effectiveness considering: location, form of public and regional participation, and funding/costs. Use meetings to facilitate ICANN objectives in increasing diverse stakeholder participation and education (wherever possible, in lieu of staff increase or other forms of investment).

**Develop mechanisms to report on ICANN's openness, transparency, inclusiveness in its multi-stakeholder environment**

- Create an independently conducted project to:
  - develop metrics for measuring transparency and determining success,
  - self-measure performance against the metrics
  - independently audit measurement accuracy and appropriateness of the metrics
- Post procedures for independent review, including information about the body retained for that purpose.

**Work towards a Post-MOU ICANN**

**Satisfy remaining MOU objectives**

- Manage the remainder of the MoU period in accordance with past practice with particular attention to:
  - Implementing the consensus policy for launching new gTLDs
  - Establishing Accountability Frameworks with ccTLDs so that half the ccTLD registrants are represented by participating ccTLDs
  - Fully execute the contingency plan written to meet MoU requirements
  - Execute additional MoUs with RIRs describing the duties of the parties

**Engage the community in the analysis of issues and scenarios for post-MOU oversight**

- Develop a post-MoU model with appropriate input:
  - Identify characteristics of a model that satisfies the requirements of the community and governing bodies
  - Develop and launch consultations to solicit proposals for a post-MoU model or elements of that model

- Engage the President's Strategy Committee to discuss inputs and develop concepts
  - Determine the process for implementation of an identified model
- Strengthening: investigate the needs in order to sustain the new model and recruit the skill sets required to establish an effective organisation

## **Budgeting for the Operating Plan**

As described in the published operating plan, individual budgets were created for each of the projects comprising the plan. Resources in the form of staff and funding for outside service, travel, meeting, administrative costs (including equipment, logistics and other purchases), and capital equipment were identified and earmarked. Based upon this planning effort, ICANN has published the following project budget. The staff and money for this budget is included in the larger expense budget below. In order to create and track this budget, ICANN has implemented or is implementing several new management tools. Among them is a project management system that enables milestone tracking and resource allocations and upgrades to the accounting and control systems that will enable measurement of financial performance on a project-by-project basis. While these steps represent significant improvement in ICANN's management methodologies, there are risks associated with creating many project budgets. Among these risks is the tendency to budget each project slightly higher than required (a risk then in aggregate) and also insufficient management bandwidth to test every project budget thoroughly. ICANN will use the performance feedback gained through this process to continually improve the accuracy and efficacy of the project planning and budgeting exercise.

The budget below describes each project briefly, each of which is also published in the previously posted Operating Plan. The detailed costs indicated in the Operating Plan are summed into two categories: staff (in the form of full-time equivalents or direct FTEs), and expenses as identified in the paragraph above. These "Other Costs" include all other direct costs: consultancy fees, travel, meeting expense equipment, and supplies. The two are mutually exclusive. However, as ICANN manages each project and the company operations as a whole, it will continually evaluate and revise, if necessary, the "make-buy" decisions necessary to secure the appropriate talent for each task. Therefore, as ICANN determines the most economical and effective way to manage each project, the resource of staff and outside services may be traded back and forth.

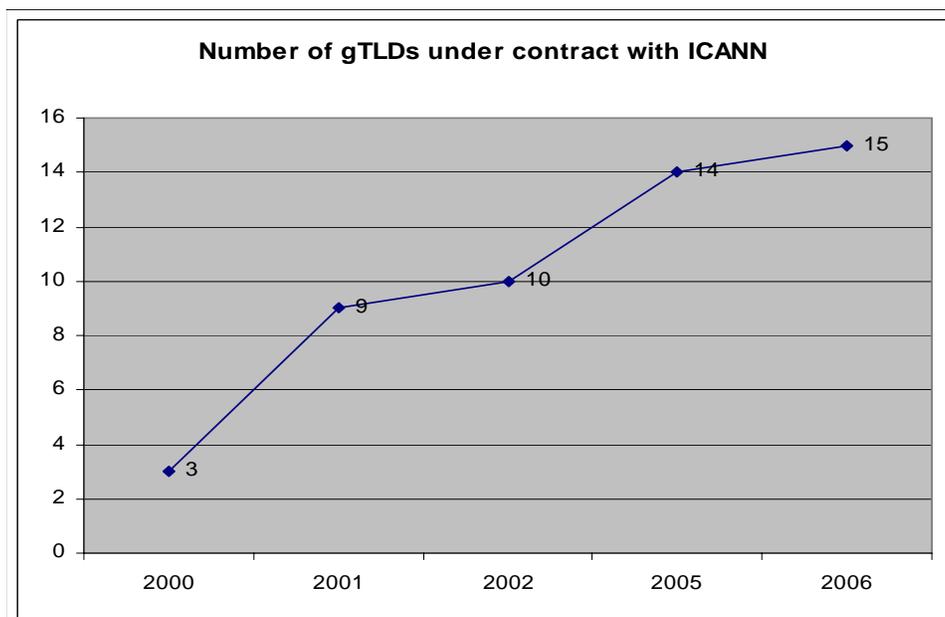
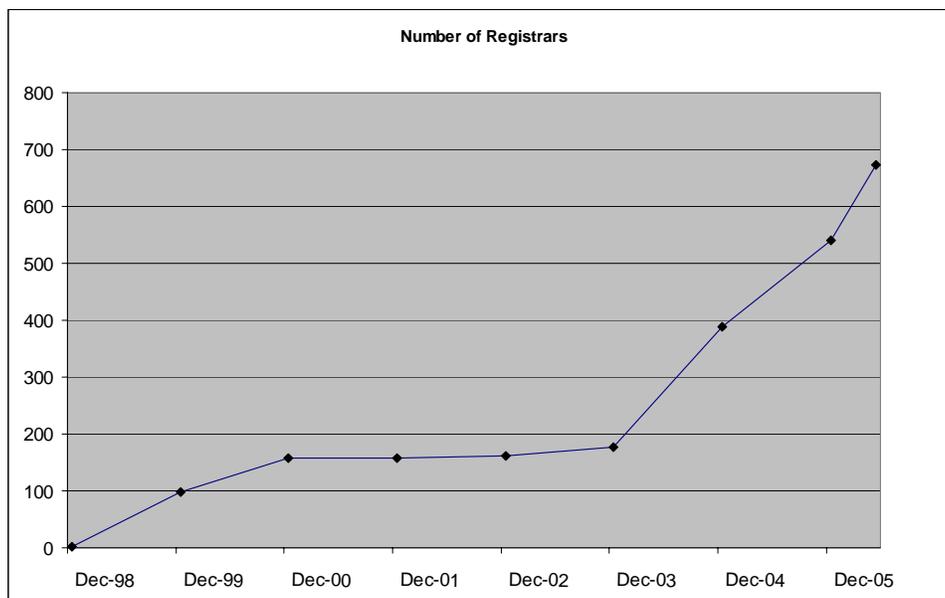
The Operating Plan budget is described in the spreadsheet below:

Index	Brief Description of Goal	Managing Department	FTE Req't	Total Other Costs (\$K)
1A	Measure and improve IANA customer satisfaction	IANA	1.95	\$230
1B	Improve robustness of IANA infrastructure	IANA	0.55	\$120
1C	Establish comprehensive registry failover plan	Registry Liaison	0.40	\$100
1D	Establish infrastructure to support timely implementation of consensus policy	Registry Liaison	2.00	\$650
1E	Continual improvement of contractual compliance program	Registrar Liaison	3.30	\$24
1F	Automate, streamline registrar liaison functions: e.g., accreditation, renewal, billing	Registrar Liaison	0.70	\$112
1G	Registry/registrar outreach: workshops and communications	Registrar Liaison	0.80	\$175
1H	Establish registrar data escrow program	Registrar Liaison	0.65	\$200
1I	Reform the Registrar Accreditation Agreement	Registrar Liaison	0.25	\$40
1J	Improve root server operations / resiliency	IT	2.00	\$674
1K	Develop methodologies to address user queries and complaints	IT	0.02	\$95
1L	Review UDRP for effectiveness	Registrar Liaison	0.02	\$120
1M	Dealing with potential business failure of key Operational entities / develop an emergency response plan	IT	0.85	\$590
1N	Improve financial accountability and reporting	Finance	1.40	\$56
1O	Complete negotiation of Registry, Registrar, RIR and ccTLD Agreements to ensure revenue	Registry/Registrar	2.60	\$246
1P	Develop alternative sources of revenue	Registry/Registrar	0.35	\$31
1Q	Improve access to technical advice and the resolution of technical issues	Global Partnerships	0.62	\$96
1R	Develop workforce planning methodology to attract/retain high-quality staff	Human Resources	0.10	\$260
1S	Internationalized Domain Names Program	IDN	5.70	\$205
1T	DNS Security (e.g., DNSSEC, name hijacking)	IT	1.55	\$255
1U	Economics and statistical expertise: introduction of new gTLDs	Executive Officer	0.00	\$240
1V	Implementation of new gTLD consensus policy, e.g., developing capability to consider applications	Registry Liaison	1.70	\$120
1W	Promote universal acceptance of TLDs	Registry Liaison	0.30	\$0
1X	Implementation of Whois policy development	Registry Liaison	0.15	\$30
1Y	Addressing issues of DNS market behavior	Registrar Liaison	0.10	\$75
1Z	Analyse implications of increased demand on ICANN's operations and policy processing / develop ways to improve scalability	Internal Operations	1.50	\$0
2A	Develop capacity to understand economic issues, and market operations	Executive Officer	0.00	\$0
2B	Improve efficiency and effectiveness of policy development: collaboration tools, travel support, constituency support, RSSAC/SSAC participation	Policy Development	0.10	\$530
2C	Improve efficiency and effectiveness of policy development: SO & AC reviews, identify and manage PDP requirements, coordinate SO & AC policy development efforts	Policy Development	1.63	\$327
3A	Implement a SO & AC liaison process	Policy Development	0.00	\$0
3B	Facilitate multilingual communications	Policy Development	0.00	\$290
3C	Establish and make effective regional liaison network	Global Partnerships	5.00	\$296
4A	Improve and deepen participation in the ICANN process - Government (GAC)	Global Partnerships	0.55	\$190
4B	Improve and deepen participation in the ICANN process - End Users (ALAC)	ALAC	1.50	\$690
4C	Improve and deepen participation in the ICANN process - the business community, technical and industry experts, developers of new business models that use the Internet	Policy Development	0.25	\$16
4D	Develop and implement a communications plan: staff the communications function and evolve the websites	Communications	3.00	\$150
4E	Implement a program to enhance and develop relevant skills and knowledge in existing participants and in the next generation of ICANN leadership	Policy Development	0.50	\$32
4F	Scholarships for participants in developing countries	Global Partnerships	0.40	\$410
4G	Develop a process for capturing and archiving information	Communications	0.05	\$125
4H	Establish relationships with regional and international organizations	Global Participation	0.00	\$0
4I	Measure and improve meeting effectiveness	Services	1.00	\$60
4J	Develop mechanisms to report on ICANN openness and transparency	Policy Development	0.10	\$158
5A	Manage the remainder of the MoU period	Services	0.00	\$0
5B	Develop post-MoU model	Global Partnerships	0.20	\$174
		<b>TOTALS</b>	<b>43.84</b>	<b>\$8,428</b>

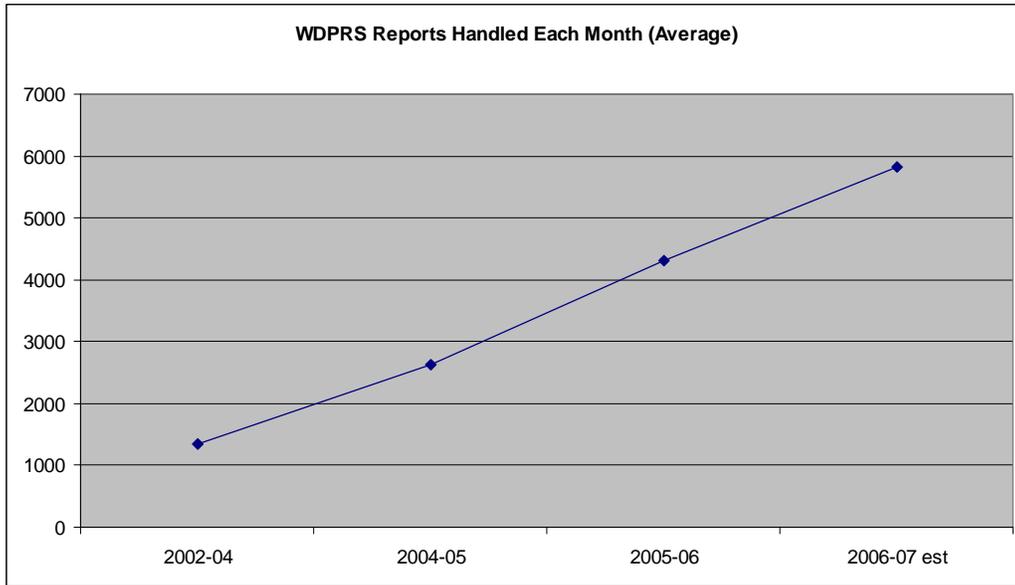
## Budgeting for Ongoing Operations and Increasing Activity Levels

In addition to Project related efforts, ICANN must also sustain ongoing operations. Those ongoing efforts sustain regular operations such as providing IANA services, and the registrar and registry liaison functions. Ongoing operations also provide administrative support for project work and ongoing operations. These efforts include rent, utilities, tech support, and connectivity.

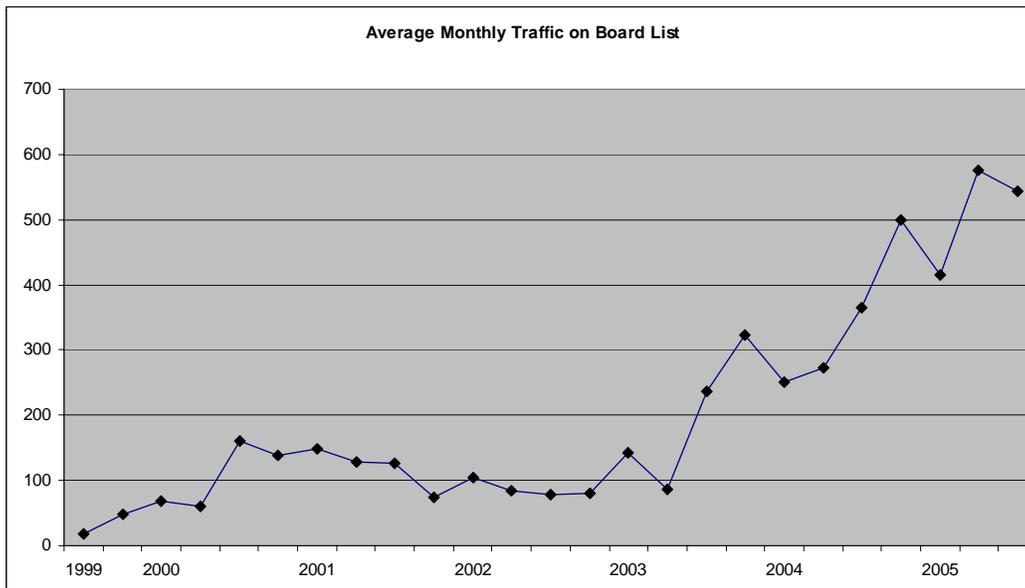
These efforts, and the resources required to sustain them continue to grow. For example, the numbers of gTLD registrars and registries continue to increase, as do the ICANN activities providing services to them. The present policy development process to introduce new TLDs will ensure that ICANN requirements to support this DNS segment will continue to grow.



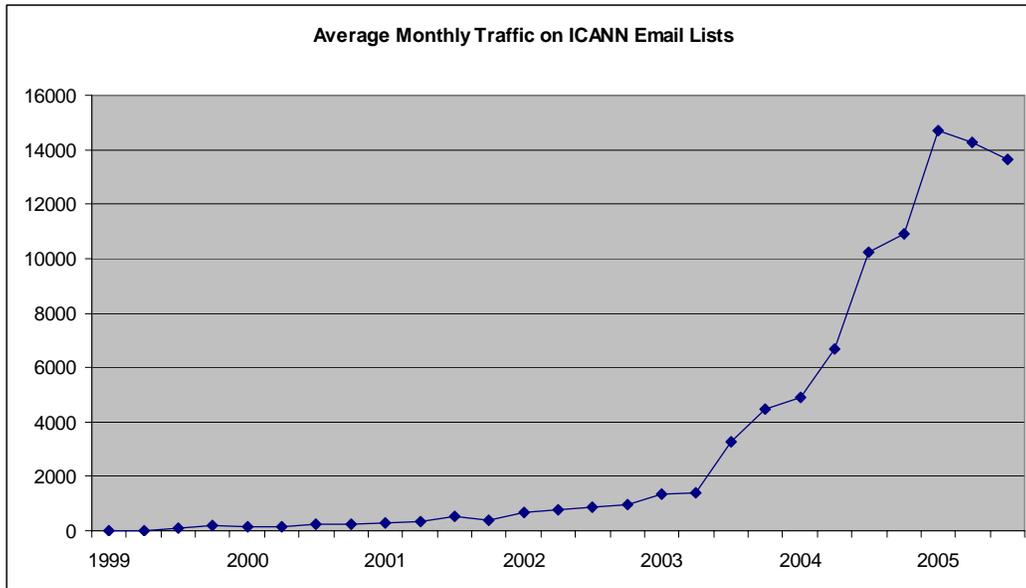
Other examples include the number of Whois Data Problem Reports that are monitored or addressed:



ICANN responds to email queries from inside,



and outside the organisation:



These examples are mentioned because there is some proportionality between these indicators and ICANN “business as usual” workload. The budget is comprised of two elements: specific project work and the ongoing operations segment. The budget increases are due to the projects defined in the operational plan and because the environment puts greater demands upon ICANN in providing traditional services. Succeeding in both these areas require resources beyond that which ICANN has had available before

ICANN will continue to monitor and publish metrics that affect its workload. This is particularly important as ICANN grows in resource expenditures to ensure that expenditures are made in an effective, economical manner.

## Proposed Revenues

ICANN's fee structure will remain essentially constant this fiscal year except for increases in gTLD registry fees. Increases in total revenues will derive primarily from growth in the domain name space and fees accruing from the negotiation of new and renewed gTLD agreements.

### gTLD Registrar Fees

#### Registrar-Level Transaction Fees

For fiscal year 2006-07, ICANN will maintain the current registrar-level transaction fee of US\$0.25 per transaction. Each "transaction" will be defined as one-year domain registration increment caused by a successful add, renewal or transfer command. Domains deleted within the add or auto-renew grace periods will not be charged a transaction fee.

The per-transaction fee will continue to be charged for each one-year increment of every transaction (e.g. the fee for a three-year renewal will be US\$0.75), and registrars will continue to have the option to "defer" payment the fees for the years beyond one for each transaction.

This fee is subject to the approval of the gTLD registrars. There are mechanisms in the agreements ICANN has with registries that provide for funding of ICANN (by registrars through registries) in the event that the gTLD registrars do not approve this level of funding. The funding from the alternate mechanism is somewhat reduced. ICANN will work hard to win this approval. In the event approval is withheld, ICANN will reduce spending to match reduced funding.

#### Per-Registrar Fees

Per-registrar fees will also continue at current levels in the aggregate. Each ICANN-accredited registrar will continue to pay a fixed fee of US\$4000, plus a per-registrar variable fee totalling US\$3.8 million divided among all registrars. (As of 12 May 2006, there were 667 ICANN-accredited registrars.) The per-registrar fee is based upon the validated concept that ICANN often expends the same quantum of effort in providing services to a registrar regardless of the size of that registrar.

Depending on registrar size and activity, some registrars will continue to be eligible for "forgiveness" of two-thirds of the standard per-registrar variable fee. The criteria for eligibility for partial forgiveness will be as follows: the registrar must have fewer than 350,000 gTLD names under its management, the registrar must not have more than 200 attempted adds per successful net add in any registry, and it must not have more than five percent (5%) of added names deleted during the add-grace period from any registry that offers an add-grace period.

Thus far, in fiscal year 2005-06, 39 registrars (representing fewer than 6% of all registrars) were granted forgiveness out of 160 registrars that applied for forgiveness. The applications of the remaining 121 were rejected.

## **gTLD Registry Fees**

Fees from gTLD registries are described in detail in the accompanying budget schedule and notes. Fees from gTLD registrars and registries continue to be the bedrock of ICANN funding even as ICANN continues to explore additional sources of funding.

In fulfillment of its obligation to develop alternate sources of revenue, ICANN has proposed the implementation of registry-level transaction fees. Transaction fees will serve to increase ICANN revenues then enable revenues to grow in proportion to growth in the DNS.

ICANN recently designated new sTLDs, signing agreements to create the .CAT, .JOBS, .MOBI, .TEL and .TRAVEL registries. These agreements call for per-transaction fees based upon the results of technical and commercial negotiations with the proposed registry sponsor and the business model proposed. ICANN is also in negotiation with other gTLDs that include provision for transaction based fees that will serve to increase ICANN revenues. Importantly, ICANN received approval of the terms of the .NET agreement, firming that source of additional revenue and concluded negotiation of the agreement for the operation of the .COM registry that (when approved) will contribute significantly to the ICANN budget.

## **ccTLD Contributions**

Many ccTLDs have expressed support of the ICANN model and the understanding of the value that model provides. There have also been expressions that a consistent structure by which the ccTLD provide fees to ICANN must be developed. The mechanism for funding will be determined by the ccTLDs, through the ccNSO. Members of the ccNSO are collaborating and developing fee targets. Based upon the work reported by the ccNSO Funding Task Force, ICANN has increased the expectation of fee receipts for this writing by 50% over the current fiscal year. It is expected that a fee structure will be developed in the upcoming months and, as a result, fee receipts from ccTLDs will grow in the upcoming fiscal years.

## **Regional Internet Registries**

With the execution of the MoU between the NRO and ICANN, it was expected that the RIRs would release fees that have been held in escrow. However, since the execution of the MoU, the RIRs have not released funds. ICANN is working with each RIR to reach an agreement and release funds. ICANN's independent auditors, recognizing the risk to revenue receipts, have required ICANN to make note of the shortfall in its financial statements.

In fiscal year 2004-05, based upon discussions with an RIR representative, ICANN budgeted RIR contributions equal to 10% of the previous year's budget. The predicted contributions of \$823K represented a 54% increase over the previous year's budget. In fiscal year 2005-06, and now in 2006-07, ICANN has asked for the same amount.

Finally, it is important to note the RIRs provide funding to ASO meetings, staff support for the ASO, and travel and attendance at the ICANN meetings.

## **Alternate Sources of Revenue**

Sound business planning dictates that ICANN should continue to develop alternate sources of funding in order to provide a more robust revenue base. Specifically, these sources should include the ccTLDs, the RIRs, new gTLDs, and other interested parties.

- ICANN has developed a staffing plan to accelerate the execution of frameworks of accountability with ccTLDs. One aspect of these discussions is how to secure a more consistent base of funding from these stakeholders.
- ICANN is presently completing the process of establishing new sponsored TLDs and has undertaken a study to determine how best to allocate new gTLDs. Where new TLDs are established, ICANN will undertake separate technical and commercial negotiations with each one. Depending upon the business model of each, ICANN will realize some reasonable revenue stream from each TLD. Those revenue models may differ significantly from the ones presently locked in with existing registries. This model also applies to the negotiations to take place for existing gTLDs in the near future.
- ICANN continues dialogue with several stakeholders who view a strong, vibrant ICANN as necessary for the stability of the Internet and therefore necessary for the stability of substantial business segments these stakeholders manage. These stakeholders have indicated that there is a substantial opportunity for commercial organisations that benefit directly from successful operation of ICANN's functions to contribute to some of the associated costs.

With that in mind, ICANN proposes to engage these stakeholders and other commercial entities that profit from the stability and operation of the Internet and those who underwrite those who profit from Internet interoperability.

ICANN expects some impact from these sources during the upcoming fiscal year. As revenues increase from new sources, fees accruing from existing substantial contributors, such as the registrars will be reduced.

## FY 2006-2007 REVENUE PROJECTION

	Jul-Sep '06	Oct-Dec '06	Jan-Mar '07	Apr-Jun '07	Total FY07	Notes
<i>gTLD Registrar Revenues</i>						
Transaction Based Registrar Fee	\$3,600,000	\$3,636,000	\$3,672,360	\$3,709,084	\$14,617,444	(1)
Variable Registrar Support Fee	\$950,000	\$950,000	\$950,000	\$950,000	\$3,800,000	(2)
Registrar Application Fees	\$22,500	\$22,500	\$22,500	\$22,500	\$90,000	(3)
Annual Registrar Accreditation Fees	\$280,000	\$280,000	\$280,000	\$280,000	\$1,120,000	(4)
<b>Subtotal: Registrar Revenues</b>	<b>\$4,852,500</b>	<b>\$4,888,500</b>	<b>\$4,924,860</b>	<b>\$4,961,584</b>	<b>\$19,627,444</b>	
<i>Registry Revenues</i>						
gTLD Registries	\$3,370,064	\$3,391,564	\$3,480,528	\$3,506,860	\$13,749,016	(5)
IP Address Registries	\$205,750	\$205,750	\$205,750	\$205,750	\$823,000	(6)
<b>Subtotal: Registry Revenues</b>	<b>\$3,575,814</b>	<b>\$3,597,314</b>	<b>\$3,686,278</b>	<b>\$3,712,610</b>	<b>\$14,572,016</b>	
<i>ccTLD Registry Revenues</i>						
ccTLD Registry Fees	\$0	\$0	\$300,000	\$0	\$300,000	
ccTLD Voluntary Contributions	\$0	\$0	\$200,000	\$1,000,000	\$1,200,000	
<b>Subtotal: ccTLD Fees &amp; Contributions</b>	<b>\$0</b>	<b>\$0</b>	<b>\$500,000</b>	<b>\$1,000,000</b>	<b>\$1,500,000</b>	(7)
Miscellaneous Income	\$10,000	\$10,000	\$10,000	\$10,000	\$40,000	
Less Bad Debt or Bad Debt Allowance	(\$387,951)	(\$389,337)	(\$390,737)	(\$392,151)	(\$1,560,177)	(8)
<b>Total Revenues</b>	<b>\$8,050,363</b>	<b>\$8,106,477</b>	<b>\$8,730,401</b>	<b>\$9,292,043</b>	<b>\$34,179,283</b>	

**Notes:**

- (1) Pending gTLD registrar approval: \$0.25 per transaction fee remains constant with previous year and assumes conservative growth in number of registrations (i.e., the constant growth exhibited during the past 24 months is accounted for but period spikes in registration rates are smoothed out)
- (2) Pending gTLD registrar approval: assumes same fee structure as previous year
- (3) Based upon three accreditation applications per month
- (4) Based upon reduction to approximately 280 registrars if auctions by either registries or registrars eliminate the benefit of multiple accreditations for some entities

- (5) Projected fees from each gTLD registry

gTLD Registry	Amount	Comment
.com	\$6,000,000	pending approval of agreement with VeriSign
.net	6,699,000	transaction based fees; agreement approved
.org	173,652	fixed fees; pending conclusion of on-going negotiations
.biz	175,576	fixed plus transaction based fees; pending conclusion of on-going negotiations
.info	236,826	fixed plus transaction based fees; pending conclusion of on-going negotiations
.museum	5,000	per existing agreement (new agreement will not materially affect revenue)
.coop	5,000	per existing agreement (new agreement will not materially affect revenue)
.aero	5,000	per existing agreement (new agreement will not materially affect revenue)
.name	121,900	per existing agreement (new agreement will not materially affect revenue)
.pro	121,900	per existing agreement (new agreement will not materially affect revenue)
.travel	57,000	sTLD agreement approved; transaction based fees
.jobs	35,000	sTLD agreement approved; transaction based fees
.mobi	56,250	sTLD agreement approved; transaction based fees
.cat	8,750	sTLD agreement approved; transaction based fees
.tel	47,500	sTLD agreement approved; transaction based fees
<b>Total gTLDs</b>	<b>\$13,749,300</b>	

- (6) RIR fees same as budgeted last year
- (7) Projects (approximately) 50% growth in fees received from ccTLDs pending completion of ccNSO developed fee plan
- (8) Allowance for non-collection of payments in certain areas

## Proposed Budget Schedules and Notes

	2005-2006 Approved Budget	Year-End Total Projection	Difference Projection to Budget	Proposed 2006- 2007 Budget	Difference Budget to Budget	Difference Budget to Projection	See Notes in Text
<b>EXPENDITURES</b>							
<b>Staff Full-Time at Year-End</b>	69	59	(10)	89	20	30	(1)
<b>Base Expenditures</b>							
Personnel	\$8,312	\$7,326	(\$986)	\$12,453	\$4,141	\$5,127	(2)
Professional and Technical Services	5,665	5,104	(561)	7,205	1,540	2,102	(3)
Board Meetings & Other Travel	3,766	3,648	(118)	5,903	2,137	2,255	(4)
Administrative & Systems	4,219	1,936	(2,282)	4,343	125	2,407	(5)
Capital Expenditures	592	502	(90)	510	(82)	8	(6)
<b>Subtotal: Base Expenditures</b>	<b>\$22,554</b>	<b>\$18,516</b>	<b>(\$4,037)</b>	<b>\$30,415</b>	<b>\$7,862</b>	<b>\$11,899</b>	
<b>Other Expenditures</b>							
NomCom	175	57	(118)	224	49	167	(7)
Ombudsman	259	236	(23)	339	80	102	(8)
<b>Subtotal: Other Expenditures</b>	<b>\$434</b>	<b>\$293</b>	<b>(\$141)</b>	<b>\$562</b>	<b>\$128</b>	<b>\$269</b>	
<b>Total Expenditures</b>	<b>\$22,988</b>	<b>\$18,809</b>	<b>(\$4,179)</b>	<b>\$30,977</b>	<b>\$7,990</b>	<b>\$12,168</b>	

<b>Base Revenues</b>							
<b>gTLD Registrar Revenues</b>							
Transaction Based Registrar Fee	\$11,788	\$14,081	\$2,293	\$14,617	\$2,829	\$537	(9)
Variable Registrar Support Fee	3,800	3,800	0	3,800	0	(0)	(10)
Registrar Application Fees	90	796	706	90	0	(706)	(11)
Annual Registrar Accreditation Fees	774	2,308	1,534	1,120	346	(1,188)	(12)
<b>Subtotal: Registrar Revenues</b>	<b>\$16,452</b>	<b>\$20,985</b>	<b>\$4,533</b>	<b>\$19,627</b>	<b>\$3,175</b>	<b>(\$1,357)</b>	
<b>Registry Revenues</b>							
gTLD Registries	5,724	4,384	(1,340)	13,749	8,025	9,365	(13)
IP Address Registries	823	823	0	823	0	0	(14)
<b>Subtotal: Registry Revenues</b>	<b>\$6,547</b>	<b>\$5,207</b>	<b>(\$1,340)</b>	<b>\$14,572</b>	<b>\$8,025</b>	<b>\$9,365</b>	
<b>ccTLD Registry Revenues</b>							
ccTLD Registry Fees	222	255	157	300	78	(79)	
ccTLD Voluntary Contributions	800	379	(545)	1,200	400	945	
<b>Subtotal: ccTLD Contributions</b>	<b>\$1,022</b>	<b>\$634</b>	<b>(\$388)</b>	<b>\$1,500</b>	<b>\$478</b>	<b>\$866</b>	(15)
Miscellaneous Income	35	78	43	40	5	(38)	
Less: Bad Debt Allowance	500	1,563	1,063	1,560	1,060	(3)	(16)
<b>Total Revenues</b>	<b>\$23,556</b>	<b>\$25,341</b>	<b>\$1,785</b>	<b>\$34,179</b>	<b>\$10,623</b>	<b>\$8,838</b>	
Contribution to Reserve	\$568	\$6,532	\$5,964	\$3,202	\$2,634	(\$3,330)	

## Notes to Fiscal Year 2005-06 Expense and Revenue Projections

(1) The fiscal year 2006-07 budget calls for a final staff size of 89 by the end of the fiscal year. This represents an increase of twenty positions beyond that budgeted in the previous fiscal year. ICANN continues to fill the positions budgeted last year. Incremental staffing will address project-based and “business as usual” operational requirements as described below. As outlined in the Operating Plan budget summary, the project-based activities utilize approximately 44 staff full-time equivalent positions. Additionally, new staff will fulfill the requirements described in the succession plan – a key section of contingency planning.

The fiscal year 2006-07 budget incorporates a new organisational framework for ICANN with the following broad functions:

- Policy Development – support ICANN’s various supporting organizations and committees
- Global Partnerships and related Representation – develop, manage and leverage relationships throughout the global internet community
- Stakeholder Messaging – ensure the consistent deliver of key messages through the media and community and effective two-way communication
- Operations – ensure consistent quality across ICANN’s processes and operations and provide support functions
- Services – providing excellent response to ICANN’s customers of IANA services, and registry and registrar liaison functions; managing important initiative such as the deployment of IDNs and the designation of new TLDs
- General Counsel – provide legal advice, litigation support, and Board Secretariat function

Under the revised organisational structure, key new positions in each functional include:

- Global Partnerships and related Representation
  - Regional Liaisons: Two additional regional liaisons that will serve the Asia/Pacific region
  - GAC Support or Liaison Staff

- Stakeholder Messaging
  - Executive Officer & Vice President, Corporate Affairs: This is not an incremental position to the prior year budget, but has been re-titled with a focus directly on outside messaging. The Executive Officer will oversee staff responsible for media relationships, corporate communications and public participation. The function will also support the Board and complement the Services area by developing/monitoring customer relationships with TLD and RIR registries.
  - Media Relations Officer: A dedicated press officer to work solely with journalists
  - Web Editorial & Content Manager: to improve the ICANN website in accordance with the Operating Plan objectives and then to provide timely and meaningful content and also to provide access to the constituency groups in the ICANN community.
- Operations & Client Services
  - Senior Vice President, Operations: With the increasing challenge of serving a growing number of registrars and registries, as well as managing the process of new gTLD formation, it is now essential to split the present position of Vice President, Operations into two executive positions. The incremental position of Senior Vice President, Operations, will be responsible for ICANN's financial management, human resources, and information technology, office management and overall business process quality, responsiveness and managerial reporting.  
  
The position already budgeted as Vice President, Operations has been re-titled as Senior Vice President, Services and will serve ICANN's external customers (i.e. the IANA customers, registrars and registries).
  - Quality Assurance Manager: to oversee a quality assurance program and monitor and report performance against plan. Initiate and manage continual improvement initiatives.
  - Accounting Manager: As the organisation grows and the reporting requirements increase, the Accounting Manager will report to the Chief Financial Officer and oversee the receivables and payables functions. This staff addition will increase the capacity of the Chief Financial Officer to address strategic projects to support the organisation.
  - Information Technology support: Three positions have been added to include an application developer, a systems administrator, and two network engineers to support the project-based activities as well as continued "business as usual" requirements of the organisation.

- Compliance staff: Three-full time staff (i.e. two additional positions), in order to review and augment the organisation's compliance program, including its system for auditing material contracts for compliance by all parties to such agreements, ICANN will continue to grow to ensure compliance in the following subject areas:
  - Whois service and accuracy obligations
  - Inter-registrar Transfers
  - Agreements with registrars and registries
- IDN project staff: Three full-time staff will be augmented by assignments from other departments to provide necessary expertise on a part-time basis as needed. The three full time staff are: Project Director, Project Technical Staff, and Project Coordinator.
- Registry Liaison: In order to address the growing number of registries and work to provide clear criteria for the addition of new registries.
- IANA Liaisons: Two liaisons serving the IETF and the RIR Addressing organisations are included in the FY 2006-07 budget.

(2) This line item represents the costs associated with the personnel changes detailed in Note (1). Not all positions will be filled for the full 12 months. They will be filled in accordance with a planned growth model to ensure all efficiencies can be employed. Note that positions are considered full-time (except where noted) staff positions even though they may, in the interest of economy, be filled by contract personnel.

Of the \$4.1MM increase from last year's budget, approximately \$1.0MM is due to "annualisation" of new hires this past year and salary increases. By "annualisation" it is meant that several new positions were hired during FY 2005-06; therefore a full-year salary was not budgeted for those positions then, but a full-year salary is budgeted for those positions in FY 2006-07.

The \$5.1MM difference between year-end projection and the budget is because many hiring decisions were delayed due to the six-month lag between the start of FY 2005-06 and the increase in revenue flow due to the delay in registrar approval of the budget.

(3) This line item increased due to the outsourcing of services described in the Operating Plan. [The Project dedicated funds in the budget is approximately \$4.6MM.] As described in that plan, ICANN is retaining appropriate expertise for the period of time necessary to accomplish a specific objective. As project plans are executed, ICANN will continually investigate whether retained expertise is necessary to accomplish an end; or it is more economical to bring the expertise in-house as full-time staff.

This line item also includes litigation expense. ICANN is presently involved in several suits. The amount budgeted for this line item has decreased in relation to last year's budget and actual expenses. Additionally, ICANN is engaging the services of independent review panel services, limited public relations services, and other consultants who will be engaged if the effort is required and if their engagement represents real cost savings as compared to the expense of utilizing staff.

(4) This line item includes budget for ICANN meetings, Board travel and staff travel. Also included are ICANN attended or sponsored meetings as indicated in the operating plan. This year ICANN has also included a provision to provide some assistance to selected volunteer members of the ICANN community who could not otherwise attend task force or other ICANN meetings. Travel assistance will be provided on a case-by-case basis only after the trip request is evaluated and deemed to have a value-added component for ICANN and the community.

(5) These costs, a major component of ICANN expenses, have historically remained flat despite increases in staffing and other areas. The small increase this year in relation to last year's budgeted amount is due to increases in: insurance costs (insurance not related to employee benefits), employee relocation (historically zero), and communications. This item includes L-root and other Tech Ops support costs.

(6) Capital purchases generally include acquisitions of equipment over \$10,000 per piece. Other equipment includes upgrades to IANA registry equipment, relocation to more economical offices in Brussels, re-location of non-root server functions to off-site facilities in compliance with ICANN contingency improvements, web casting equipment, root server upgrades, and limited teleconferencing equipment to enhance communications with stakeholders.

(7) The Nominating Committee again is charged this year with filling certain seats on the ICANN Board of Directors and advisory committees. The present committee will meet face-to-face twice during the fiscal year. (I.e., the successor committee will also meet during the same fiscal year.) In addition to these travel costs, the amount budgeted will cover administrative costs, e.g., teleconferences, documentation distribution, advertising for candidates and administrative support.

(8) The ICANN Ombudsman was established in accordance with the bylaws. FY 2005-06 was the first full year of operations for this function. The Ombudsman makes monthly reports to the ICANN Board regarding work to date. This money funds the direct costs associated with this office. Indirect costs are funded separately by ICANN.

(9) Pending gTLD registrar approval, this year's budget holds constant from last fiscal year the \$0.25 transaction fee. Transaction based fees are fees paid through the registrar for every new subscription, renewal or transfer. The budget assumes conservative growth in the number of registrations. As described in the revenue projections above, if the registrars do not approve the fee structure there are various pass-through mechanisms described in the gTLD registry agreements that will replace a portion of this revenue.

(10) This year's budget holds constant from last fiscal year the \$3.8MM fee to be divided on a per registrar basis. While certain ICANN expenses related to supporting registrars are based upon the number of transactions (i.e. the size of the registrar), many costs are essentially equal for all registrars regardless of size (i.e. aspects of a contractual compliance program). Therefore, ICANN will allocate \$3.8 MM to registrars on a per registrar basis. Given the present number of registrars, that fee is estimated to be \$5,500 per registrar annually. If the number of registrars drops, as forecasted in some areas, the fee will increase. If there are, say, 200 gTLD registrars at the time of invoicing, the fee would be \$4,750 for that quarter (\$19,000 annually). As described earlier in this document, a portion of the fee can be forgiven if certain conditions are met.

(11) ICANN continues to experience a significant number in registrar applications and related fees. However, with the potential introduction of new registry services, it is anticipated that the number of accreditation applications will be reduced in FY 2006-07. Accreditation applications for this budget year are estimated at three accreditation applications per month.

(12) Fixed accreditation fees will remain constant (\$4,000) and for accreditation to all registries. With the potential introduction of new registry services, it is anticipated that the number of accredited registrars will be reduced in FY 2006-07.

(13) gTLD revenue is described in detail in notes to the Revenue table above. Looking forward, ICANN is undertaking several initiatives to increase revenues in this area in the long term: designation of new TLDs, deployment of IDNs, completion of the sTLD round, and negotiation of gTLD renewals.

(14) Projected IP Address registry revenue is held constant with that planned in the current fiscal year.

(15) ICANN believes significantly more revenue should be generated from the ccTLDs than has been realized in the past. This goal reflects a 50% increase in revenue beyond the previous year. Additional revenue will be based on successfully communicating the real value provided by ICANN services. ICANN has retained staff whose central purpose will be to communicate and execute agreements with ccTLDs in order to stabilize relationships and revenue across this global community.

(16) "Bad debt" has been increased proportionally with the revenue budget.

## 2.10.2 ICANN Budget, Fiscal Year 2007 – 2008

<http://www.icann.org/announcements/announcement-2-17may07.htm>



# Proposed Budget: Fiscal Year 2007–2008

17 May 2007

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## Introduction

This proposed fiscal year 2007-08 budget contains a description of the ICANN budgeting process for this upcoming year, the annual operating plan describing the outcomes that the organisation has set out to achieve, and an explanation of the revenue model and spending plan for the year. After public comment and follow-up discussions with constituency groups and the ICANN Board of Directors' Finance Committee, the budget will be amended and submitted to the ICANN Board for adoption in San Juan on 29 June 2007.

## Planning Process

In accordance with ICANN's planning cycle, ICANN developed its Strategic Plan during the first half of the 2006-2007 fiscal year (July – December). After community consultation, the current Strategic Plan (see: <http://www.icann.org/strategic-plan/consultation-process-2006-07>) was adopted in Sao Paulo in December 2006. During the second half of the fiscal year, ICANN points its planning activities toward the annual Operating Plan and Budgeting, i.e., the one-year plan that works to accomplish the objectives set out in the three-year Strategic Plan.

## Operating Plan

A main element of the Operating Plan for 2006-2007 was a focus on projects. A key benefit of that approach was to better identify tasks, resources and deliverables of plan elements, as well as providing a proven management methodology for implementing them. In developing an Operating Plan this fiscal year, it was found that the sum of ICANN work could be better described by:

- Including “business as usual” activities. Most of ICANN work is included in these activities that are not project-related. Projects cannot exist outside of the demands of this other work.
- Projects are undertaken to improve an existing activity or establish a new activity. Therefore each project is associated with an ICANN activity so that the benefits of the project can be quantified by improvements in performance.
- Identifying fewer undertakings as “projects.” The formal project management methodology will then be applied only to the most resource intensive projects where those methods will improve efficiency. Other continuous improvement efforts are identified in the plan as an aspect of ongoing work.

The 2007-2008 Operating Plan continues the project management approach, while explicitly identifying ongoing business activities of interest to the community. This plan identifies:

Activities: Specific deliverables or service elements provided by a functional area.  
(Example: IANA processing root zone change requests).

Standard/Metric: What the measure of success should be for that activity. (Example: Days to completion of a change request.) Due to the nature of the work, this standard or metric is often a qualitative statement of what ICANN intends to measure. ICANN will continue to identify quantitative measures for many of these activities over time.

Existing Work: Identifying specific initiatives under way that improve or add to an activity. (Example: significant formalisation of the contractual compliance processes.)

New Work: Identifying initiatives in the new fiscal year that will improve or add to an activity. (Example: IANA work to coordinate delegation request reporting.)

Projects: Work and tasks that rise to the level of a project to address a particular activity area. (Example: Implementation of the anticipated consensus policy for designation of new top-level domains.)

The complete plan is presented twice, organized from two different perspectives:

1. The first plan presentation is organized by ICANN functional area. This presentation aids understanding of how various activities are interrelated. Further, the interests of a particular constituency might fall within the domain of a specific ICANN function.
2. The second plan presentation is organized by strategic objective, mapped directly from ICANN's strategic plan. This presentation shows how ICANN activities support ICANN's strategic imperatives.

This plan was updated and revised based on community feedback received during and after the ICANN meeting in Lisbon. The plan was then costed to develop the annual expense budget that will be submitted for approval at the ICANN meeting in San Juan. Obviously, there will be some iteration between the Operating Plan set of activities and projects and the ICANN Budget – projects and activities will be amended/dropped/tailored to ensure that the work provides an adequate return on investment and is adequately funded.

This Operating Plan intends to clearly: describe the totality of ICANN work in terms of business as usual and new projects, start to identify specific metrics, and enable better resource planning and budgeting. In preparing the 2008-2009 Operating Plan, it will be useful to review this approach in order to provide for continual improvement of the planning process.

## **Operating Plan Highlights**

The Operating Plan includes a description of all of the ICANN work and is posted at <http://www.icann.org/planning/>. Comments to the plan or this budget can be posted to [op-plan-0708@icann.org](mailto:op-plan-0708@icann.org) and viewed at <http://forum.icann.org/lists/op-plan-0708/>.

The ICANN Operating Plan describes the measurable work objectives set out for the fiscal year. Several of these goals (or groupings) are of prime importance to ICANN's mission and many constituency groups.

In past consultations, participating constituency groups have requested that ICANN prioritize its objectives or identify those of high importance. Therefore, based upon public feedback received during the past fiscal year and the request for prioritization, it is meaningful to describe some of the important aspects of the plan here.

Many familiar and high priority programs move into a key execution phase in FY 08, as seen in the descriptions below.

## **Contractual Compliance**

The budget provides resources for ICANN to significantly augment contractual compliance actions, including the system for auditing registry and registrar performance for compliance by all parties to such agreements. ICANN published its compliance program at <http://www.icann.org/compliance/>.

The compliance program builds upon existing, constructive relationships with the registrar and registry communities. The elements of the program consist of:

- Technical and non-technical audit functions to review, on a regular basis, registry/registrar operations to ensure compliance with contracts and appropriate standards.
- Improved statistical tracking and analysis of registrant and user complaints/comments regarding specific registries/registrars.
- Rapid follow-up on specific instances of non-compliant behaviour. Working constructively with registries and registrars to implement and complete corrective action plans.
- Continued implementation of a planned escalation of actions and associated cure periods, including legal and specific performance remedies, in order to correct ongoing harm and to ensure legitimacy for the compliance function.
- With the registrar constituency, re-writing the Registrar Accreditation Agreement to better define acceptable forms of operation.

An effective compliance program protects peer and client members of the Internet community by ensuring consistency of conduct across the registrar and registry communities.

## **Accountability and Transparency**

Accountability and transparency is an area where ICANN aspires to be a global leader. A set of Management Operating Principles for accountability and transparency is under development. A report by One World Trust indicates that ICANN is transparent and accountable but can improve. The discussions of the Board are more transparent due to more timely and comprehensive minutes of Board meetings.

In the year ahead ICANN plans to complete the development of our operating principles after consultation with the community.

ICANN continues to develop and implement a communications plan that clearly explains our mission and communicates the activities and achievements as they relate to the company goals.

- Fully staffed ICANN's Communication functions including a Manager, Public Participation as described in ICANN planning documents.
- We have made major improvements to the ICANN web sites and continue to implement broadcast and information dissemination tools such as RSS, web logs and newsletters. Improved (reliability and visibility) posting of and response to correspondence in the form of letters and comments, as well as public meeting presentations, is a specific focus.

## **Translation**

Translation of important documents and meeting proceedings are an important aspect of ICANN communications and transparency initiatives. Translation efforts support many or most of the project and operating plan initiatives described in the strategic and operating plans.

The FY 08 budget calls for translation expenses of \$269,000. While this spending is significant, actual ICANN translation initiatives will exceed this dollar value. Translation is also accomplished economically (and with technical expertise) by engaging members of the ICANN community, Board and staff to assist with specific tasks. In that way, ICANN plans to meet community expectations regarding this important facet of ICANN operations and communications.

Prior to budget approval, ICANN will develop a translation policy and disseminate it for public review. The translation budget will be reviewed to ensure it can support the translation policy prior to budget finalization.

## **Automate IANA Execution**

IANA is in the process of automating many of its administrative functions, including submission and processing of requests for root zone changes, protocol and parameter requests, and reporting of performance metrics. This is an ongoing process with several key milestones already completed.

Automation of IANA processes increases IANA's productivity and enables IANA to better fulfill service level commitments for its stakeholders. Benefits include more efficient processing, standardized and routine request management, and, through analysis of performance, identification of areas where processes can be streamlined and improved. Additionally, by automating much of the administrative elements of IANA's processes, staff resources can be devoted to more complex projects and processes.

IANA will re-evaluate staffing needs and adjust staff resources accordingly as key administrative and processing activities are partially or fully automated.

## **New gTLD Process**

The development of a process and policy for the introduction of new gTLDs (generic top-level domains which are central to fostering choice and competition in the provision of domain registration services, and as such, are critical to the promotion of ICANN's core values) is moving to a new phase of execution. The questions to be addressed in the implementation of a new gTLD strategy are complex and draw on technical, economic, operational, legal, public policy and other elements. Many stakeholders in the global Internet community will be interested in participating in the implementation of the strategy, and ICANN is committed to facilitating their participation and involvement.

The process for the introduction of new gTLDs must be robust in form, timely and predictable to administer, and scalable to accommodate the numbers and variety of potential applications. The global nature and complexity of the project have direct bearing on the program's start-up and recurring costs. ICANN anticipates a significant investment in the project, in year one, to create the gTLD program office.

The new gTLD process costs are intended to be fully self-funded and off-set by the application fees. It is anticipated that first-round costs will be significant due to one-time start-up expenses and that subsequent rounds will be less expensive to administer. Start-up costs include, but are not limited to: recruitment of new employees to staff the gTLD program office, professional services fees associated with production of the applicant request for proposal (RFP), development of the objections filed/dispute resolution model, retention of resources to conduct technical and business/financial reviews, and recruitment costs associated with the creation of an independent panel or series of panels to provide adjudication services around dispute resolution and string contention.

A significant component to start-up costs is the creation and implementation of a communications strategy, across many different languages, to announce and promote the first round to the global Internet community. ICANN will incur media costs when it publishes applications following conclusion of the application window. If ICANN is to foster a geographically diverse representation of service providers on the Internet, it first must communicate and educate them about the gTLD process.

The aforementioned information refers to the implementation component of the new gTLD project. Regarding policy development, a draft final report will be posted later this month that will further facilitate discussion of the gTLD policy development process, including discussions with other ICANN SOs and ACs. The report, along with an implementation report prepared by staff, will be available for public comment and discussion at ICANN's San Juan meeting in June. The final steps in this policy development process include consideration and approval of the final report by the GNSO Council, and subsequent consideration and approval of a Board Report by ICANN's Board.

## **Deployment of Internationalised Domain Names**

Internationalized domain names (IDNs) are domain names represented by local language characters. Such domain names could contain characters with non critical marks as required by many European languages, or characters from non-Latin scripts (for example, Arabic or Chinese). While IDNs are available at the second level under established top-level domains (such as .info, .net, .se and .de) ICANN's IDN Program contains a set of projects that focuses on enabling the introduction of IDNs at the top level. This will make the entire domain name string available in local characters.

It is important that the Internet evolve to be more accessible to those who do not use the ASCII character set. However, these internationalization efforts must be accomplished through standards that are open, non-proprietary, and fully compatible with the internet's existing end-to-end model, as well as preserve globally unique naming in a universally resolvable public name space.

In order to accomplish this goal, the IDN Program plan is comprised of several projects that are moving into a new phase of execution.

Technical tests - after successful completion of a laboratory test that was developed to determine the viability of internationalized top-level names in the DNS showed that no negative effect was measurable on the replication of the DNS in the laboratory environment, ICANN will move ahead with their plan to work with other entities to insert the A-labels version of internationalized TLDs into the root zone. The laboratory test will be replicated in the live facility. Furthermore, end users will be asked to evaluate the

response of commonly used software applications to domain names with the entire domain name string in local characters.

Policy - coordinate and support policy development with all interested constituency groups and advisory committees, including the ccNSO, GAC, and GNSO. Coordination among these groups have been determined necessary to make sure that IDN TLD policy development is accomplished in a coherent fashion.

Guidelines - revision of the IDN Guidelines that have been used by TLD registries for introduction of IDNs at the second level under the respective TLDs, to include guidance for top level usage. The guidelines will continue to evolve, and eventually will result in Best Current Practice guidance for all TLD registries.

SSAC - initiated a study of security and stability concerns regarding the deployment of internationalized TLDs. In supporting this effort ICANN is providing staff support for the urgent need to have this study finalized and its results available for any necessary work needed before internationalized TLDs are ready for deployment.

IDNA Protocol – the protocol that was initially developed in 2003 is currently under revision. In supporting the initiatives and proposals made forward within the IETF ICANN will provide staff support to assist in the continued work necessary to finalize the revision of the protocol.

IDNs are only one piece of the internationalization of the domain name system. Other areas that ICANN supports but are not within ICANN's mandate or mission include: local content, development of internationalized applications, support, outreach, coordination, and establishment of global partnerships particularly in areas where ICANN does not hold the expertise nor has the mandate to require compliance with the IDN implementation structures.

To accomplish these goals, it will be necessary to add two full time staff members as well as some expert consultancy.

## **Organization Reviews**

As part of ICANN's ongoing commitment to its evolution and improvement, the Board approved a comprehensive schedule for independent review of ICANN's structures, as well as of the Board.

The schedule that was agreed to at the Sao Paulo ICANN meeting is as follows:

- Nominating Committee – estimated launch December 2006
- At-Large Advisory Committee – estimated launch February 2007
- DNS Root Server System Advisory Committee – estimated launch July 2007
- Board – estimated launch October 2007
- Security and Stability Advisory Committee – estimated launch January 2008
- ccNSO Supporting Organisation – estimated launch July 2008
- Address Supporting Organisation (ASO) – estimated launch December 2008

The reviews are intended to ensure an independent examination of the role and operation of key elements of ICANN. As with the first two independent reviews, which were

completed for the GNSO Council and the GNSO , these reviews will be conducted in an objective manner by independent evaluators, under guidance from the Board on each review's terms of reference, and with the opportunity for public comment on the results of the reviews.

As specified in Article IV, Section 4 of ICANN's Bylaws, the "goal of the review, to be undertaken pursuant to such criteria and standards as the Board shall direct, shall be to determine (i) whether that organization has a continuing purpose in the ICANN structure, and (ii) if so, whether any change in structure or operations is desirable to improve its effectiveness." The results of these reviews shall be posted for public review and comment, and shall be considered by the Board not later than its second scheduled meeting after being posted for 30 days. Consideration by the Board includes the ability to revise the structure or operation of the Nominating Committee by a two-thirds vote of all members.

### **ccTLD Accountability Framework Execution**

Since February 2007, ICANN has been formalising its relationship with ccTLD managers through either an accountability framework document or an exchange of letters, thereby replacing the sponsorship agreements. In the first 12 months of the program, ICANN formalised its relationship with 20 ccTLD managers. Those ccTLDs with whom ICANN has a relationship represent well over 50% of the world's ccTLD registrants. As part of the continuation of this exercise, ICANN will:

- maintain a part time project manager and legal expertise to assist with the execution of the project
- use the Regional Liaison network to promote accountability frameworks with ccTLD managers in their respective regions
- employ the Regional Liaison network to build upon the successes to date and engage ccTLD managers in discussions establishing accountability frameworks with ccTLDs with the goal that a sizeable percentage of ccTLD registrants in every region are represented

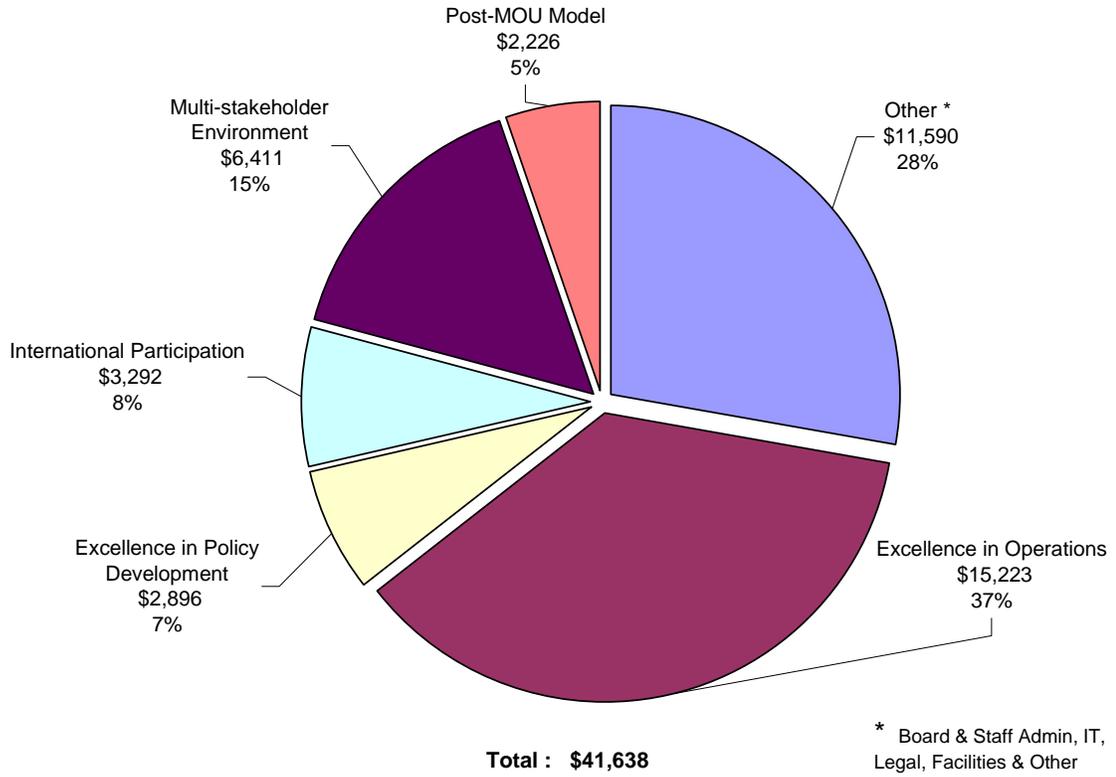
### **Budgeting for the Operating Plan**

The ICANN budget is directly tied to the totality of the amended Operating plan, and it is anticipated that all of the listed activities, new work and projects can be accomplished with this proposed budget.

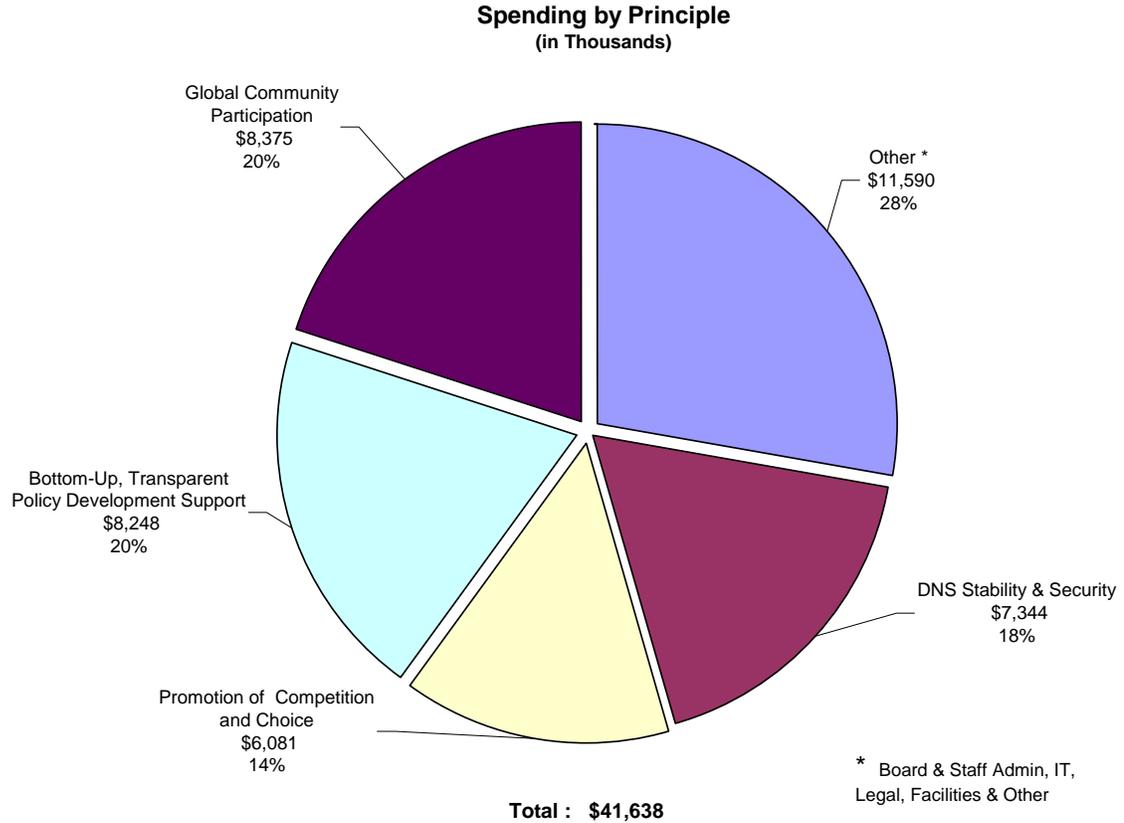
- net revenue of \$46.6MM (37% above 06/07 budget)
- expenses of \$41.6MM (32% above 06/07 budget)
- capital budget allocation of \$1.6MM
- contribution to reserve of \$3.4MM

Since the Operating Plan captures the objectives set out in ICANN's Strategic Plan described above, all spending can be categorised within the major headings of the Strategic Plan. In the following chart, "Other Expenses" represents Board and staff administration, Information Technology, Legal, Facilities and other.

### Spending by Strategic Plan Category (in Thousands)



Alternatively, all spending is allocable by the objectives set out in ICANN's mission statement:



As described in the published operating plan, the budget was created giving specific consideration to each of the areas of key focus included in the plan. Resources in the form of staff and funding for outside service, travel, meeting, administrative costs (including equipment, logistics and other purchases), and capital equipment were identified and earmarked.

Expense growth of \$6.9MM in the budget has been driven by the highest priority initiatives which are listed below. While none of these initiatives are new to ICANN, in FY 08, they are scheduled to begin a new phase of execution.

<b>Initiative</b>	<b>Spending*</b>
gTLD Start-up	\$1,647K
Outreach - Fellowship & ALAC	\$1,068K
IDN	\$988K
IANA Automation	\$735K
Compliance	\$831K
Legal - major initiative support	\$708K
Registrar Data Escrow	\$536K
Economist/Market Analysis	\$400K
Total	\$6,913K

\* Includes capital, as appropriate

Taking into account that these numbers include no overhead allocation, this \$6.9MM increase essentially explains the increase in budget for this coming year. Additionally, further resources have been directed towards areas that have direct benefit to ICANN constituencies by improving efficiencies and decreasing costs in internal functions. In particular, there are absolute spending decreases in several support functions:

- Technical Operations
- Human Resources
- Finance
- Program Management.

## **Budgeting for Ongoing Operations and Increasing Activity Levels**

In addition to this focus on key implementation efforts, ICANN must also sustain ongoing operations. Those ongoing efforts sustain regular operations such as providing IANA services, and the registrar and registry liaison functions. Ongoing operations also provide administrative support for project work and infrastructure. These efforts include rent, utilities, technical support, and connectivity.

These efforts, and the resources required to sustain them, continue to grow. For example, the numbers of gTLD registrars and registries continue to increase, as do the ICANN activities providing services to them. The present policy development process to introduce new TLDs will ensure that ICANN requirements to support this DNS segment will continue to grow.

In addition, ICANN supports an increasing number of policy development efforts of significant complexity. Examples of Policy work that is currently supported and continues to grow are: the New gTLD PDP, the Registry Contractual Conditions PDP, IDN GNSO working group, the joint ccNSO-GAC IDN policy development work, the working group

on reserved names, the working group on protection of intellectual property rights, the Whois PDP, the implementation of the Whois policy on conflict of National Laws, and anticipated conclusion of policy development advice concerning the WIPO recommendations. The policy development support group is also supporting the ICANN organisational review processes described above.

The regional liaison group continues increased outreach activities in an economical manner where several regional representatives are working globally without the expense of establishing regional offices.

ICANN will continue to monitor and publish metrics that affect its workload. This is particularly important as ICANN grows in resource expenditures to ensure that expenditures are made in an effective, economical manner.

## Capital Budget

In FY 08, ICANN is adopting a formal capital budget (as approved by the Board Finance Committee). This is a standard accounting practice, and allows the financial statements to better reflect actual business expenses over time, particularly when there are periodic large capital expenses.

As indicated in the table below, most of these capital items are related to improving ICANN's infrastructure. Among these are significant investments in a storage area network and backup software, to improve efficiency and as an important step towards disaster planning. Additionally, there is funding to replace an out-grown phone system. Further L-Root expansion and an amount for furniture and fixtures related to ICANN's likely facility move.

Significant additional capital items were deferred until FY 09. Among these are replacement of end-of-life financial system and a document management system.

### Major Capital Items

DNSSEC hardware (IANA)	\$54K
Data Center Relocation	\$160K
Storage Area Network (SAN)/Backup	\$303K
Avaya Phone System (timed with move)	\$120K
Web-based project management software	\$17K
Inquiry processing system	\$80K
Due Diligence Software	\$25K
L Root	\$650K
Furniture/Fixtures (new office)	\$182K
Total	\$1,591K

## **Proposed Revenues**

ICANN's fee structure will remain consistent with that of the last fiscal year. Increases in total revenues will derive primarily from growth in the domain name space and fees accruing from the negotiation of the .NET agreement.

### **gTLD Registrar Fees**

#### **Registrar-Level Transaction Fees**

In previous fiscal years, the fee per transaction has been \$0.25. ICANN proposes the same fee for fiscal year 2007-08 but recognises that the registrars and ICANN agreed to a \$0.03 discount in fiscal year 2006-07. The budget detail below describes expected revenue for both levels of transaction fee. While both revenue levels exceed anticipated expense levels, the \$0.25 fee more closely accommodates ICANN cash reserve targets. These projections are based upon recent transaction levels and growth rates. In three of the past four quarters, transaction volumes fell or remained essentially flat. As part of the anticipated registrar component of the budget approval process, ICANN anticipates again offering a \$0.03 cent discount. Each "transaction" will be defined as one-year domain registration increment caused by a successful add renewal or transfer command. Consistent with previous years, domains deleted within the "add or auto-renew" grace periods will not be charged a transaction fee (however, see the restrictions on per-registrar fee forgiveness described below).

The per-transaction fee will continue to be charged for each one-year increment of every transaction (e.g. the fee for a three-year renewal will be US\$0.75), and registrars will continue to have the option to "defer" payment of the fees for the years beyond one for each transaction.

#### **Per-Registrar Fees**

Per-registrar fees will also continue at current levels in the aggregate. Each ICANN-accredited registrar will continue to pay a fixed fee of US\$4,000, plus a per-registrar variable fee totalling US\$3.8 million divided among all registrars. The per-registrar fee is based upon the validated concept that ICANN expends the same quantum of effort in providing services to a registrar regardless of the size of that registrar.

Depending on registrar size and activity, some registrars will continue to be eligible for "forgiveness" of two-thirds of the standard per-registrar variable fee. The criteria for eligibility for partial forgiveness will be as follows: the registrar must have fewer than 350,000 gTLD names under its management, the registrar must not have more than 200 attempted adds per successful net add in any registry, and it must not have more than five percent (5%) of added names deleted during the add-grace period from any registry that offers an add-grace period.

Thus far, in fiscal year 2006-07, 136 registrars (representing 15% of all registrars) were granted forgiveness out of 433 registrars that applied for forgiveness. The applications of the remaining 297 were rejected.

## **gTLD Registry Fees**

Fees from gTLD registries are described in detail in the accompanying budget schedule and notes. These fees continue to grow in proportion to the total of ICANN funding even as ICANN continues to explore additional sources of funding.

In fulfillment of its obligation to develop alternate sources of revenue, ICANN has proposed the implementation of registry-level transaction fees. Transaction fees will serve to increase ICANN revenues then enable revenues to grow in proportion to growth in the DNS.

ICANN has signed agreements with .NET, .BIZ, .INFO, .NAME, .ORG, .PRO, .ASIA, .CAT, .JOBS, .MOBI, .TEL, .TRAVEL, and .TEL registries. These agreements call for per-transaction fees. Importantly, ICANN agreement for the operation of the .COM registry contributes significantly to the ICANN budget through a fixed fee arrangement.

## **ccTLD Contributions**

Many ccTLDs have expressed support of the ICANN model and the understanding of the value that model provides. There have also been expressions that a consistent structure by which the ccTLD provide fees to ICANN must be developed. Mechanisms for funding are determined by the ccTLDs, through the ccNSO. Members of the ccNSO have developed fee targets for ccTLDs based upon the number of registrations.

ICANN has completed agreements in the form of accountability frameworks with 23 ccTLDs. In addition, ICANN has agreements with 13 other ccTLDs. Most of these agreements specify fees to be paid to ICANN. In consideration of the fee model and agreements executed, ICANN has increased the expectation of fee receipts for this period by 20% over the current fiscal year. It is expected that the fee structure will be fully implemented in the upcoming months and, as a result, fee receipts from ccTLDs will grow in the upcoming fiscal years.

## **Regional Internet Registries**

With the execution of the MoU between the NRO and ICANN, it was expected that the RIRs would release fees that have been held in escrow. The RIRs renewed that commitment at the ICANN meeting in Lisbon.

In fiscal year 2004-05, based upon discussions with an RIR representative, ICANN budgeted RIR contributions equal to 10% of the previous year's budget. The predicted contributions of \$823K represented a 54% increase over the previous year's budget. In fiscal year 2005-06, 2006-07 and now in 2007-08, ICANN has asked for the same amount.

Finally, it is important to note the RIRs provide funding to ASO meetings, staff support for the ASO, and travel and attendance at the ICANN meetings.

## **Alternate Sources of Revenue**

Sound business planning dictates that ICANN continue to develop alternate sources of funding in order to provide a more robust revenue base. Specifically, these sources should include the ccTLDs, the RIRs, new gTLDs, and other interested parties.

- ICANN has continued to accelerate the execution of frameworks of accountability with ccTLDs. One aspect of these discussions is how to secure a more consistent base of funding from these stakeholders.
- ICANN is presently completing the policy development process for designating new TLDs. Implementation of the policy is a significant deliverable of this budget. Depending upon the business model of each, ICANN will realize some reasonable revenue stream from each TLD commencing in fiscal year 2008-09.
- ICANN continues dialogue with several stakeholders who view a strong, vibrant ICANN as necessary for the stability of the Internet and therefore necessary for the stability of substantial business segments these stakeholders manage. These stakeholders have indicated that there is a substantial opportunity for commercial organisations that benefit directly from successful operation of ICANN's functions to contribute to a global security fund. With that in mind, ICANN is engaging not only these stakeholders but also other commercial entities that profit from the stability and operation of the Internet as well as the underwriters who profit from Internet interoperability.

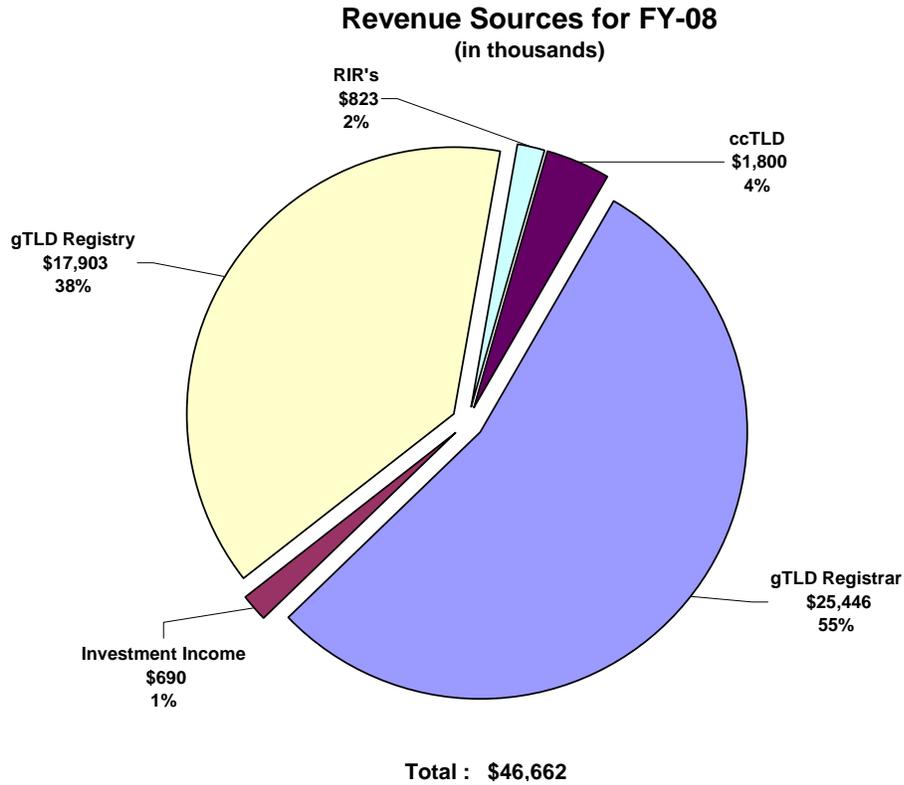
ICANN expects some impact from these sources during the upcoming fiscal years. As revenues increase from new sources, fees accruing from existing substantial contributors, such as the registrars will be reduced.

## **Investment Income**

ICANN expects to receive investment income from the investment of the operating reserve fund it recently established.

## Sources and Uses of Revenue

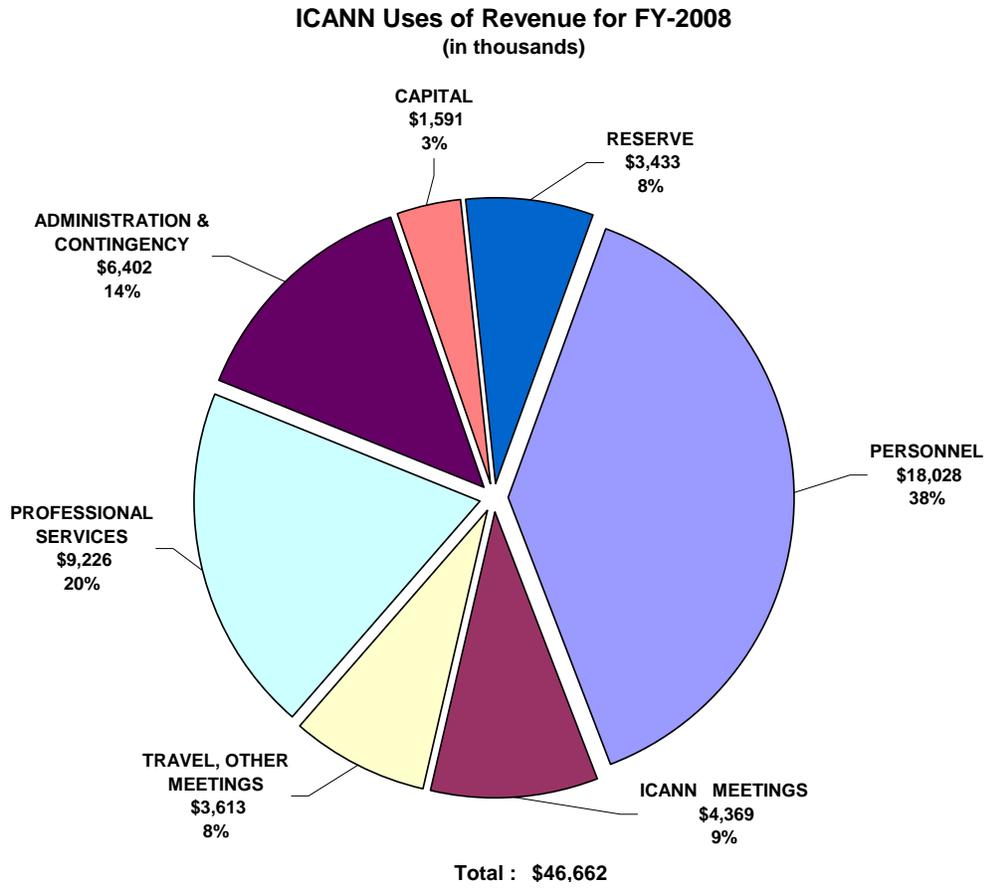
As described above, sources of ICANN revenue continue to evolve and increased diversification is sought. This budget's revenue sources are described by:



Uses of those revenues include:

- Expense: \$39.5MM
- Capital Expenditures: \$1.6MM
- Contingency: \$2.0MM
- Contribution to Strategic Reserves: \$3.4MM

Additional details regarding uses of revenue, with respect to expenses, are described by:



## FY 2007-2008 Revenue Projection

	Jul-Sep '07	Oct-Dec '07	Jan-Mar '08	Apr-Jun '08	Total FY08	Notes
<b>gTLD Registrar Revenues</b>						
Transaction Based Registrar Fee (\$.25)	\$ 5,132,671	\$ 5,132,671	\$ 5,132,671	\$ 5,132,671	\$20,530,684	(1)
Transaction Fee Discount (\$.03)	(\$615,921)	(\$615,921)	(\$615,921)	(\$615,921)	(\$2,463,684)	(1)
Transaction Based Registrar Fee (net)	\$ 4,516,750	\$4,516,750	\$4,516,750	\$4,516,750	\$18,067,000	(1)
Variable Registrar Support Fee	\$950,000	\$950,000	\$950,000	\$950,000	\$3,800,000	(2)
Registrar Application Fees	\$18,750	\$18,750	\$18,750	\$18,750	\$75,000	(3)
Annual Registrar Accreditation Fees	\$919,322	\$279,322	\$610,169	\$591,187	\$2,400,000	(4)
Deferred Transaction Fees 2004-05	\$0	\$22,500	\$51,800	\$42,000	\$116,300	(5)
Deferred Transaction Fees 2005-06	\$83,000	\$95,000	\$117,000	\$82,000	\$377,000	(6)
Deferred Transaction Fees 2006-07	\$150,000	\$160,000	\$150,000	\$150,000	\$610,000	(7)
<b>Subtotal: Registrar Revenues</b>	<b>\$6,637,822</b>	<b>\$6,042,322</b>	<b>\$6,414,469</b>	<b>\$6,350,687</b>	<b>\$25,445,300</b>	
<b>Registry Revenues</b>						
gTLD Registries	\$4,728,081	\$4,728,081	\$4,738,581	\$4,728,081	\$18,922,824	(8)
IP Address Registries	\$205,750	\$205,750	\$205,750	\$205,750	\$823,000	(9)
<b>Subtotal: Registry Revenues</b>	<b>\$4,933,831</b>	<b>\$4,933,831</b>	<b>\$4,944,331</b>	<b>\$4,933,831</b>	<b>\$19,745,824</b>	
<b>ccTLD Registry Revenues</b>						
ccTLD Registry Fees	\$55,000	\$57,000	\$350,000	\$116,000	\$578,000	
ccTLD Voluntary Contributions	\$0	\$0	\$611,000	\$611,000	\$1,222,000	
<b>Subtotal: ccTLD Fees &amp; Contributions</b>	<b>\$55,000</b>	<b>\$57,000</b>	<b>\$961,000</b>	<b>\$727,000</b>	<b>\$1,800,000</b>	(10)
Investment Income	\$250,000	\$250,000	\$250,000	\$250,000	\$1,000,000	
Less Bad Debt or Bad Debt Allowance	(\$328,933)	(\$312,543)	(\$348,983)	(\$339,645)	(\$1,329,354)	(11)
<b>Total Revenues</b>	<b>\$11,547,670</b>	<b>\$10,970,610</b>	<b>\$12,221,617</b>	<b>\$11,921,873</b>	<b>\$46,661,770</b>	

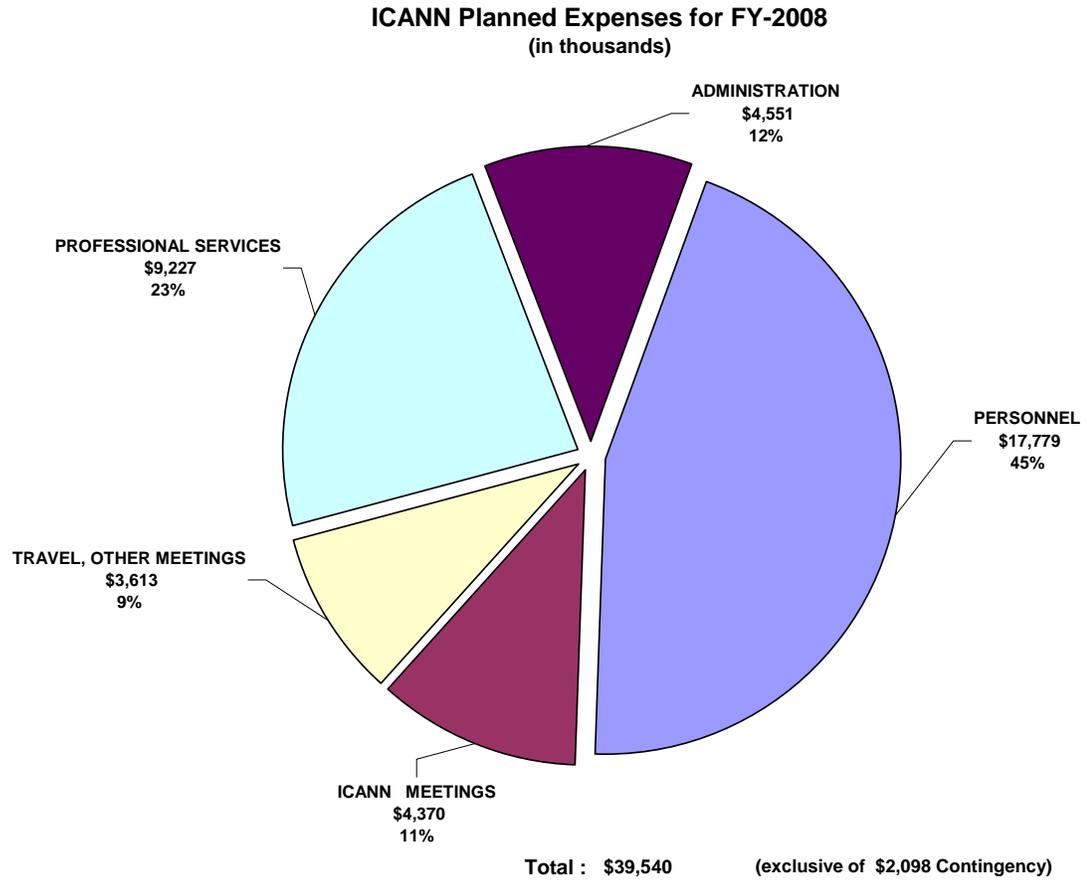
**Notes:**

- (1) \$0.25 less assumed \$.03 discount per transaction; fee remains consistent with 2006-07 and assumes conservative growth in number of registrations
- (2) Pending gTLD registrar approval: assumes same fee as previous year
- (3) Based upon 30 accreditation applications
- (4) Based upon reduction to approximately 600 registrars
- (5) Deferred transaction revenue for 2004-05
- (6) Deferred transaction revenue for 2005-06
- (7) Deferred transaction revenue for 2006-07
- (8) Projected fees from each gTLD registry

gTLD Registry	Amount	Comment
.com	\$8,000,000	per agreement with VeriSign
.net	8,225,148	transaction based fees per agreement
.org	1,014,176	transaction based fees; pending conclusion of on-going negotiations
.biz	302,510	transaction based fees per agreement
.info	550,398	transaction based fees per agreement;
.museum	500	per existing agreement (new agreement will not materially affect revenue)
.coop	5,000	per existing agreement (new agreement will not materially affect revenue)
.aero	5,000	per existing agreement (new agreement will not materially affect revenue)
.name	55,000	per existing agreement (new agreement will not materially affect revenue)
.pro	121,900	per existing agreement (new agreement will not materially affect revenue)
.travel	79,816	sTLD agreement approved; fixed and transaction based fees
.jobs	38,544	sTLD agreement approved; fixed and transaction based fees
.mobi	450,000	sTLD agreement approved; transaction based fees
.cat	24,832	sTLD agreement approved; fixed and transaction based fees
.tel	50,000	sTLD agreement approved; transaction based fees
<b>Total gTLDs</b>	<b>\$18,922,824</b>	

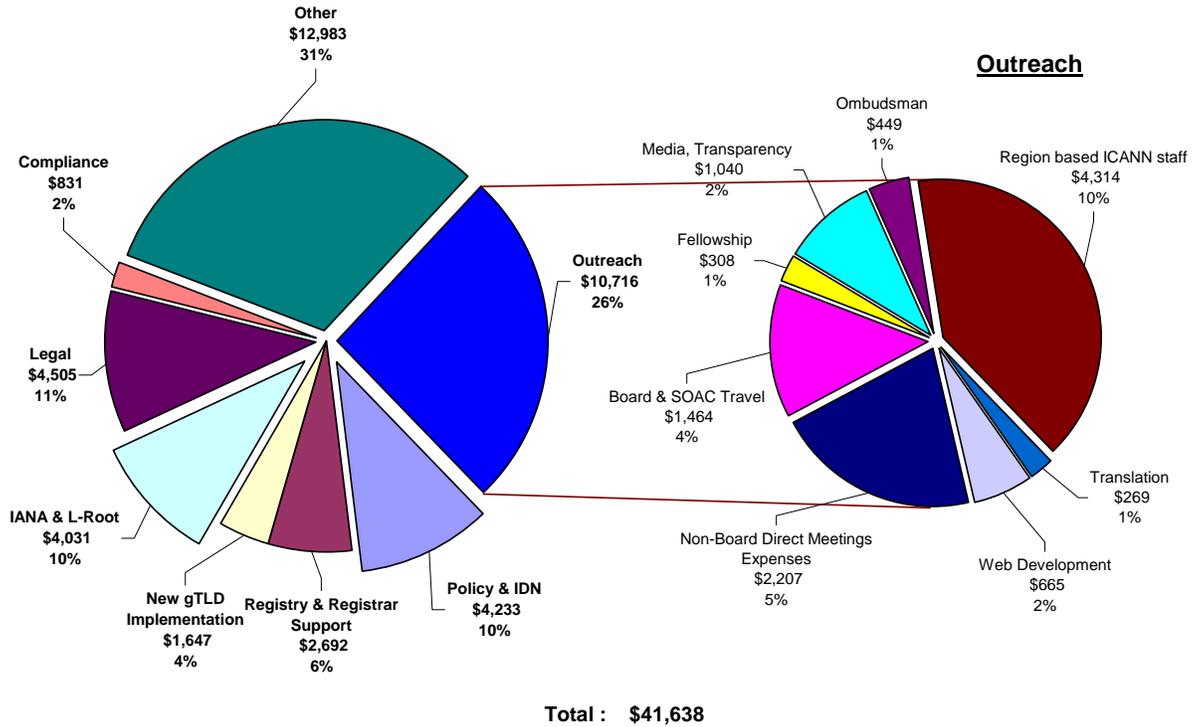
- (9) RIR fees same as budgeted last year
- (10) Projects (approximately) 20% growth in fees received from ccTLDs pending completion of ccNSO developed fee plan
- (11) Allowance for non-collection of payments in certain areas

That portion of Uses of Revenue that are Expenses can be described by:



Additional detail regarding expense spending is provided by:

**FY-08 Key Project Areas**  
 (in Thousands)



## Proposed Budget Schedules and Notes

	2006-2007 Approved Budget*	Year-End Total Projection	Difference Projection to Budget	Proposed 2007-2008 Budget	Difference Budget to Budget	Difference Budget to Projection	See Notes in Text
<b>EXPENDITURES</b>							
<b>Staff Full-Time at Year-End</b>	89	86	(3)	107	18	21	(1)
<b>Base Expenditures</b>							
Personnel	\$13,264	\$13,264	0	\$17,797	\$4,533	\$4,533	(2)
Professional and Technical Services	7,404	6,733	(671)	9,203	1,799	2,470	(3)
Board Meetings & Other Travel	6,200	5,639	(561)	7,637	1,437	1,998	(4)
Administrative & Systems	3,256	2,961	(295)	6,333	3,077	3,372	(5)
Capital Expenditures	510	510	0	1,591	1,081	1,081	(6)
<b>Subtotal: Base Expenditures</b>	<b>\$30,634</b>	<b>\$29,107</b>	<b>(\$1,527)</b>	<b>\$42,561</b>	<b>\$11,927</b>	<b>\$13,454</b>	
<b>Other Expenditures</b>							
NomCom	192	192	0	219	27	27	(7)
Ombudsman	339	339	0	449	110	110	(8)
<b>Subtotal: Other Expenditures</b>	<b>\$531</b>	<b>\$531</b>	<b>0</b>	<b>\$668</b>	<b>\$137</b>	<b>\$137</b>	
<b>Total Expenditures</b>	<b>\$31,165</b>	<b>\$29,638</b>	<b>(\$1,527)</b>	<b>\$43,229</b>	<b>\$12,064</b>	<b>\$13,591</b>	

<b>Base Revenues</b>							
<b>gTLD Registrar Revenues</b>							
Transaction Based Registrar Fee (net)	\$14,617	\$17,980	\$3,363	\$18,067	\$ 3,450	\$87	(9)
Variable Registrar Support Fee	3,800	3,800	0	3,800	0	(0)	(10)
Registrar Application Fees	90	285	195	75	(15)	(210)	(11)
Annual Registrar Accreditation Fees	640	3,156	2,516	2,400	1,760	(756)	(12)
Deferred Revenue				1,103	1,103	1,103	
<b>Subtotal: Registrar Revenues</b>	<b>\$19,147</b>	<b>\$25,221</b>	<b>\$6,074</b>	<b>\$25,445</b>	<b>\$6,298</b>	<b>\$224</b>	
<b>Registry Revenues</b>							
gTLD Registries	14,032	15,308	1,276	18,923	4,891	3,615	(13)
IP Address Registries	823	823	0	823	0	0	(14)
<b>Subtotal: Registry Revenues</b>	<b>\$14,855</b>	<b>\$16,131</b>	<b>\$1,276</b>	<b>\$19,746</b>	<b>\$4,891</b>	<b>\$3,615</b>	
<b>ccTLD Registry Revenues</b>							
ccTLD Registry Fees	300	619	319	578	278	(41)	
ccTLD Voluntary Contributions	1,200	881	(319)	1,222	22	341	
<b>Subtotal: ccTLD Contributions</b>	<b>\$1,500</b>	<b>\$1,500</b>	<b>0</b>	<b>\$1,800</b>	<b>\$300</b>	<b>\$300</b>	(15)
Miscellaneous/Investment Income	40	264	224	1,000	960	736	
Less: Bad Debt Allowance	1,560	1,912	352	1,329	(231)	(533)	(16)
<b>Total Revenues</b>	<b>\$33,982</b>	<b>\$41,204</b>	<b>\$7,222</b>	<b>\$46,662</b>	<b>\$12,680</b>	<b>\$5,458</b>	
<b>Contribution to Reserve</b>	<b>\$2,817</b>	<b>\$11,566</b>	<b>\$8,749</b>	<b>\$3,433</b>	<b>\$616</b>	<b>(\$)</b>	

\* In April 2007, the Board approved a revised budget for FY 2006-07 which was \$188,000 higher than the amount originally approved in June 2006. Allocations among line items were also made to reflect changes in priorities.

## Notes to Fiscal Year 2007- 08 Expense and Revenue Projections

(1) The fiscal year 2007-08 budget calls for a final staff size of 107 by the end of the fiscal year. This represents an increase of twenty-one positions beyond that budgeted in the previous fiscal year. Incremental staffing will address key initiatives and “business as usual” operational requirements as described below. Additionally, new staff will fulfil the requirements described in the succession plan – a key section of contingency planning.

Under the revised organisational structure, key new positions in each functional area include:

- Policy Development
  - General Policy Manager, Policy Information Manager and Senior Policy Officer positions are to be added.
- Global Partnerships
  - Regional Liaisons: Two additional regional liaisons that will serve the Asia/Pacific region.
  - Security Fund Facilitator: will be hired to liaise with corporations to solicit funds to support the development of global internet security solutions.
- Stakeholder Messaging
  - Knowledge Management Officer: This is not an incremental position to the prior year budget, but has been re-titled with a focus directly on corporate communications and public participation. This function will also support the Board.
  - Knowledge Management Officer: A part-time dedicated officer to work solely with the Board.
  - Web Developer: (a conversion from temporary to full time staff) to improve the ICANN website in accordance with the Operating Plan objectives and then to provide timely and meaningful content and also to provide access to the constituency groups in the ICANN community.
- Operations & Client Services
  - Registry Liaison: A key initiative this year is for the development of the gTLD program. The budget, therefore, includes recruitment of key personnel essential to program success, including: new gTLD Program Manager, gTLD Process Manager and gTLD Dispute Resolution Process Manager.
  - Compliance staff: In order to review and augment the organisation's compliance program, including its system for auditing material contracts for compliance by all parties to such agreements, ICANN will add two professional staff (a compliance staff of four) to ensure compliance in the following subject areas:
    - Whois service and accuracy obligations
    - Inter-registrar Transfers

- Agreements with registrars and registries
  - IDN project staff: Two full-time staff will be augmented by assignments from other departments to provide necessary expertise on a part-time basis as needed. The two full time staff are: IDN Technical Manager, and IDN Liaison Manager.
  - Registrar Liaison: In order to address potential failure issues relating to registrars and work to provide clear criteria for the addition of new registrars, a Registrar Failure Prevention & Recovery Specialist and Registrar Services Specialist will be hired.
  - IANA: A Software Engineer dedicated to supporting IANA's needs is included in the 2007-08 budget.
  - Counsel: A new attorney position has been added to support the legal efforts associated with the key initiative areas and increased litigation.

(2) This line item represents the costs associated with the personnel changes detailed in Note (1). Not all positions will be filled for the full 12 months. They will be filled in accordance with a planned growth model to ensure all efficiencies can be employed. Note that positions are considered full-time (except where noted) staff positions even though they may, in the interest of economy, be filled by contract personnel.

(3) This line item increased due to the outsourcing of services described in the Operating Plan. It also includes litigation expense. ICANN is presently involved in several suits. The amount budgeted for this line item has increased in relation to last year's budget and actual expenses. Additionally, ICANN is engaging the services of independent review panel services, limited public relations services, and other consultants who will be engaged if the effort is required and if their engagement represents real cost savings as compared to the expense of utilizing staff.

(4) This line item includes budget for ICANN meetings, Board travel and staff travel. ICANN meetings are expected to be more costly due to an anticipated increase in the fraction of funding from ICANN to decrease reliance on regional sources. Also included are ICANN attended or sponsored meetings as indicated in the operating plan. ICANN has included a provision to provide some assistance to selected volunteer members of the ICANN community who could not otherwise attend task force or other ICANN meetings. Travel assistance will be provided on a case-by-case basis only after the trip request is evaluated and deemed to have a value-added component for ICANN and the community.

(5) These costs, a major component of ICANN expenses, are forecasted to include moving expenses related to relocation of ICANN's offices, as well as significant resources for translation. A reason for the significant increase this year is that this item now includes L-root, other Tech Ops support costs, and a company wide contingency of approximately 5%.

(6) Capital purchases include acquisitions of equipment over \$10,000 per item. This includes upgrades to IANA DNSSEC .ARPA implementation, furniture, fixtures and telephone equipment for the new ICANN offices, re-location of non-root server functions to off-site facilities in compliance with ICANN contingency improvements, root server

upgrades, storage area network backup, a complaint management system and project management software .

(7) The Nominating Committee again is charged this year with filling certain seats on the ICANN Board of Directors and advisory committees. The present committee will meet face-to-face twice during the fiscal year. (I.e., the successor committee will also meet during the same fiscal year.) In addition to these travel costs, the amount budgeted will cover administrative costs, e.g., teleconferences, documentation distribution, advertising for candidates and administrative support.

(8) The ICANN Ombudsman was established in accordance with the bylaws. The Ombudsman makes monthly reports to the ICANN Board regarding work to date. This money funds the direct costs associated with this office. Indirect costs are funded separately by ICANN.

(9) This year's budget holds constant with last fiscal year's \$0.25 transaction fee and an anticipated discount of \$.03 per transaction. Transaction based fees are fees paid through the registrar for new registrations, renewals or transfers. The budget assumes conservative growth in the number of registrations.

(10) This year's budget holds constant from last fiscal year the \$3.8MM fee to be divided on a per registrar basis. While certain ICANN expenses related to supporting registrars are based upon the number of transactions (i.e. the size of the registrar), many costs are essentially equal for all registrars regardless of size (i.e. aspects of a contractual compliance program). Therefore, ICANN will allocate \$3.8 MM to registrars on a per registrar basis. Given the present number of registrars, that fee is estimated to be \$4,300 per registrar annually. If the number of registrars drops, as forecasted in some areas, the fee will increase. If there are, say, 600 gTLD registrars at the time of invoicing, the fee would be \$1,583 for that quarter (\$6,333 annually). As described earlier in this document, a portion of the fee can be forgiven if certain conditions are met.

(11) ICANN continues to experience a significant number in registrar applications and related fees. However, it is anticipated that the number of accreditation applications will be reduced in FY 2007-08. Accreditation applications for this budget year are estimated at 30 accreditation applications.

(12) Fixed accreditation fees will remain constant (\$4,000) and for accreditation to all registries. It is anticipated that the number of accredited registrars will be reduced in FY 2007-08.

(13) gTLD revenue is described in detail in notes to the Revenue table above. Looking forward, ICANN is undertaking several initiatives to increase revenues in this area in the long term: designation of new TLDs, deployment of IDNs, completion of the sTLD round, and negotiation of gTLD renewals.

(14) Projected IP Address registry revenue is held constant with that planned in the current fiscal year.

(15) ICANN believes significantly more revenue should be generated from the ccTLDs than has been realized in the past. This goal reflects a 20% increase in revenue beyond the previous year. Additional revenue will be based on successfully communicating the real value provided by ICANN services. ICANN has staff whose central purpose is to

communicate and execute agreements with ccTLDs in order to stabilize relationships and revenue across this global community.

(16) "Bad debt" has been decreased reflecting the anticipated impact of enhanced collection procedures in FY 2007-08.

## Three Year Rolling Budget Summary

This summary compares fiscal year 2005-06 actual revenue and expenses with those projected in 2006-07 and budgeted in 2007-08.

### Three Year Trend Comparison

	Actual		Projected		Budget	
	FY 05-06		FY 06-07		FY 07-08	
	\$\$\$	%	\$\$\$	%	\$\$\$	%
<b>Registrar</b>						
Application Fee	\$780	2.6%	\$285	0.7%	\$75	0.2%
Accreditation Fee	\$1,965	6.6%	\$3,156	7.7%	\$2,400	5.1%
Variable Fee	\$3,789	12.7%	\$3,800	9.2%	\$3,800	8.1%
Transaction Fee	\$16,509	55.4%	\$17,980	43.6%	\$18,067	38.7%
Deferred Trans Fee 04-05					\$116	0.3%
Deferred Trans Fee 05-06					\$377	0.8%
Deferred Trans Fee 06-07					\$810	1.3%
<b>Subtotal</b>	<b>\$23,043</b>	<b>77.3%</b>	<b>\$25,221</b>	<b>61.2%</b>	<b>\$25,445</b>	<b>54.5%</b>
<b>Registry</b>						
Fixed Fee Tiers 1 & 2	\$30	0.1%	\$41	0.1%	\$91	0.2%
Fixed Fee Tier 3	\$820	2.8%	\$10,050	24.4%	\$8,122	17.4%
Transaction Fee	\$6,480	21.7%	\$5,217	12.7%	\$10,690	23.0%
<b>Subtotal</b>	<b>\$7,330</b>	<b>24.6%</b>	<b>\$15,308</b>	<b>37.2%</b>	<b>\$18,902</b>	<b>40.6%</b>
<b>Regional Internet Registries</b>						
Fixed Fee	\$823		\$823		\$823	
<b>Subtotal</b>	<b>\$823</b>	<b>2.8%</b>	<b>\$823</b>	<b>2.0%</b>	<b>\$823</b>	<b>1.8%</b>
<b>ccTLD</b>						
Contributions	\$278	0.9%	\$881	2.1%	\$1,222	2.6%
Agreements	\$255	0.9%	\$619	1.5%	\$578	1.2%
<b>Subtotal</b>	<b>\$533</b>	<b>1.8%</b>	<b>\$1,500</b>	<b>3.6%</b>	<b>\$1,800</b>	<b>3.9%</b>
<b>Investment</b>	<b>\$105</b>	<b>0.4%</b>	<b>\$264</b>	<b>0.6%</b>	<b>\$1,000</b>	<b>2.1%</b>
<b>Total Revenue</b>	<b>\$31,834</b>		<b>\$43,116</b>		<b>\$47,993</b>	
Bad Debt Allowance	-\$2,026	-6.8%	-\$1,912	-4.6%	-\$1,331	-2.9%
<b>Net Total Revenue</b>	<b>\$29,808</b>	<b>100.0%</b>	<b>\$41,204</b>	<b>100.0%</b>	<b>\$46,662</b>	<b>100.0%</b>
<b>EXPENDITURES</b>						
<b>EXPENSES</b>						
Personnel	\$7,533	40.9%	\$13,439	43.2%	\$18,028	41.7%
ICANN Meetings	\$2,163	11.8%	\$3,957	12.7%	\$4,369	10.1%
Travel, Other Meetings	\$1,864	10.1%	\$2,466	7.9%	\$3,613	8.3%
Professional Services	\$4,695	25.5%	\$7,526	24.1%	\$9,226	21.3%
Administration	\$2,105	11.4%	\$3,267	10.5%	\$6,402	14.8%
<b>Total Expenses</b>	<b>\$18,360</b>	<b>99.7%</b>	<b>\$30,655</b>	<b>98.4%</b>	<b>\$41,638</b>	<b>96.2%</b>
<b>CAPITAL</b>	<b>\$53</b>	<b>0.3%</b>	<b>\$510</b>	<b>1.6%</b>	<b>\$1,591</b>	<b>3.8%</b>
<b>Total Expenditures</b>	<b>\$18,413</b>	<b>100.0%</b>	<b>\$31,165</b>	<b>100.0%</b>	<b>\$43,229</b>	<b>100.0%</b>
<b>Personnel Count</b>	<b>52</b>		<b>86</b>		<b>107</b>	

2.11.1 ICANN Public Comments Page  
[http://www.icann.org/public\\_comment/](http://www.icann.org/public_comment/)

## Public Comment

A vital part of ICANN's processes is the opportunity for there to be public comment on each substantial piece of work before it is put forward for final approval. This page outlines clearly and simply which public comment periods are currently open, which have recently been closed, which are upcoming, and an archive of closed forums (listed according to the month in which the comment period ended). A separate comment box is provided for each comment period.

Each box provides a brief explanation of what the comment period hopes to achieve, as well as: links to relevant reports and/or webpages; a link to the official announcement of the comment period; a link to where all existing comments can be found; and an email link for anyone that wishes to send in a comment. Closed comments forums, should have a live link to a "summary/analysis" where the comments made are objectively reviewed and the results posted to the same list. This summary/analysis will be then be put into the decision-making process where the body responsible will be asked to explicitly refer to its in future discussions.

The page should provide a solid and permanent solution to the issue of transparency and accountability of ICANN's processes, in particular: what issues are pending before ICANN; how interested stakeholders can contribute; and an explanation to the wider community on what the contributing factors are to a final decision.

Open for comment now:	Recently closed comment forums:	Upcoming forums and recent changes:	Archived forums:
<ul style="list-style-type: none"> <li>• <a href="#">Whois studies</a> (ends 15 Feb 08)</li> <li>• <a href="#">Domain tasting initial report</a> (ends 28 Jan 08)</li> <li>• <a href="#">Introduction of IDN ccTLDs</a> (ends 25 Jan 08)</li> <li>• <a href="#">Nominating Committee review</a> (ends ...)</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Registry failover plan</a></li> <li>• <a href="#">Single-letter domains</a></li> <li>• <a href="#">ALAC bylaw change</a></li> <li>• <a href="#">Inter-Registrar Transfer Policy</a></li> <li>• <a href="#">RSSAC review terms of reference</a></li> <li>• <a href="#">GNSO Improvements</a></li> <li>• <a href="#">Final Report on the Introduction of New gTLDs</a></li> <li>• <a href="#">Telnic Whois contract change</a></li> <li>• <a href="#">Strategic Plan</a></li> </ul>	<p>Upcoming forums:</p> <p>Recent changes:</p> <ul style="list-style-type: none"> <li>• Summary/analyses posted to December's closed forums</li> <li>• Nominating Committee <a href="#">review</a> moved back into open comment periods</li> <li>• Domain tasting initial report comment period <a href="#">opened</a></li> <li>• <a href="#">New comment period</a> on IDN ccTLDs</li> <li>• Registry failover plan period <a href="#">closed</a></li> <li>• Single letter domains period <a href="#">closed</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Dec 2007</a></li> <li>• <a href="#">Nov 2007</a></li> <li>• <a href="#">Oct 2007</a></li> <li>• <a href="#">Sep 2007</a></li> <li>• <a href="#">Aug 2007</a></li> <li>• <a href="#">Jul 2007</a></li> <li>• <a href="#">Pre-July 2007</a></li> </ul>

## Open for comment now

### Whois studies

**Open:** 08 Jan 08

**Closed:** 15 Feb 08

**Explanation:** The Generic Names Supporting Organization (GNSO) Council recently concluded that a comprehensive, objective and quantifiable understanding of key factual issues regarding the gTLD WHOIS system will benefit future GNSO policy development efforts, and plans to ask ICANN staff to conduct several studies for this purpose. Before defining the details of these studies, the Council is soliciting suggestions from the community for specific topics of study on WHOIS that community stakeholders recommend be conducted.

Possible areas of study might include a study of certain aspects of gTLD registrants and registrations, a study of certain uses and misuses of WHOIS data, a study of the use of proxy registration services, including privacy services, or a comparative study of gTLD and ccTLD WHOIS.

If you would like to offer suggestions about topics of study on WHOIS, please do so by completing [this online form](#). Please submit a separate online form for each study that you recommend should be conducted and answer all questions with as much detail as possible. Please limit your online answers to 1-2 paragraphs per question. You can email additional detail and any supporting materials to the public comment address below.

You are also encouraged to comment on proposed studies that have already been posted. To do so please reference the specific proposal you are commenting on. Lastly, you may also provide input via email, instead of posting online - see the "add comment" link below.

Is it clear to you what this comment period covers? Do you have all the information you need to respond? Please click "More information please" below to email ICANN directly

Staff member responsible: Liz Gasster | [More information please](#)

[Announcement](#) | [Comments](#) | [Add comment](#) | Summary/analysis of comments

### Domain tasting initial report

**Open:** 08 Jan 08

**Closed:** 28 Jan 08

**Explanation:** The body that represents individual Internet users within ICANN, the At Large / (ALAC), asked ICANN's main policy body, the Generic Names Supporting Organisation (GNSO) of "domain tasting" in spring 2007.

Domain tasting is where someone uses existing legitimate processes to register a domain name and then tests to see if the address has sufficient traffic to provide more income than the annual registration fee (usually through the addition of pay-per-click advertising). If the address is deemed sufficiently profitable, it is kept. If not, the current "add grace period" - where domains can be returned within five days without cost - is used to return the domain at no net cost to the registrant. This process has seen an enormous increase in the number of domains registered and returned and some feel represents a loophole that needs to be closed.

In response to the ALAC's request in spring 2007, the GNSO Council requested that ICANN staff prepare an issues paper for review and discussion. That [Issues Report](#) [pdf] was produced and discussed at ICANN's San Juan meeting in June 2007, during which the GNSO Council decided to set up a working group to gather more information. The working group came back with an [Outcomes Report](#) [pdf] in October 2007.

As a result of both reports, the GNSO Council decided at the end of October 2007 to launch a formal policy development process (PDP) into domain tasting, beginning with a request that other parties in the ICANN structure provide their input on the issue. As a result of all this, an [Initial Report](#) [pdf] has been produced outlining the process, possible actions to be taken, and the arguments put forward for and against such actions.

It is this [Initial Report](#) that has been put out for public comment. Feedback will be incorporated into a Final Report supplied to the GNSO Council for it to review and take action where necessary.

Is it clear to you what this comment period covers? Do you have all the information you need to respond? Please click "More information please" below to email ICANN directly

Staff member responsible: Olof Nordling | [More information please](#)

[Announcement](#) | [Comments](#) | [Add comment](#) | Summary/analysis of comments

## Introduction of IDN ccTLDs

**Open:** 19 Dec 07

**Closed:** 25 Jan 08

**Explanation:** The country code Names Supporting Organisation (ccNSO) - which represents country code top-level domains such as .de for Germany, or .uk for the Britain - asked for an drawn up regarding the possible introduction of ccTLDs as internationalized domain names (I two-letter country codes currently used on the Internet to be provided in a non-Western alph.

In particular the issues report will cover whether the existing ICANN bylaws cover IDN version (as defined by the ISO 3166-1 list); and whether the ccNSO should launch a policy development delegation of IDN versions of ISO 3166-1 codes.

The staff member responsible for drawing up the report was asked to identify policies, procedures, and/or bylaws that should be reviewed and, as necessary revised as a result of such a policy. The staff member was also asked to propose a timeline for conducting each stage of a possible future PDP.

The various ongoing policy issues that may impact this paper, as well as a suggested format for people to submit their comments in is available in the official announcement of this public comment forum. We advise that those interested in responding review that announcement in full.

Please note that it is not necessary at this stage to make suggestions to resolve any issues relating to an overall policy or answer any questions.

Is it clear to you what this comment period covers? Do you have all the information you need to respond? Please click "More information please" below to email ICANN directly

Staff member responsible: Bart Boswinkel | [More information please](#)

[Announcement](#) | [Comments](#) | [Add comment](#) | Summary/analysis of comments

## Nominating Committee review

**Open:** 24 Oct 07

**Closed:**

**Explanation:** The independent organisation reviewing ICANN's Nominating Committee has provided its [report](#).

The [report](#) will be used to develop detailed proposals for improving the way ICANN fills leadership positions, and part of that process will be public input, both in response to this public comment period and at a [special session](#) at the Los Angeles meeting on Wednesday 31 October 2007 at 5pm.

The NomCom is responsible for the selection of 8 members of ICANN's Board of Directors; 3 members of the Country Code Names Supporting Organization (ccNSO); 3 members of the Generic Names Supporting Organization (GNSO); and 5 members of the Interim At-Large Advisory Committee (ALAC).

Is it clear to you what this comment period covers? Do you have all the information you need to respond? Please click "More information please" below to email ICANN directly

Staff member responsible: Denise Michel | [More information please](#)

[Announcement](#) | [Comments](#) | [Add comment](#) | Summary/analysis of comments

## Recently closed comment forums

### Registry failover plan

**Open:** 19 Oct 07  
**Closed:** ~~19 Nov 07~~  
 Extended until  
 15 Dec 2007

**Explanation:** A [revised draft](#) [PDF, 41K] is being posted which incorporates feedback received following the ICANN meeting in Los Angeles. Comments may be submitted until 15 December 2007.

With the expected expansion of new generic top-level domains, the possibility of a registry failure is greatly increased. In order to pre-empt a possible future problem, ICANN has worked with gTLD and ccTLD registry representatives to devise a way of dealing with the failure of an arm of the domain name system.

The draft [Failover Plan](#) [pdf] (here as a [flow chart](#)) comes with a [Best Practices](#) [pdf] document. The Failover Plan identifies the process and procedures to be undertaken when a specific set of events indicating a potential gTLD registry failure. It is designed to protect the interests of registrants and provide the best opportunity for continued registry operations.

The Best Practices document intends to be the source of contractual terms that will become part of every new registry agreement. These terms are intended to provide registries a tool for ensuring ongoing operations and also to provide a backstop process in the case of failure.

This is a complex and important topic and so ICANN is putting it out for review by the wider community. You can find more summary information on the [official announcement](#).

Staff member responsible: Patrick Jones

[Announcement](#) | [Comments](#) | [Summary/analysis of comments](#)

### Single-letter domains

**Open:** 16 Oct 07

**Explanation:** ICANN is looking for ideas and suggestions on ways to allocate single-letter domains, such as a.com, i.info, 4.mobi or 8.org. Currently, it is not possible to register single-letter domains in all 16 generic top-level domains, from .aero to .travel - a policy stretching back to pre-ICANN days.

However, a [recent report](#) [pdf] by a working group of the GNSO recommended that single-letter domains be made

<p><del>15 Nov 07</del>  <b>Closed:</b> <a href="#">Extended</a> to  15 Dec 07</p>	<p>available now and into the future, with the proviso that an appropriate allocation method was devised. This forum is therefore asking the community for suggestions on what allocation methods it feels would be best. ICANN will synthesize responses and then present proposed methods for allocation for community consideration.</p> <p>For more information and background, see the <a href="#">official announcement</a> of this forum.</p>
<p>Staff member responsible: Patrick Jones</p>	
<p><a href="#">Announcement</a>   <a href="#">Comments</a>   <a href="#">Summary/analysis of comments</a></p>	

<h2>ALAC bylaw change</h2>	
<p><b>Open:</b> 7 Nov 07  <b>Closed:</b> 7 Dec 07</p>	<p><b>Explanation:</b> A proposed bylaw change for the At-Large Advisory Committee (ALAC) - the part of ICANN that represents ordinary Internet users - is designed to allow the regional bodies (RALOs) to take a greater role in the approval of "At Large Structures" (ALSes), which form the base component part of the ICANN structure. The change is also designed to improve transparency of ALS application reviews and approvals.</p> <p>You can find more information on the exact change in the <a href="#">official announcement</a> for this public comment period.</p>
<p><a href="#">Announcement</a>   <a href="#">Comments</a>   <a href="#">Summary/analysis of comments</a></p>	

<h2>Inter-Registrar Transfer Policy</h2>	
<p><b>Open:</b> 15 Nov 07  <b>Closed:</b> 7 Dec 07</p>	<p><b>Explanation:</b> The GNSO Council, in the process of reviewing the <a href="#">Inter-Registrar Transfer Policy</a>, formed a working group to review the effectiveness of the policy and identify areas where future policy work might be beneficial.</p> <p>One of the working group's outputs was <a href="#">a draft advisory</a> containing certain reminders and clarifications relevant to the policy.</p> <p>In accordance with the GNSO Council's resolution of 20 September 07, this draft Advisory is being posted for</p>

constituency and community review and comment. The input received will be reviewed and analyzed by the GNSO Council, pursuant to which this or an amended form of the draft may be released as a community advisory.

Announcement | [Comments](#) | [Summary/analysis of comments](#)

## RSSAC review terms of reference

**Open:** 2 Nov 07  
**Closed:** 1 Dec 07

**Explanation:** As part of the ongoing independent review of ICANN's supporting organisations and advisory committees, we are seeking comment on the proposed "terms of reference" for review of the DNS Root Server System Advisory Committee (RSSAC).

You can see the full scope and guiding questions [on the official announcement page for this review](#). The results will be considered by the Board Governance Committee and used to provide a final terms of reference for the review.

[Announcement](#) | [Comments](#) | [Summary/analysis of comments](#)

## GNSO Improvements

**Open:** 19 Oct 07  
**Closed:** 30 Nov 07

**Explanation:** The Board Governance Committee's GNSO Review Working Group has issued a comprehensive proposal to improve the effectiveness of the GNSO, including its policy activities, structure, operations and communications. The GNSO Improvements Report reflects the Working Group's examination of many aspects of the GNSO's functioning, including the use of working groups and the overall policy development process (PDP), and the structure of the GNSO Council and its constituencies.

That process has now reached a [final report](#) stage. As such it is being put out for public comment, and will also be discussed at the upcoming Los Angeles meeting [on 29 October at 11am](#). The LA forum discussion and public comments will be considered and a final report will be presented to the full Board Governance Committee and the Board. As the community and the Board consider the proposals outlined in the Report, it is important to keep in mind that this is an evolutionary process intended to reflect the importance of the GNSO to ICANN and to build upon the GNSO's successes to date.

You can read a [summary of the report here](#) [pdf], the [full report here](#) [pdf], and a webpage dedicated to the process [can be found here](#).

[Announcement](#) | [Comments](#) | Summary/analysis of comments

## New gTLDs

**Open:** 31 Oct 07

**Closed:** 20 Nov 07

**Explanation:** The GNSO Council voted to send a set of principles, recommendations and implementation guidelines intended to result in a straightforward process that awards new gTLDs if applicants satisfy the pre-published criteria.

In September the GNSO Council approved its [Final Report](#) [PDF, 516K] on the Introduction of New Top-Level Domains (Report) after two years of work and numerous public comment periods. The GNSO developed this proposed policy through its bottom-up, multi-stakeholder policy development process, and worked in coordination with an ICANN staff team to help ensure that their final recommendations and guidelines are "implementable." The questions that have been addressed by the GNSO in the development of new gTLD policy are complex and involve technical, economic, operational, legal, public policy, and other considerations.

The proposed policy provides direction to staff to enable the implementation of a clear, predictable, timely road map for the application process including: objective business and technical thresholds, pre-published contract terms, evaluation criteria, and dispute resolution processes. Detailed information is provided at <http://gnso.icann.org/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>.

Announcement | [Comments](#) | [Summary/analysis of comments](#)

## Telnic Whois contract change

**Open:** 19 Oct 07

**Explanation:** Telnic proposed a change to its contract covering Whois in May 2007. This was put out for public

<b>Closed:</b> 10 Nov 07	<p>comment and following discussions at the San Juan meeting, Telnic changed its amendment. The issue has arisen because Telnic is due to launch .tel soon and it wishes to be fully in compliance with UK privacy law before it does so because it is headquartered in the UK.</p> <p>Under the <a href="#">revised proposal</a> [pdf], Telnic will continue to publish full Whois information for legal persons. Telnic will collect from registrars full Whois information for natural persons, but only limited information will be displayed. Requestors seeking full contact information for natural persons may use a secure Special Access Service to obtain non-public data.</p> <p>You can view all the documentation <a href="#">covering the amendment here</a>.</p> <p><a href="#">20 Nov 2007 Revised Appendix S, part VI</a> [PDF, 71K]</p>
Staff member responsible: Patrick Jones	
<a href="#">Announcement</a>   <a href="#">Comments</a>   <a href="#">Summary/analysis of comments</a>	

<b>Strategic Plan</b>	
<b>Open:</b> 19 Oct 07 <b>Closed:</b> 10 Nov 07	<p><b>Explanation:</b> ICANN produces a Strategic Plan each year which sets out the community's views of the major opportunities and challenges that face the organisation in the next three years as it continues to evolve.</p> <p>An initial draft of the plan was drawn up in June in time for the San Juan meeting and discussed in multilingual sessions, as well as put out for public comment. That feedback was then pulled into an issues paper, released for public comment in September. All of this has been incorporated into a draft which is now released for public comment. It will also be discussed <a href="#">at the Los Angeles meeting</a> on 31 October at 3.30pm.</p> <p>You can view the plan here in <a href="#">English</a> [pdf], <a href="#">Français</a> [pdf], <a href="#">Español</a> [pdf], <a href="#">العربية</a> [pdf], <a href="#">Русский</a> [pdf] and <a href="#">中文</a> [pdf].</p> <p>A revised version of the plan will be prepared based on community feedback and presented to the Board for approval at its December meeting.</p>
<a href="#">Announcement</a>   <a href="#">Comments</a>   <a href="#">Summary/analysis of comments</a>	

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## Upcoming forums

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## Archived forums

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- [December 2007](#)
- [November 2007](#)
- [October 2007](#)
- [September 2007](#)
- [August 2007](#)
- [July 2007](#)
- [Pre-July 2007](#)



## 2.11.2 Registry Failover Plan Public Comments Summary

<http://forum.icann.org/lists/registry-failover-plan/msg00002.html>

ICANN ICANN Email List Archives

## [registry-failover-plan]

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[<<< Chronological Index >>>](#) [<<< Thread Index >>>](#)

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### Update on Comments to the draft ICANN gTLD Registry Failover Plan

- *To:* <registry-failover-plan@xxxxxxxx>
- *Subject:* Update on Comments to the draft ICANN gTLD Registry Failover Plan
- *From:* "Patrick Jones" <patrick.jones@xxxxxxxx>
- *Date:* Mon, 19 Nov 2007 09:40:26 -0800

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The comment period for the draft gTLD Registry Failover Plan ends today. Having received a number of comments during the Los Angeles meeting, I am preparing an update to the posted plan.

Eric Brunner-Williams (<http://forum.icann.org/lists/registry-failover-plan/msg00001.html>) has asked if the comment period can be extended several more weeks. Rather than extend the comment period on the draft discussed in Los Angeles, I will be publishing an update this week which incorporates feedback received to date. Comments will be welcome on the updated version through 15 December.

Regards,

Patrick

Patrick L. Jones

Registry Liaison Manager

Internet Corporation for Assigned Names and Numbers

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patrick.jones@xxxxxxxx

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[<<< Chronological Index >>>](#) [<<< Thread Index >>>](#)

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### 2.11.3 TELNIC Whois Contract Public Comments Summary

<http://forum.icann.org/lists/telnic-whois-proposal/msg00010.html>

ICANN ICANN Email List Archives

## [telnic-whois-proposal]

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[<<< Chronological Index >>>](#)   [<<< Thread Index >>>](#)

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### Summary/analysis of comments

- *To:* <telnic-whois-proposal@xxxxxxxxxx>
- *Subject:* Summary/analysis of comments
- *From:* "Kieren McCarthy" <kieren.mccarthy@xxxxxxxxxx>
- *Date:* Tue, 18 Dec 2007 07:59:01 -0800

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Posted by Kieren McCarthy, General manager of public participation, ICANN

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Summary of public comments for Telnic Whois contract change

November 2007

#### Background

The company in charge of the new .tel registry, Telnic, proposed a change to its contract regarding the "Whois" public provision of domain registrant information. This was put out for public comment, subsequent to which the company made significant alterations and resubmitted it.

The issue has arisen because Telnic is due to launch .tel soon and it wishes to be fully in compliance with UK privacy law before it does so because it is headquartered in the UK.

Under the revised proposal, Telnic will continue to publish full Whois information for legal persons. Telnic will collect from registrars full Whois information for natural persons, but only limited information will be displayed. Requestors seeking full contact information for natural persons may use a secure Special Access Service to obtain non-public data.

This public comment period was set up to allow for community feedback on the revised contract change. In total, two relevant comments were received.

This analysis attempts to summarize the relevant comments from the online forum

Where possible and practical, individual comments have been attributed to individuals or organizations by attaching initials to the comments. A key to the initials used can be found at the end.

#### General comments

One commenter felt that the existing Whois system should be adhered to in order to most effectively deal with cybersquatting [PR]. The second commenter felt that the modified proposal was greatly improved and with a few "minor clarifications" could be granted approval by the ICANN Board [SM].

#### Prior consultation

The point was raised that a previous, similar registry contract changes with respect to Whois had involved a larger degree of prior consultation [SM].

#### Special Access Service

It was argued that information acquired through the Special Access Service (SAS) - where accepted requestors are granted access to non-public registration information - should be allowed to be shared with others outside the SAS system. Examples of lawyers and fraud investigators were given [SM].

It was pointed out that the selection list for what would be seen as legitimate requests for data through the SAS system has not been made available [SM].

It was argued that allowing only five SAS requests per 24-hour period may be too restrictive and argued that Telnic be allowed to change this figure in future without having to put in a formal request to ICANN [SM].

It was not clear what Telnic would do with the information it gathered from use of the SAS system [SM].

#### Deviation

It was argued that Telnic's assertion that it needed to change the Whois wording in order to be compliant with UK law was not sufficiently strongly made to override the tradition of requiring people to follow a common Whois approach [SM].

It was accepted that while Telnic proposed business model for .tel may be sufficiently unique to grant it an exception to the common Whois rules, ICANN should make that change contingent on Telnic maintaining that particular model [SM].

It was suggested that ICANN reaffirm the need for Telnic to use ICANN-accredited registrars for registering domains under .tel [SM].

#### Contributors

PR Paul Robinson

SM Steven Metalitz, Coalition for Online Accountability / International Trademark Association Whois Subcommittee

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2.12.1 2007 ICANN Board Meetings  
Calendar, Summaries and Minutes  
<http://www.icann.org/minutes/>

[2007](#) | [2006](#) | [2005](#) | [2004](#) | [2003](#) | [2002](#) | [2001](#) | [2000](#) | [1999](#) | [1998](#)

## 2007 Board Meetings

<p>18 December 2007</p> <p>Special Meeting of the Board</p> <p>The Board Agenda for the Special Meeting of the Board (as set by the Executive Committee on 11 December 2007):</p> <ol style="list-style-type: none"> <li>1) Approval of Minutes for 20 November 2007 Special Board Meeting – Preliminary Report is posted publicly @ <a href="http://www.icann.org/minutes/prelim-report-20nov07.htm">http://www.icann.org/minutes/prelim-report-20nov07.htm</a></li> <li>2) Discussion of .TEL Contractual Amendment – Possible Board Action</li> <li>3) Discussion of ICANN Strategic Plan July 2008 – June 2011</li> <li>4) Update on New gTLD Process</li> <li>5) Discussion of Joint Project Agreement with the NTIA</li> <li>6) Discussion of ICANN Accountability and Transparency Frameworks and Principles Document (Management Operating Principles)</li> <li>7) Discussion of Supporting IPv6 in the Root Server System</li> <li>8) Update on Formation of BGC’s ALAC Review Working Group</li> <li>9) Discussion of President/CEO’s Report for November 2007</li> <li>10) Discussion of President/CEO’s Performance Review Goals</li> <li>11) Whois Conflict of National Laws Procedure</li> <li>12) Update on Czech Arbitration Court UDRP Application</li> <li>13) Other Business</li> </ol>	<p style="text-align: center;"><a href="#">Preliminary Report</a></p>
<p>20 November 2007</p> <p>Special Meeting of the Board</p>	<p style="text-align: center;"><a href="#">Minutes</a></p>

1. Whois Conflict of National Laws Procedure
2. Discussion of .TEL Contractual Amendment
3. Redelegation of ccTLD for .BB (Barbados)
4. Initiation of Early Awareness Procedures for Global Policy Proposals
  - a. Allocation of Autonomous System Numbers
  - b. Allocation of the remaining IPv4 address space in the Regional Internet Registry system
5. Update on Czech Arbitration Court UDRP Application
6. Contract for Consultant to write RFP for New GTLD Process
7. Discussion of progress planning for New gTLD Policy and Implementation
8. Updates on Bylaws-Mandated Reviews
9. Discussion of President's Report
10. Discussion of Internet Governance Forum (IGF)
11. Other Business

29 October - 2 November 2007  
ICANN Meeting 30, Los Angeles

2 November 2007 - Board Agendas

A) Annual General Meeting Board Agenda

1. Approval of Board Minutes from 16 October 2007 Special Board Meeting
2. Discussion of Status of Strategic Plan
3. Update on Internationalized Domain Names
4. GNSO Improvements - \*Link for information for Board and public: a) LA Workshop on GNS Improvements agenda webpage < <http://losangeles2007.icann.org/node/44>>; b) GNSO Improvements webpage < <http://icann.org/topics/gnso-improvements/>>
5. Status of Independent Reviews of ICANNs Component Groups - \*Link for information for Board and public: Independent Reviews webpage < <http://icann.org/topics/gnso-improvements/>>
6. Discussion of Contractual Conditions Policy Development Process - \*Link for information for Board and public: GNSO issues page < <http://gnso.icann.org/issues/gtld-policies/>>
7. Review of proposed ALAC Bylaw changes - \*Link for information for Board and public: ALAC wiki < [https://st.icann.org/alac/index.cgi?at\\_large\\_advisory\\_committee](https://st.icann.org/alac/index.cgi?at_large_advisory_committee)>
8. CCNSO Geographic Region Reform - \*Link for information for Board and public: ccNSO website < <http://ccnso.icann.org/>>
9. Informational update on the status of WHOIS - \*Link for information for Board and public: public comment page on whois < [http://icann.org/public\\_comment/](http://icann.org/public_comment/)>
10. Discussion of New GTLD Policy and proposal for Implementation - \*Link for

[Adopted Resolutions](#)

information for Board and public: LA Workshop on New gTLDs (includes handout) <  
<http://losangeles2007.icann.org/node/45>>

11. Approval of SSAC Nominations – Recommendations to be made to the Board during the Los Angeles Meeting
12. Board Finance Committee's Recommendation on ICANN Investment Policy
13. Discussion of MOUs of Cooperation with Regional and International Organizations (CITEL, CTO)
14. Consideration of .MUSEUM Contract Modification Proposal
15. Discussion of Registrar Escrow Agreements
16. Other Business
17. Acknowledgements and Thanks

B) The Organizational Board meeting agenda:

1. Election of Chair
2. Election of Vice-Chair
3. Appointment of committee leadership/membership
4. Confirmation of Officers of ICANN
5. Other Business

16 October 2007

Special Meeting of the Board

- Approval of Board Minutes for 16 September 2007 Special Board Meeting
- IANA Related Issues:
  - Redlegation of the .BM (Bermuda) Domain – for Board Action
  - Delegation of the .EH (Western Sahara) Domain – for informational discussion only.
- Discussion of Registry Services Proposal from Telnix (.TEL) re: Public Display of WHOIS information
- Update on Annual General Meeting Tasks
- Update on Bylaws-Mandated Reviews
- Financial Approvals and Finance Committee Recommendations
  - Advanced Approval of Consolidated Travel Expenditures exceeding Officer Authority
  - Approval of Sydney Office Lease
  - Approval of Foreign Exchange Contracts
- Other Business

[Minutes](#)

<p>4 October 2007</p> <p>ICANN New Board Workshop, Frankfurt (Not designated as an Official Board Meeting)</p>	<p><a href="#">summary</a></p>
<p>11 September 2007</p> <p>Special Meeting of the Board Approved Board Agenda</p> <p>The following topics have been approved as the Agenda for the Special Board Meeting scheduled for 11 September 2007, by the ICANN Board's Executive Committee (during their meeting on 4 September 2007):</p> <ul style="list-style-type: none"> <li>• Status Report on discussions with the UPU regarding .POST</li> <li>• Status Report on discussions relating to renewal agreements for .AERO and .MUSEUM</li> <li>• IANA Related Issues: <ul style="list-style-type: none"> <li>◦ Delegation of the .KP (North Korea) Domain</li> <li>◦ Delegation of the .ME (Montenegro) Domain</li> <li>◦ Delegation of the .RS (Serbia) Domain</li> <li>◦ Redefinition of the .YU (former Yugoslavia) Domain</li> <li>◦ Update on Outstanding Redefinition Requests</li> </ul> </li> <li>• Board Governance Committee's Recommendation regarding Nominating Committee Chairman</li> <li>• Board Governance Committee's Recommendation regarding the Academic Representative to the next Nominating Committee</li> <li>• Board Governance Committee's Update on Corporate Governance Guidelines and Code of Ethics</li> <li>• Board Finance Committee's Recommendations regarding CFO Authorities</li> <li>• Meetings Committee's Recommendations regarding ICANN Meeting Site</li> <li>• Approval for public comment posting of the ICANN Board Review Terms of Reference</li> <li>• Information Update on GNSO's WHOIS Policy Development</li> <li>• Approval of Board Minutes from Special Meeting of the ICANN Board, 14 August 2007</li> <li>• Other Business</li> </ul>	<p><a href="#">Minutes</a></p>
<p>14 August 2007</p> <p>Special Meeting of the Board Proposed Board Agenda</p>	<p><a href="#">Minutes</a></p>

- Proposed Data Escrow Agreement Negotiation
- GNR Contract Renewal
- IANA Related Issues – Discussion/possible action on:
  - a. Redelegation of the .DM ( Dominica) Domain
  - b. Delegation of Eleven Evaluative Internationalized Domains
  - c. Delegation of the .KP ( North Korea) Domain
  - d. Delegation of the .ME ( Montenegro) Domain
  - e. Delegation of the .RS ( Serbia) Domain
  - f. Redelegation of the .YU (former Yugoslavia) Domain
  - g. Update on Outstanding Redelegation Requests
- BGC Recommendations – Discussion/possible action on:
  - a. Adjustments to the Board Committee Assignments
  - b. Review of Terms of Reference for Board of Directors Review
- Consent Agenda
  - a. Approval of Legal Expenses
  - b. Finance Committee Recommendations
- Other Business

9 - 11 August 2007

ICANN Board of Directors Workshop (Not designated as an Official Board Meeting)

[summary](#)

<p>25-29 June 2007</p> <p>ICANN Meeting 29, San Juan, Puerto Rico</p> <ul style="list-style-type: none"><li>• Approval of 18 June 2007 Board Minutes</li><li>• Discussion and Approval of 2007-2008 ICANN Budget</li><li>• Election of New Chief Financial Officer</li><li>• Consultation on Operating Principles and Frameworks for Transparency and Accountability</li><li>• .COOP Renewal Sponsor Agreement</li><li>• .TEL ICANN Fee Amendment</li><li>• Report: Protections for gTLD Registrants<ul style="list-style-type: none"><li>◦ Registrar Data Escrow Program</li><li>◦ Registrar Accreditation Agreement Amendments</li><li>◦ Registry Fail-over</li><li>◦ Contractual compliance</li></ul></li><li>• Global Policy Proposals on AS Numbers and remaining IPv4 Allocations</li><li>• Adoption of IANA Root Zone Procedures for Evaluation IDN Deployment</li><li>• Board Committee Work and Other Business<ul style="list-style-type: none"><li>◦ BGC's GNSO Review</li></ul></li></ul>	<p><a href="#">Adopted Resolutions</a></p> <p><a href="#">Transcript</a></p>
<p>18 June 2007</p> <p>Special Meeting of the Board</p> <ul style="list-style-type: none"><li>• Approval of Minutes</li><li>• Discussion of Ombudsman's Report 7-317</li><li>• Review and Approval of Banking Relationship Change from Board Finance Committee Recommendation</li><li>• Review of Status of Board Governance Committee's GNSO Review Process; Approval of recommendations from the BGC</li><li>• Review of Status of ccTLD Redelelegation Requests from IANA</li><li>• Discussion of Review of Various Business Units</li><li>• Other Business</li></ul>	<p><a href="#">Minutes</a></p>

<p>15 May 2007</p> <p>Special Meeting of the Board</p> <ul style="list-style-type: none"> <li>• Discussion of 2007-2008 ICANN Budget</li> </ul>	<p><a href="#">Minutes</a></p>
<p>3 May 2007</p> <p>Secretary's Notice (Selection of Raimundo Beca as a Director by the ASO)</p>	<p><a href="#">Secretary's Notice</a></p>
<p>25 April 2007</p> <p>Special Meeting of the Board Proposed Board Agenda</p> <ul style="list-style-type: none"> <li>• .GW ccTLD - Discussion of Redelelegation</li> <li>• .EH ccTLD - Discussion of related issues</li> <li>• ICANN Fellowship Proposal</li> <li>• Registry Services Proposals - Update</li> <li>• March Legal Bills - Authorization for Payment</li> <li>• UDRP Provider Application from Czech Arbitration Court - Authorization to post for public comment</li> <li>• Board Finance Committee Update</li> <li>• Designation of Annual General Meeting</li> <li>• Discussion of Agenda Topics for May Board Workshop</li> </ul>	<p><a href="#">Minutes</a></p>
<p>12 April 2007</p> <p>Secretary's Notice (Ratification of email vote for board seat #13)</p>	<p><a href="#">Secretary's Notice</a></p>
<p>26-30 March 2007</p> <p>ICANN Meeting 28, Lisbon, Portugal</p> <ul style="list-style-type: none"> <li>• Approval of Minutes</li> <li>• Proposed sTLD Agreement with ICM Registry</li> <li>• Discussion of Registrar Accreditation Agreement Review</li> <li>• Authorization to pay Legal Bills</li> <li>• Action on President's Strategy Committee Final Report</li> <li>• Cooperative Agreements with International and Regional Organizations</li> <li>• Regional At-Large Organization MOUs</li> <li>• RSSAC and SSAC Report to IANA on Adding AAAA Records to the Root</li> <li>• DNSSEC Implementation Progress</li> <li>• .MUSEUM Sponsorship Agreement Extension and Renewal Process</li> </ul>	<p><a href="#">Adopted Resolutions</a></p> <p><a href="#">Transcript</a></p>

<ul style="list-style-type: none"><li>• Board Governance Committee Recommendations on Independent Reviews</li><li>• Protections for gTLD Registrants</li><li>• Engagement of Auditors</li><li>• Thanks to Mohamed Sharil Tarmizi</li><li>• Thanks to Sponsors, Staff, Scribes, and Event Teams</li><li>• Thanks to Local Hosts</li></ul>	
<p>13 March 2007</p> <p>Special Meeting of the Board Proposed Board Agenda</p> <ul style="list-style-type: none"><li>• Approval of Minutes from 12 February 2007 Board Meeting</li><li>• Designation of Academic Representative for ICANN's 2007 Nominating Committee</li><li>• Consideration of Board Finance Committee's Recommendation regarding Budget Adjustments and Incremental Projects</li><li>• Consideration of .MOBI sTLD Contract Amendment Regarding ICANN Fees and Recent Public Comment Period</li><li>• Update on Registry Failover Projects and Status of Other Projects</li><li>• Continuation of Consideration of Proposed .XXX Registry Agreement</li><li>• Continuation of Discussions regarding MOUs of Cooperation with Regional and International Organizations</li><li>• Discussion of ICANN Bylaws-Mandated Reviews</li><li>• Updates on New TLD's and Whois PDP's</li><li>• Updates on IANA Issues</li><li>• Other Business</li></ul>	<p><a href="#">Minutes</a></p>
<p>12 February 2007</p> <p>Special Meeting of the Board Proposed Board Agenda</p> <ul style="list-style-type: none"><li>• Consideration of Proposed .XXX Registry Agreement and recent public comment period</li><li>• Consideration of .MOBI sTLD Contract Amendment Regarding ICANN Fees and recent public comment period</li><li>• Consideration and follow up from last meeting on UM (United States Minor Outlying Islands)</li><li>• Succession Planning and Leadership Planning within the Board</li><li>• Discussion of ICANN Bylaws-Mandated Reviews</li><li>• Budget Discussion from Board Finance Committee</li><li>• Consideration of additional information regarding the GW (Guinea-Bissau) Redlegation request</li></ul>	<p><a href="#">Minutes</a></p>

<ul style="list-style-type: none"><li>• Discussion on Retiring Country Code Top-Level Domains</li><li>• Meetings Committee Discussion Proposal regarding ICANN Board Meetings</li><li>• Authorization to Open Bank Account to assist Registrar Constituency</li><li>• Other Business</li></ul>	
<p>16 January 2007</p> <p>Special Board Meeting Agenda</p> <ul style="list-style-type: none"><li>• <a href="#">Approval of Outstanding Minutes</a></li><li>• <a href="#">Proposed New Registry Service for the Limited Release of Two-Character Names in .NAME</a></li><li>• <a href="#">Discussion of Proposed Registry Agreement with ICM for .XXX</a></li><li>• <a href="#">Discussion of Lisbon Schedule</a></li><li>• <a href="#">Request from .MOBI for Contractual Change to Registry Agreement re Registry Fees</a></li><li>• <a href="#">Redelegation of .GW (Guinea-Bissau)</a></li><li>• <a href="#">Discussion of .EH (Western Sahara)</a></li><li>• <a href="#">Revocation of .UM (US Minor Outlying Islands)</a></li><li>• Other Business</li></ul>	<p><a href="#">Minutes</a></p>



2.12.2 Minutes for the Special Meeting of  
the ICANN Board of Directors, 20

November 2007

[http://www.icann.org/minutes/minutes-  
20nov07.htm](http://www.icann.org/minutes/minutes-20nov07.htm)

## Minutes for the Special Meeting of the ICANN Board of Directors

20 November 2007

A Special Meeting of the ICANN Board of Directors was held via teleconference on 20 November 2007. Chairman Peter Dengate Thrush called the meeting to order at 1:11 PM Pacific Daylight Time (PDT).

In addition to Chairman Peter Dengate Thrush the following Directors participated in all or part of the meeting: Harald Alvestrand, Raimundo Beca, Susan Crawford, Vice Chairman Roberto Gaetano, Demi Getschko, Steven Goldstein, Dennis Jennings, Rita Rodin, Jean-Jacques Subrenat, Bruce Tonkin; President and CEO Paul Twomey, David Wodelet. The following Board Liaisons participated in all or part of the meeting: Steve Crocker, SSAC Liaison; Janis Karklins, GAC Liaison; Thomas Narten, IETF Liaison; Reinhard Scholl, TLG Liaison; Wendy Seltzer, ALAC Liaison; and Suzanne Woolf, RSSAC Liaison. The following Board Members were not present on the call: Rajasekhar Ramaraj and Njeri Rionge.

Also, the following ICANN Staff participated in all or part of the meeting: John Jeffrey, General Counsel and Secretary; Doug Brent, Chief Operating Officer; Kevin Wilson, Chief Financial Officer; Kurt Pritz, Senior Vice President, Business Operations; Theresa Swinehart, Vice President, Global and Strategic Partnerships; Barbara Roseman, General Operations Manager of IANA; Donna Austin, Manager, Governmental Relations; Olof Nordling, Manager, Policy Development Coordination; Kim Davies, IANA Technical Liaison; and, Patrick Jones, Registry Liaison Manager.

The Board discussed and took action on the following matters:

### Whois Conflict of National Laws Procedure

Kurt Pritz provided an update on the implementation of the draft *"ICANN procedure for handling WHOIS conflicts with national privacy laws"*. The GNSO developed a recommended procedure about WHOIS and conflicts with national laws. The Board subsequently directed Staff to implement the recommended procedure and also solicit input from GAC and other relevant advisory committees regarding the implementation of that procedure. ICANN Staff, posted for comment, produced the draft procedure and a letter was sent to the GAC requesting their review and advice. The GAC provided interim advice at the ICANN meeting in San Juan and provided additional clarification at the Los Angeles ICANN meeting. The GAC Communiqué indicated "...specific cases should be referred to the relevant national government for advice on the authority on the request for derogation from the ICANN gTLD WHOIS policy." Accordingly, Staff indicated that they will work to amend the draft procedure taking into account GAC advice and will post the revised procedure for public comment.

Steve Goldstein asked about whether there were jurisdiction related issues associated with a US registrar having UK customers in light of the broader set of issues. Rita Rodin responded that in her experience these types of questions exist in other industries and throughout the world and ICANN should not get too concerned about jurisdictional issues, indicating that such issues should be dealt with at the local or national level.

The Chair asked about the likely timeframe for next steps and was advised by Kurt Pritz that the paper will be posted within the next 30 days and then will be submitted to the Board to consider no later than the January 2007 meeting.

Bruce Tonkin suggested that ICANN should clearly set out an advisory of what contractual WHOIS obligations currently exist. Bruce concluded that since there are a number of clauses that inter-relate, it might be useful to have standard advice that ICANN can document in the form of an advisory, so this could be provided to a privacy body or other interested parties.

The Chair generally supported the idea of more information, but raised concerns that from a legal perspective it is likely to be more difficult. John Jeffrey confirmed that it would not be advisable to provide an interpretation of provisions within the agreement, as opposed to letting the language stand on its own. Bruce Tonkin suggested that it might not be necessary to reinterpret the provisions, but that it may be useful to provide references to the relevant contractual or other provisions, so that they are easier for people to locate. The Chair indicated that a FAQ or information page would meet that need. John Jeffrey agreed and indicated that Staff would review how the provisions might be presented for more transparency.

Dennis Jennings indicated that he would like to see a definitive statement of the requirements for WHOIS, a

documented policy and purpose document so there is a framework for questions to be answered relating data protection. The Chair noted that there would be different solutions in different jurisdictions.

The Chair noted that the Board should continue to consider this issue and asked Dennis Jennings to report back to the Board, if necessary, as to his view on whether additional steps should be taken to meet transparency requirements.

John Jeffrey advised that he would work with Staff to come up back to the Board with an answer regarding a potential advisory or providing additional information on the web site regarding the introduction of this procedure and the responsibilities of the involved parties.

### **Discussion of .TEL Contractual Amendment Proposal**

Kurt Pritz advised that there had been additional consultation regarding the Telnic contract amendment request in the past week, among the Coalition for Online Accountability, Telnic and ICANN. As a result, there have been some amendments in the past week. Due to these recent developments, this is a status report of the Telnic proposal and it is expected that the proposal will be before the Board to vote at the December Board Meeting. The Telnic proposal is to restrict publication of WHOIS information for individuals in order to comply with UK privacy laws. The issue in considering this proposal is that IP attorneys, trademark holders and others want quick and unfettered access to information to protect clients against fraudulent use of trademarks. The question in restricting the information is how easy is it for parties with legitimate need to get full information.

ICANN consulted the UK GAC representative and the UK Privacy Commissioner's Office to ascertain their opinion as to whether the existing contract clause was violating UK privacy law. The UK GAC representative considered the UK Privacy Commissioner was the right person to give advice. The UK Privacy Commissioner's Office had clearly indicated to ICANN Staff that they believed it was necessary to change existing ICANN contractual provisions for .TEL registry to permit the registry to provide opt out provisions for individuals who wish to restrict access to their personal information.

The Telnic proposal was posted in April and following public comment, Telnic adjusted its proposal considerably with regard to making full information public to legitimate requesters: it eliminated a 13-step process, individuals have to opt out of full disclosure as a default rather than opt in, agreed to not publish names of subscribers, and they eliminated a fee for providing access to information. The proposal was posted again on 19 October 2007, and two comments were received. The most meaningful was received from the Coalition for Online Accountability. As a result a number of consultations were undertaken with Telnic and the Coalition of Online Accountability and further amendments were made. Staff indicated that the proposed contract amendment had been amended again and was now in final form based upon the most recent round of comments, and also indicated that they intend to bring it back before the Board for consideration at the 18 December 2007 Board Meeting.

The Chair asked if this was a first application of the draft procedure regarding Whois requirements and conflicts with national laws that is about to be published. Kurt Pritz advised that Staff followed the draft procedure as posted. The Chair reflected that it appears to be a workable compromise between all parties.

Wendy Seltzer raised reservations about the process and concerns that Telnic was bullied into a compromise. She indicated that the continued efforts by some interest groups aren't always in everyone's interests.

Kurt Pritz advised that there was public comment in support of the amendment in the interest of protecting registrants' privacy. These comments were considered in ICANN pushing for a resolution that will meet Telnic requirements. It will be important for the Board to consider those comments and they will be reiterated for Board review. Also, the procedure for handling conflict of laws requires that the change to existing Whois requirements be as minimal as possible while also requiring adherence to local or national laws. Telnic's original proposal went too far and so, after public comment Telnic went back to the UK Privacy Commission to find out if there was room for compromise and still be within the law. John Jeffrey advised that the UK Privacy Commissioner has engaged in active discussion with the registry, Kurt and himself and that their interests were well represented in the considerations of changes to the agreements.

Wendy Seltzer asked what is the way for the ALAC to get involved in such negotiations, and asked if they should restate their positions during each comment period to be included in the dialogue in a better way.

John Jeffrey indicated that she has raised good points, and that ICANN Staff would consider how to bring earlier comments back into the process of review for a revised agreement's comment period. It was also noted

that ICANN Staff had considered At-Large comments in its analysis and in the information presented to the Board on the rationale for changes.

Wendy Seltzer noted that she did not re-post her comments and asked if she should have gone back and posted again. John Jeffrey agreed that in considering comments Staff would need to go back and focus on questions from previous comment periods, noting that we should avoid a tendency to focus on only those comments received in the current comment period. The Chair agreed that this needed to be looked at and asked to confirm that it would be noted in the minutes.

### **Redelegation of ccTLD for .BB ( Barbados)**

Kim Davies advised by way of background for new Board members that the Board is regularly asked to approve redelegations of ccTLDs and in more recent times there has been at least one per Board meeting for consideration. IANA Staff prepares a report that provides a recommendation to the Board. The report is considered confidential but on approval by the Board a version of the report is made public on the website. Some portions of the analysis of the request for redelegation are not made public.

The redelegation application for .BB ( Barbados) meets all of the necessary criteria. The current operator supports the transfer as does the Government, who is the proposed operator. There is limited support from the local Internet community; however, Staff have visited Barbados and discussed matters locally. Staff also met with the proposed operators at ICANN's San Juan meeting. Currently the nameservers do not meet the technical test; however, these will be made more robust, and Staff recommends the redelegation be approved. IANA will review nameservers performance to ensure compliance if the Board approves the request.

Steve Goldstein moved, and Demi Getschko seconded the following resolution:

Whereas, the .BB top-level domain is the designated country-code for Barbados.

Whereas, ICANN has received a request for redelegation of .BB to the Government of Barbados Ministry of Economic Affairs and Development's Telecommunications Unit.

Whereas, ICANN has reviewed the request, and has determined that the proposed redelegation would be in the best interest of the local and global Internet communities.

It is hereby resolved (\_\_\_), that the proposed redelegation of the .BB domain to the Government of Barbados Ministry of Economic Affairs and Development's Telecommunications Unit is approved.

A voice vote was taken of all Board Members present and all Board Members present approved the motion unanimously by a vote of 13 to 0.

### **Initiation of Early Awareness Procedures for Global Policy Proposals Regarding the Allocation of Autonomous System Numbers**

Olof Nordling advised that there is a global policy development for the allocation of Autonomous System Numbers and handling transition from 2 byte to 4 bytes. The needed transition is backward compatible. It has been proposed within and approved within the RIPE community and is waiting approval with LACNIC and comments in three other RIRs. He reported that approval seems imminent and accordingly it is appropriate to seek early approval.

Thomas Narten confirmed that he did not see any problems with the proposal.

Raimundo Beca moved, and Demi Getschko seconded the following resolution:

Whereas, the Board's Review Procedures for Global Internet Number Resource Policies Forwarded for Ratification by the ASO Address Council in Accordance with the ASO MoU, in its Article 1 states that "When, in accordance with step 1 in the Global Policy Development Process of the ASO MoU (Attachment A, article 1), ICANN Staff liaising with the addressing community becomes aware of a global policy development within the scope of the ASO MoU, ICANN Staff informs the ICANN Board of this development. The Board decides, as and when appropriate, that this development should be followed by ICANN Staff and instructs the ICANN CEO to assign Staff for this purpose. ICANN Staff so assigned shall inform all ICANN Supporting Organizations and Advisory Committees, shall establish an ICANN web page to be kept up to date and shall compile a background report to be kept up to date on this global policy development. This background report shall be provided to the Board as requested."

Whereas, ICANN Staff has informed the Board that a Global Policy Proposal on allocation of AS Numbers is in development and that this Proposal has entered the first adoption steps within the individual RIRs as well as being recognized by the ASO AC as a valid Global Policy Proposal.

Whereas, the Global Policy Proposal on allocation of AS Numbers is identified as a global policy development within the scope of the ASO MoU.

It is hereby resolved (\_\_\_) that the Board requests that the development of a Global Policy Proposal on allocation of AS Numbers be followed by ICANN Staff in line with the Board's Review Procedures for such policy proposals and instructs the ICANN CEO to assign Staff for this purpose.

A voice vote was taken of all Board Members present and all Board Members present, with a vote of 13 to 0, approved the motion unanimously.

### **Initiation of Early Awareness Procedures for Global Policy Proposals Regarding the Allocation of the Remaining IPv4 address Space in the Regional Internet Registry System**

Olof Nordling advised that there are numerous projections of dates on the possible exhaustion of IPv4 IANA blocks. A proposal was originally put forward by LACNIC that at a given point of time when a certain number of slash 8 blocks left, from that moment those remaining blocks would be distributed equally to the five RIRs. This has been replaced by putting 'n' an undefined number as the number for the final allocation and by then the IANA pool would be exhausted. This has been discussed in other RIRs and there has been variance to the original proposal put forward where the number 'n' has been put to '1' and other discussions consider it should be '2' rather than '5', these proposals are a variance of one where 'n' remains to be finally decided. The proposal is fairly similar in both cases. Suggestion is to be followed in a similar way in an early awareness provision.

The Chair noted that the Board has been informed by Staff of a global policy developing, has received a report and instructed to put Staff on and keep an eye on process.

Dave Wodelet noted that in the context of the ASN proposal, these are fairly contentious and he does not see the one proposed by LACNIC gaining traction but time would tell.

Raimundo Beca advised that the rate of consumption for RIPE and APNIC is 3 blocks per year, LACNIC 1 per year, and AFRINIC 1 per 2 years. Harald Alvestrand noted that the Board must follow both of these two issues. The ASN is non-controversial and it is easy. IPv4 is terribly important to follow the most likely important issue is not likely to be followed by the global policy: that is the development of a trading policy.

Barbara Roseman reminded the Board that there are two staff members who follow these issues full time. If there were significant changes occurring, the Board would be notified in a timely fashion.

Olof Nordling reminded the Board that global policy is defined within the ASO MOU as the allocation policies between IANA and RIRs and that is the limit and remit of global policy. Trading is important but may be outside the scope of global policy on the allocation of blocks from IANA to RIRs.

Thomas Narten advised that things like address markets can be done at regional level without Board approval, but we do need to track this at some level. By having Staff track global policy what do we tell Supporting Organizations, what they should do in this community, what ALAC do, should they follow etc.

Barbara Roseman expressed hesitancy about turning this into a policy that we start tracking. One of the dangers of alerting the Supporting Organizations and Advisory Committees too early when discussions are still fairly chaotic is they are not sure how to participate and what to address. Overall we do have to balance alerting Supporting Organizations and Advisory Committees when we think it is most advantageous for them to be considered as participants rather than onlookers.

Raimundo Beca noted that once global policy is approved by the RIRs, ICANN has only 60 days to comment before ratification and the policy is approved. The early awareness was to make everybody in the community aware of things that may occur.

Raimundo Beca moved, and Jean-Jacques Subrenat seconded the following resolution:

Whereas, the Board's Review Procedures for Global Internet Number Resource Policies Forwarded for Ratification by the ASO Address Council in Accordance with the ASO MoU, in its Article 1 states that "When,

in accordance with step 1 in the Global Policy Development Process of the ASO MoU (Attachment A, article 1), ICANN Staff liaising with the addressing community becomes aware of a global policy development within the scope of the ASO MoU, ICANN Staff informs the ICANN Board of this development. The Board decides, as and when appropriate, that this development should be followed by ICANN Staff and instructs the ICANN CEO to assign Staff for this purpose. ICANN Staff so assigned shall inform all ICANN Supporting Organizations and Advisory Committees, shall establish an ICANN web page to be kept up to date and shall compile a background report to be kept up to date on this global policy development. This background report shall be provided to the Board as requested.”

Whereas, ICANN Staff has informed the Board that a Global Policy Proposal for the allocation of the remaining IPv4 address space in the Regional Internet Registry system is in development and that this Proposal has entered the first adoption steps within the individual RIRs as well as being recognized by the ASO AC as a valid Global Policy Proposal.

Whereas, the Global Policy Proposal for the allocation of the remaining IPv4 address space in the Regional Internet Registry system is identified as a global policy development within the scope of the ASO MoU.

Whereas, since Global Policy Proposal was introduced, other Proposals have been launched as alternatives/variants and work in the addressing community is underway to make them converge to a single Proposal.

It is hereby resolved (\_\_\_) that the Board requests that the development of a Global Policy Proposal for the allocation of the remaining IPv4 address space in the Regional Internet Registry system, as well as variants/alternatives of and successors to this Proposal, be followed by ICANN Staff in line with the Board's Review Procedures for such policy proposals and instructs the ICANN CEO to assign Staff for this purpose.

A voice vote was taken of all Board Members present and all Board Members present approved the motion unanimously, by a vote of 13 to 0

#### **Update on Czech Arbitration Court UDRP Application**

John Jeffrey advised that the Czech Arbitration Court (CAC) UDRP application was posted for public comment originally earlier this year and that numerous comments were received. The CAC submitted a new application and this was posted for comment just following the Los Angeles Meeting and the comment period is ongoing. The representative from the CAC met with a number of board members during the LA meeting. The comment period will end shortly and comments will be summarized and brought back to the board for discussion and possible decision during the December Board Meeting

The Chair enquired about the nature of the comments. John Jeffrey advised that the CAC is proposing a number of unique things, for example administering in many more languages, allowing a single complaint could raise multiple rights holders which would be something akin to a class action, setting up differently by providing online access. WIPO, the IP constituency and others UDRP providers have raised concerns during the previous public comment period and during the ICANN San Juan Meeting.

Susan Crawford asked whether online access was considered to be a problem. John Jeffrey advised that CAC is the UDRP for .EU and they have worked through a number of the problems of online filing, such as authentication, and that he believed that online filing could be a valuable addition to the process, as it could provide broader access to the UDRP processes.

Jean-Jacques Subrenat asked if there are other candidate countries working along the same lines proposing services for UDRP in Europe. John Jeffrey advised that other groups proposing to become UDRP providers had contacted him, but no other applications had been received to date. John Jeffrey advised that they were groups or affiliated groups within Europe but did not believe that they were country-sponsored.

Steve Goldstein advised that he had lunch with their attorney, Zbynek Loebel, who was leading the proposal and was impressed by his credentials. When asked about other languages that they might provide dispute resolution services in, for example Asian languages, Mr. Loebel indicated that they were focusing on 21 European languages but would add Asian languages.

The Chair asked, if there is anything more the Board could do to help this progress. Paul Twomey noted that in terms of this broader issues of UDRP providers, Staff will bring to the Board a paper of a more general nature about how we ensure a couple of key issues for a stable UDRP that serves all potential stakeholders, for example around comprehensive court of decisions and has an interest with multi-language services. Also,

if there is a move to having increased competitive offerings what is the rationale for that. He noted that we should not be providing an environment that creates forum shopping and that we need to be careful that we don't end up with practitioners that are more likely to favor one group over another. While separate to the CAC application it would be valuable to have a discussion paper on issues that emerge in the UDRP environment.

The Chair asked where this work was being done. John Jeffrey advised it was being done through General Counsel's office and they have worked closely with CAC and helped adapt their application to be responsive to the issues raised by WIPO and other key stakeholders relating to this area.

Susan Crawford noted that the UDRP was long overdue for review and it may be possible in issues of fairness of process, forum shopping is a key issue here. The Chair asked what the status of the review is and Susan advised that it had never happened. Bruce Tonkin advised that it had been raised in the GNSO during 2003 when developing a work program and the review of the UDRP was one of those on the list with new gTLDs, IDNs and other priorities, which were ahead of the UDRP. It is possible that the GNSO may have some capacity later in 2008 to look at this.

The Chair asked if this is something to be handled through the GNSO. Bruce Tonkin advised that Staff could review if there is compliance with policy. The GNSO looking at updating policy taking into account lessons learned. The UDRP was a balance and whatever change is made it will change the balance in favor of one or another.

The Chair asked if the review could be added to the review list. Paul Twomey said he would take the question on notice; however, would like to think through in the context of the new gTLD policy round and issues of linked timing.

The Chair noted that in light of the RegisterFly issue and that registry failover was a long unmet policy requirement, the overhang of the UDRP, it would be appropriate to record that we have not lost sight of the need for the review to be done. Paul Twomey considered it would be fine to do so, but would want to take advice about connections between new gTLDs, and how the two are linked and the appropriate timing.

The Chair noted the obligation of the requirement to review the UDRP and asked to be certain that the minutes capture what Paul has said with regard to the UDRP process. Susan Crawford noted that she hoped the issue would not cause a delay to new gTLDs process. Steve Goldstein asked whether the CAC proposal would be delayed by the broader review issues and Paul Twomey indicated that he did not believe that it should be delayed for that reason.

### **Contract for Consultant to write RFP for New GTLD Process**

Kurt Pritz advised that this item was added to the agenda to provide information on the significant work Staff is doing regarding the implementation of new gTLDs. The Board might be asked later to approve a contract, which would exceed Staff's approval authority.

The GNSO has concluded policy development work and the Board has asked Staff to continue its implementation work and advise on feasibility of implementing those policy recommendations no later than the Board meeting in January. A detailed project plan has been developed and one of the milestones is to develop a "Request for Proposals" (aka RFP) – the document soliciting applications for new gTLDs. This will be a significant document and will provide a complex roadmap and evaluation process so that the expectations of applicants are managed and met. The RFP will incorporate: technical criteria, business & financial criteria, identifying DNS stability issues associated with establishing a gTLD string, a methodology for identifying and resolving conflicts among confusingly similar strings, how to address an objectionable string (whether the objection is based upon public policy, infringement of rights, or misappropriation of a community label), defining process for resolving contention between identical applicants.

The RFP will synthesize all of these considerations into a single RFP that will be clear to applicants and will be costed out to guide ICANN on establishing application fees. ICANN posted a statement of work in September and received seven bona fide applications from different regions and performed rated them based on several criteria.

Staff met with the top five applicants face to face in LA and did a subsequent appraisal. The current approach is to engage with two of the applicants: to provide a diverse and wide range of capabilities; provide geographic and cultural diversity by selecting providers from two regions; and also build in a check for review to check work of one against the other.

The Chair considered that one of the apparent risks of encapsulating all policy recommendation in an RFP document; a lot of the proposed implementation language should follow from the policy. He indicated that he was not sure if this approach is sound without considerable Staff work first.

Kurt Pritz started to advise that, for example, policy recommendations state the applicant should meet certain technical requirements in order to operate a registry. Through this process ICANN would ask technical experts to write objective criteria for this respective section.

The Chair suggested that implementation guidelines would raise the level of discussion. The RFP should fall out of second or third stage of this Staff work and these discussions.

Paul Twomey advised that one of the recommendations for having external organizations write the RFP came out of the .NET evaluation that said there are people who write RFPs and it would be useful to have an outsider look at it. Staff has been developing implementation requirements for two years and there is now value in having an outsider to partner with to write the RFP in order to provide review and clarity.

The Chair agreed the need for a clear RFP and this path may include the retention of an RFP writer, but this should follow preparation of detailed implementation papers.

Paul Twomey advised that the plan has always been to do parallel processing of implementation work and consideration of the policy recommendations in places there are not likely to be contentions, so that work can proceed in accordance with community expectations and also inform Board deliberations.

Rita Rodin was concerned about a parallel process in light of the fees paid to a consultant. Effort may be lost if the work goes off to explore tangential issues and the policy recommendations are modified. She indicated that she appreciates the expertise of RFP writers, but the substance of what is being discussed is ground breaking. She indicated that ICANN needs to address what has happened in the past and we need to establish the guiding principles before engaging this form of expertise.

Steve Goldstein expressed concerns about the write up and potential cost of the expertise. Steve asked rhetorically, if ICANN doesn't understand all the policy implications better than anyone in whole world why do we want to engage an independent RFP writer. Steve indicated that these issues, IDNs and new gTLDs are among the most vital issues facing ICANN and its continued existence. He said that if we, ICANN as an organization, don't have a clear handle on the issues, we cannot expect anyone else [e.g., a consultant] to.

The Chair solicited additional suggestions or comments. Steve Goldstein suggested that Staff should write the RFP and engage a consultant to refine it. Steve Crocker agreed with several of the issues being raised by Steve Goldstein. Steve Crocker asked for clarification of some of the earlier discussion.

Paul Twomey advised that as a result of the previous experiences with allocation processes around new gTLDs, ICANN received a recommendation to have people with professional experience to be configuring RFPs and then evaluate the resulting applications. He did not think that Staff is in disagreement with these Board positions. This is not a case of Staff not providing considerable substance in the creation of the RFP, but that RFP expertise is warranted to ensure the best possible outcome.

Jean-Jacques Subrenat agreed that it would be valid for Staff to do a first draft and go to a consultant as refinement. He asked what process is followed in looking for consultant how world wide and how really international, was the plan to do it in several countries, or in media across the world.

Kurt Pritz advised that a detailed Statement of Work was posted on website and also that ICANN consulted with experts in various fields both inside and outside of ICANN so that specific candidates could be targeted. Applications were received from many regions.

Bruce Tonkin noted there is significant work to be done in developing procedures and the timeline should not put us out to two years. With regard to procedural steps, some policy recommendations are related to controversial names. This procedure development will be complicated, for example, there needs to be a dispute resolution process identified to be able to deal with objections of strings. Staff could be asked to do more work before the Board is comfortable approving those. Staff could produce a report by January on these issues, in Delhi for Board consideration. Staff could continue on implementation and develop a formal RFP in accordance with a series of steps.

Bruce continued that, if ICANN were to publish an RFP in March, Staff should start work on some elements of an RFP with an assumption that the Board will approve the GNSO recommendations. ICANN would have to

be comfortable with engaging a consultant before the Board approves the policy. With regard to dispute procedures, names allowed or not, perhaps we could divide and time the RFP in two: one for standard development and one to consider issues.

The Chair asked Bruce whether he was suggesting two RFPs or taking view that Staff should write up implementation papers first. Bruce Tonkin clarified that he is asking Staff to do the work on controversial issues such as: how to deal with controversial names, how we implement consideration of names that might be confusingly similar to existing strings, and that string chosen should not conflict with international legal norms. I do agree that in terms of writing an RFP on technical requirements this was not done well in the past.

Paul Twomey responded that Bruce's opinions seemed correct and that a considerable amount of implementation work on the controversial topics was already underway.

Dennis Jennings agreed with Bruce, the idea that Staff should have extra resources that know what to do in a policy sense. Staff should address the controversial issues first before bringing in outside expertise.

Regarding implementation work done by Staff in preparation for engagement of an outside partner, Kurt Pritz advised that Staff: wrote two papers for GNSO Council to inform their deliberations about the implementation aspects of the policy choices. Staff have also created details process maps that describe in detail the evaluation process for use by those making the writing of the process final. Staff teams have been formed and are addressing many implementation issues: one team is considering how to perform comparative analysis for identical string applications. An ICANN Staff technical team is considering how effects of strings to DNS stability might be measured, how many TLDs can be introduced into the root zone and how similarity of one string to another might be measured. The ICANN legal team is developing a base contract. Dispute resolution procedures and some standards for resolving objections have already been developed. Staff has created several working papers to guide RFP writers. ICANN is asking them to implement the vision of Staff and Staff experts. The decision to select a partner is a bandwidth issue and also is about complementing the talents and skills that currently are not available on Staff. Also important is the timeframe publicly discussed for the implementation of new gTLDs – some time in 2008. There is a well-defined project plan that involves creation of the RFP if ICANN is to meet those timeframes. ICANN will be engaging with a consultant on issues where the goal is minimize the breakage if there were to be a change in policy recommendations. The original contract price for evaluation of five applications during a previous process indicates that the pricing received for RFP creation is reasonable.

The Chair noted that the recommendation proposed by Staff raised a concern for the Board. He takes the point about other Staff work and papers that have been prepared. The Chair also noted Bruce's suggestion of an early report. Rita Rodin considered this a good bridge, and asked if it would be possible for Staff to prepare a document of what they are going to submit to the consultant for the Board to consider.

Jean-Jacques Subrenat noted that he does not know enough about the process. The policy issues should be expressed in implementation terms or guidelines by Staff before handing over to anyone else. Steve Goldstein hopes Staff could come up with first draft to be considered by the Board.

Doug Brent noted that Staff resources are fully applied to this effort. All the work described in this effort is in the budget and was anticipated. ICANN is asking the Board here to consider a step within the contemplated process to engage a consultant to build a project plan. The Staff goal is to prepare implementation instructions and if the Board approves we can get this implemented. He noted that the Board has seen a lot of this already. Staff will bring forward reports and recommendations incrementally for the Board to consider. Staff should put together implementation plans approved by Board to be incorporated into an RFP. The can be done between now and January.

The Chair asked what the consultants would do first. Doug Brent advised that this first step is under \$50K to get the entire consultant scope and project plan detailed out. When Staff provides the materials in January that the Board has requested, ICANN will want the Board to consider the implementation plan.

The Chair asked what the deliverables were for this first stage. Kurt Pritz advised that this initial effort includes three deliverables for each of two consultants: a face to face meeting among ICANN and two consultants in Marina del Rey to review ICANN's documentation and implementation plan, delivery of a detailed project plan the consultants for their piece of work, and a final and best price for doing the work.

The Chair asked if there are any objections to the first step. Rita Rodin wanted to make sure that in tandem Staff are doing an implementation paper to advise the Board regarding the Staff plan and the Board looks forward to receiving materials December. The Board needs to continue to get these papers so the Board can

have discussions.

### **Discussion of progress planning for New gTLD Policy and Implementation**

Paul Twomey advised that a paper in the form of an email was sent to the Board list (after consultation with the Chair and Vice Chair) describing the process that Kurt, Doug and Karen Lentz have developed to inform the Board of new gTLD implementation planning. Staff has proposed a chapter-by-chapter reporting process to the Board. New gTLDs are a very complex issue and it can be made most clear by breaking the issues into sections. There is an agenda laid out in that report that has been sent out, including an introductory paper (including a timetable) and then individual papers on 12 topics in all. Topics include confusingly similar names, technical issues, reserved names, and dispute resolution processes. Paul recommends that Board members review the paper and comment. This report also outlines and the contents (or an outline of) each of the topics. The basic framework includes: Staff's implementation vision, work done to date, and potential comments/objections that are anticipated. Staff anticipates receiving comments on each of the topics from Board members by email so dialogue can be maintained on each of these. This will not be final implementation policy but it is a way of bringing the Board up to speed on the issues in January (as requested in the Los Angeles meeting Board resolution) and provides an equal level of understanding about them.

The Chair wanted to make sure that the point was recorded that the Board has agreed that it was informed by Staff about a plan is to spend up to \$50k and there will be three deliverables: face-to-face meeting with ICANN and two consultants in Marina del Rey to review ICANN's documentation and planning (part of that would be to consider dispute resolution issues); deliver a detailed project plan; and final and best price for doing work. Also, the Board expects a report in December of progress on implementation and of the standard reports described by Paul.

Doug Brent noted that on the primary reporting deliverable is scheduled for January but there will be an informative update in December.

The Chair requested reporting on this particular issue in December.

### **Updates on Bylaws-Mandated Reviews**

The Chair asked if there is any new update that the Board had not been informed of regarding the Bylaws Mandated Reviews. Denise Michel advised that the terms of reference for the SSAC review had been posted for a comment period.

Roberto Gaetano advised that the deadline for comments relating to the GNSO improvements has been extended to the end of the month.

### **Discussion of President's Report**

Paul Twomey advised that the template that has been worked on and a November report following on from that template was being provided to the Board via email. Paul asked members to respond online and indicated that he would make amendments to the template for the December report. The Chair agreed on this approach.

### **Discussion of Internet Governance Forum (IGF)**

Paul Twomey advised that ICANN Board, Staff and community successfully participated in the recent IGF. The Chair supported Paul's update and the quality of Staff work and preparation. There was a general discussion regarding the value of ICANN's involvement.

Paul Twomey advised that a summary would be provided to the Board next week.

The Chair noted the success in its own terms and that there are important people coming to this, and there is a need for the IGF to succeed. Jean-Jacques Subrenat noted that members of the Board are of a broad diversity, and can be very helpful during such events. Theresa has been coordinating with other organizations that support the goals of the IGF about engaging in international fora, including upcoming IGF meetings. Topics would include ICT development, access and best practices. Theresa thanked Board for their support and expertise during the event.

Chair surmised that it was a good result for ICANN and thanked Paul Twomey, Theresa Swinehart and the entire Global and Strategic Partnerships Team and others responsible for that.

## Adjournment

The Chair thanked Staff and the Board for their participation and closed the meeting at 3:08 PM PST.

## 2.13.1 Submitted Applications for New Registry Services

[http://www.icann.org/registries/rsep/submitted\\_app.html](http://www.icann.org/registries/rsep/submitted_app.html)

## Submitted Applications for New Registry Services

**RSS** ([What is RSS?](#))

As part of ICANN's efforts to be open and transparent with the ICANN community, this page is intended to provide the community with information on requests for new registry services that have been submitted to ICANN.

An RSS feed is available on this page so that the community can stay current with proposed new registry services. If you would like to subscribe to the RSS feed for this page, click the RSS icon.

ICANN also offers an open public comment forum on the process. Please send comments you have about this policy implementation or any service posted here to [registryservice@icann.org](mailto:registryservice@icann.org). Comments may be viewed at <http://forum.icann.org/lists/registryservice>.

Proposal #	Registry Name	gTLD	Name of Service	Status	Documents
2007005	DotCooperation LLC	.COOP	Domain Name Exception – go.coop	Approved	<ul style="list-style-type: none"> <li>• <a href="#">DotCoop Proposal</a> [PDF, 24K]</li> <li>• <a href="#">NCGA letter</a> [PDF, 61K]</li> <li>• <a href="#">Letter to DotCoop</a> [PDF, 16K]</li> </ul>
2007004	Telnic Ltd	.TEL	UK/EU Data Protection legislation impact on ICANN contract	Approved	<ul style="list-style-type: none"> <li>• <a href="#">25 April 2007 Telnic Letter</a> [PDF, 1,067K]</li> <li>• <a href="#">Telnic Whois Proposal</a> [PDF, 137K]</li> <li>• <a href="#">11 May Letter to Telnic</a> [PDF, 245K]</li> <li>• <a href="#">11 May 2007 Comment Period</a></li> <li>• <a href="#">7 June 2007 Announcement</a></li> <li>• <a href="#">Comparison Document</a> [PDF, 13K]</li> <li>• <a href="#">28 June 2007 Telnic Response</a> [PDF, 56K]</li> <li>• <a href="#">19 October 2007 Announcement</a></li> <li>• <a href="#">19 October 2007 Comment Forum</a></li> <li>• <a href="#">Revised Appendix S, part VI</a> [PDF, 77K]</li> </ul>

					<ul style="list-style-type: none"> <li>• <a href="#">20 Nov 2007 Revised Appendix S, part VI</a> [PDF, 71K]</li> <li>• <a href="#">Preliminary Report of the Board 18 December 2007</a></li> </ul>
2007003	VeriSign, Inc.	.COM & .NET	DNS Update Service	Approved	<ul style="list-style-type: none"> <li>• <a href="#">22 Mar Notice of New Service</a> [PDF, 252K]</li> <li>• <a href="#">11 Apr Letter to VeriSign</a> [PDF, 237K]</li> <li>• <a href="#">ICANN Memo on DNS Update Service</a> [PDF, 29K]</li> </ul>
2007002	EmployMedia LLC	.JOBS	Release of Initially Reserved Two-Character Domain Names	Approved	<ul style="list-style-type: none"> <li>• <a href="#">.JOBS Proposal</a></li> <li>• <a href="#">28 Mar Letter to .JOBS</a> [PDF, 292K]</li> </ul>
2007001	Fundació puntCAT	.CAT	Domain name exceptions (release of UB.cat, UV.cat, UA.cat)	Approved	<ul style="list-style-type: none"> <li>• <a href="#">puntCAT Proposal</a></li> <li>• <a href="#">22 Sept 2006 email from .CAT</a></li> <li>• <a href="#">UB Domain Report</a></li> <li>• <a href="#">7 Mar Letter to .CAT</a></li> </ul>
2006004	Global Name Registry, LTD	.NAME	Limited Release of Initially Reserved Two-Character Names	Approved	<ul style="list-style-type: none"> <li>• <a href="#">GNR Proposal</a></li> <li>• <a href="#">DENIC Letter to ICANN</a></li> <li>• <a href="#">ICANN Letter to GNR</a></li> <li>• <a href="#">GNR Letter to ICANN</a></li> <li>• <a href="#">ICANN Letter to RSTEP</a></li> <li>• <a href="#">Public Comment</a></li> <li>• <a href="#">RSTEP Report</a></li> <li>• <a href="#">6 December 2006 Announcement</a></li> <li>• <a href="#">Public Comment Forum</a></li> <li>• <a href="#">Board Resolution</a></li> </ul>

2006003	Public Interest Registry	.ORG	Excess Deletions Fee	Approved	<ul style="list-style-type: none"> <li>• <a href="#">PIR Request</a></li> <li>• <a href="#">ICANN Letter to PIR</a></li> <li>• <a href="#">PIR Reply</a></li> <li>• <a href="#">Letter from Paul Riedl to ICANN</a></li> <li>• <a href="#">Letter from Edward Viltz to Vint Cerf</a></li> <li>• <a href="#">Board Resolution</a></li> <li>• <a href="#">22 Feb 2007 Announcement on Amendment</a></li> <li>• <a href="#">Proposed Amended Appendices</a></li> <li>• <a href="#">Correspondence from PIR 1 March 2007</a></li> </ul>
2006002	NeuLevel, Inc.	.BIZ	Bulk Transfer of Partial Portfolio	Approved	<ul style="list-style-type: none"> <li>• <a href="#">NeuLevel Request</a></li> <li>• <a href="#">ICANN Letter to Neulevel</a></li> <li>• <a href="#">Board Resolution</a></li> <li>• <a href="#">8 June 2007 Announcement</a></li> </ul>
2006001	Tralliance Corporation	.TRAVEL	search.travel	Not Approved	<ul style="list-style-type: none"> <li>• <a href="#">Tralliance Request</a></li> <li>• <a href="#">ICANN Letter to SSAC</a></li> <li>• <a href="#">SSAC Reply</a></li> <li>• <a href="#">ICANN Letter to Tralliance</a></li> <li>• <a href="#">Tralliance Letter to ICANN</a></li> <li>• <a href="#">ICANN Letter to RSTEP</a></li> <li>• <a href="#">Public Comment</a></li> <li>• <a href="#">RSTEP Report</a></li> <li>• <a href="#">Public Comment</a></li> <li>• <a href="#">Board Resolution</a></li> <li>• <a href="#">Letter to ICANN Board</a></li> <li>• <a href="#">ICANN Comment Regarding Process</a></li> </ul>



2.14.1 Letter from Debi Rosati, Chair,  
Canadian Internet Registration Authority  
(CIRA), December 18, 2007  
[http://icann.org/correspondence/rosati-to-  
twomey-18dec07.pdf](http://icann.org/correspondence/rosati-to-twomey-18dec07.pdf)



Canadian Internet  
Registration Authority

Autorité canadienne pour  
les enregistrements Internet

December 18, 2007

**Via Electronic and Regular Mail**

Dr. Paul Twomey  
President and CEO  
Internet Corporation for Assigned Names and Numbers  
4676 Admiralty Way  
Room 330  
Marina del Rey, CA  
90292-6601

And to:

Mr. Paul Levins  
Executive Officer and Vice President – Corporate Affairs  
Internet Corporation for Assigned Names and Numbers  
4676 Admiralty Way  
Room 330  
Marina del Rey, CA  
90292-6601

Dear Sirs:

**Re: Transparency and Accountability**

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Thank you for taking the time to meet with us at the Los Angeles ICANN Meeting.

We are encouraged by the progress that ICANN is making with respect to concerns about transparency and accountability identified in our letters dated March 17, 2006 and June 15, 2006. We are pleased to see that ICANN has demonstrated a meaningful commitment to addressing these concerns through the following initiatives:

- Principle documents to guide the approach the ICANN community will take for issues of significance for ICANN operations;
- Development of the Framework for ICANN Accountability;
- Adoption of OECD best practices for public consultations;

- Appointment of external auditors and external review processes;
- Improved reporting of Board minutes;
- Publication of an ICANN Annual Report for transparent reporting to stakeholders;
- Improvements to ICANN's website to make it more accessible, relevant & timely;
- The addition of an ICANN blog to provide an informal forum for discussion; and
- Publication of a monthly ICANN magazine providing readers with news regarding developments in the organization.

The adoption of these initiatives has greatly increased our confidence in ICANN with respect to transparency and accountability. In recognition of ICANN's significant strides to address our concerns, CIRA is pleased to confirm that we are prepared to participate fully in ICANN's various committees and supporting organizations. We look forward to collaborating with you in continuing to improve ICANN's transparency and accountability.

Yours very truly,

**Canadian Internet Registration Authority**



Debi Rosati, Chair

3.1.1 January 2008 Announcement of final draft release of Frameworks and Principles for Accountability and Transparency  
<http://www.icann.org/announcements/announcement-10jan08.htm>

## Accountability and Transparency Document Released

Frameworks and Principles for Accountability and Transparency revised after further community input

10 January 2008

**MARINA DEL REY, Calif.:** The Internet Corporation for Assigned Names and Numbers today released a final draft of a key accountability document that has been amended to incorporate additional community input, including that of the Governmental Advisory Committee.

The *Frameworks and Principles on Accountability and Transparency* document has been in development since late 2006. The process began with a consultation that asked the community for their views on improvements to accountability and transparency at ICANN. An [issues paper summarizing these comments](#) was posted in January 2007. Based on the feedback received and the input from [the One World Trust report](#) on accountability and transparency, a draft set of Frameworks and Principles was released for comment in June 2007.

A [panel discussion and consultation](#) session was conducted at the San Juan meeting and a public comment forum was opened on the website. A [summary of the all comments](#) received was posted.

ICANN held a further comment session at its Los Angeles meeting and the Governmental Advisory Committee provided helpful advice on structuring the *Draft Frameworks and Principles* to better reflect ICANN's mix of accountabilities. This is reflected in the draft published today.

The [Frameworks and Principles on Accountability and Transparency document](#) [PDF, 425K] has been posted for public notice prior to final consideration by the Board.

### About ICANN:

ICANN is responsible for the global coordination of the Internet's system of unique identifiers like domain names (like .org, .museum and country codes like .uk) and the addresses used in a variety of Internet protocols that help computers reach each other over the Internet. Careful management of these resources is vital to the Internet's operation, so ICANN's global stakeholders meet regularly to develop policies that ensure the Internet's ongoing security and stability. ICANN is an internationally organized, public benefit non-profit company. For more information please visit: [www.icann.org](http://www.icann.org).

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3.1.2 Final Draft of Accountability and  
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[http://www.icann.org/transparency/acct-  
trans-frameworks-principles-10jan08.pdf](http://www.icann.org/transparency/acct-trans-frameworks-principles-10jan08.pdf)



**ICANN ACCOUNTABILITY &  
TRANSPARENCY  
FRAMEWORKS AND PRINCIPLES**

**January 2008**

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# OVERVIEW

ICANN's core mission is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifiers.

This is mainly a technical coordination function but is fundamentally important to the stable and interoperable character of the Internet.

ICANN operates on a multi-stakeholder model that brings all interested parties together to discuss policy issues that fall within ICANN's areas of responsibility. It follows a bottom-up model of policy development and relies on consensus from its stakeholders. For this model to operate effectively, ICANN needs to encourage participation, instill trust, make information accessible, and have sound dispute and review mechanisms.

ICANN believes that transparency and accountability are the foundations that support these elements in its operating model.

At this stage of ICANN's development, it is important to bring together in one place the frameworks and mechanisms for accountability and transparency that underpin ICANN operations. These frameworks and mechanisms for accountability and transparency were built by design into the ICANN structure and model itself, providing the organization with an inherent form of checks and balances through which stakeholders also participate. They have been built upon and improved over time through community input. ICANN wants to ensure that its ongoing development is underpinned by a set of permanent, clear operating principles and frameworks that will inform the development of all future measures designed to build transparency and accountability. The development of these principles and the communication of existing mechanisms and frameworks will build trust and will, in turn, create confidence that the organization is accountable. It is the creation of a virtuous cycle.

## Accountability in the ICANN context

ICANN is a unique model and therefore ICANN accountability structures do not fit into any one traditional definition.

ICANN is an internationally organized, non-profit corporation and as such has accountability as a corporation but also through its purpose which is similar to a public trust.

Within ICANN's structure, governments and international treaty organizations work in partnership with businesses, organizations, and skilled individuals involved in building and sustaining the global Internet. ICANN is perhaps the foremost example of collaboration by the various constituents of the Internet community. Each of these groups has their own experience and expectations of accountability.

ICANN develops policy appropriate to its mission through bottom-up, consensus-based processes and in its governance, should be accountable to the community who contribute to the ICANN process.

The development of the framework of ICANN's accountability detailed in this document is the result of extensive consultation with the ICANN community, and in particular reflects definitions of accountability provided by the Governmental Advisory Committee (GAC) in November 2007.

## **ICANN's three types of accountability**

ICANN is accountable in three ways:

1. Public sphere accountability which deals with mechanisms for assuring stakeholders that ICANN has behaved responsibly ;
2. Corporate and legal accountability which covers the obligations that ICANN has through the legal system and under its bylaws; and
3. Participating community accountability that ensures that the Board and executive perform functions in line with the wishes and expectations of the ICANN community.

## Points of tension between these three types of accountability

These three types of accountability provide a useful framework for setting out the many aspects of ICANN accountability. However, before moving to the details of each of these types of accountability, it is important to note that there are inherent tensions that exist between the three types. An effective set of accountability mechanisms requires careful navigation through these points of tension.

### *Tension between corporate and legal accountability and accountability to the participating community*

Many of the points of tension exist between the corporate and legal accountabilities and the accountabilities to the participating community.

The first point of tension concerns membership. ICANN is accountable to the global community, however the nature of ICANN's unique mission does not permit "members" of the organization that could exert undue influence and control over ICANN's activities. Thus by not having any statutory members, ICANN is accountable to the public at-large rather than to any specific member or group of members. This construct helps eliminate the specter of antitrust violations by allowing ICANN to operate in the best interests of the public at large rather than in the individual interests of certain members. This construct also allows ICANN to work collaboratively, rather than compete, with the various constituents of the Internet community.

The second point of tension is that between the responsibilities of elected Board members to the group that elected them and their responsibilities as Board members. Under ICANN's corporate structure, Supporting Organizations and other bodies within ICANN representing certain sectors of the participating community are entitled to elect directors to ICANN's Board. These directors, in turn, owe all of the duties of a director to ICANN in their roles as members of the Board. These duties for a director of care, inquiry, loyalty and prudent investment to the corporation and its constituencies take supremacy over the interests of the electing organization. Each member of ICANN's board is accountable to the participating community as a whole through his or her fiduciary duties and is required to make decisions that are in the best interests of the corporation and community at large.

The third and perhaps most critical point of tension is between the accountability to the participating community to perform functions in keeping with the expectations of the community and the corporate and legal responsibilities of the Board to meet its fiduciary obligations. The ultimate legal accountability of the organization lies with the Board, not with the individuals and entities that make up the ICANN community. Under California corporate law, ICANN's Board of Directors is charged with overall responsibility for the management of the business and affairs of the corporation. The general legal duties of an ICANN director are owed to the corporation itself, and the public at large, not to individual interests within the ICANN community. The Directors may therefore on occasion have to make decisions that run counter to the interests of individuals or groups in the community in order to properly address the Directors' broader fiduciary duties or to comply with other legal obligations.

*Tension between public trust accountability and corporate and legal accountability*

The tension between public trust accountability and corporate and legal accountability is most obvious in the area of disclosure of information. To meet its obligations under public trust accountability, ICANN seeks to “operate to the maximum extent feasible in an open and transparent manner” (ICANN Bylaws, Article III, Section 1). At the same time, ICANN’s Directors have legal and fiduciary obligations that require that some types of information not be made public. That tension is addressed in the ICANN Documentary Disclosure Policy included in these Management Operating Principles. That policy sets out the wide range of material that is made public and also the conditions under which information will not be made public.

The following sections set out in detail the ways in which ICANN implements the three types of accountability within its operations and deals with the tensions described above.

# 1. Accountability in the Public Sphere

Public sphere accountability is one important aspect of ICANN accountability, and is relevant to the extent that ICANN performs a public trust function. This form of accountability is similar in some ways to that which would apply to governments and government officials. The salient aspects of public sphere accountability for ICANN are that its processes are transparent, that it discloses information to its community, that there are mechanisms for the reconsideration of decisions and that there is a process of audit or evaluation to check that procedures have been followed and that standards have been upheld.

This section of the Management Operating Principles sets out

- A. the ICANN Bylaw requirements for transparency;
- B. An Information Disclosure Policy that will guide the provision of information concerning ICANN's operational activity to the public;
- C. A Dispute Resolution Framework that outlines the mechanisms available for individuals who believe that they have not been treated fairly in their dealings with ICANN;
- D. A statement of Financial Accountability that outlines the monitoring of financial viability and governance during the budget cycle; and the reporting mechanisms that ensure transparency of ICANN financial matters;
- E. The external audit process by which ICANN's performance in regard to accountability and transparency will be evaluated and reported on.

## A. COMMITMENTS TO TRANSPARENCY IN THE ICANN BYLAWS

ICANN's bylaws are very clear about the need for ICANN to uphold the standards of transparency appropriate for an organization that operates in an environment of public trust. Indeed, ICANN's Bylaws (<http://www.icann.org/general/bylaws.htm#I>) state that:

**ICANN and its constituent bodies shall operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness.**

**(Article III, Section 1)**

The Bylaws also state that in performing its mission, a set of core values should guide the decisions and actions of ICANN. These include:

7. **Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.**
8. **Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.**
9. **Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected.**
10. **Remaining accountable to the Internet community through mechanisms that enhance ICANN's effectiveness.**

**(Article I, Section 2)**

In addition, under the Bylaws if the Board is considering policies for adoption that substantially affect the operation of the Internet or third parties, including the imposition of any fees or charges, ICANN must:

- Provide public notice on its website explaining what policies are being considered for adoption and why, at least twenty-one days (and if practical, earlier) prior to any action by the Board.
- Provide a reasonable opportunity for parties to comment on the adoption of the proposed policies, to see the comments of others, and to reply to those comments prior to any action by the Board.
- In those cases where the policy affects public policy concerns, request the opinion of the Governmental Advisory Committee (GAC) and take into account any advice presented by the GAC on its own initiative or at the Board's request.
- Where it is both practically feasible and consistent with the relevant policy development process, an in-person public forum also must be held for discussion of any proposed policies prior to any final Board action.
- After taking action on any policy subject undertaken through this process, the Board must publish in the meeting minutes the reasons for any action taken, the vote of each Director voting on the action, and the separate statement of any Director who chooses to publish such a statement.

## B. ICANN DOCUMENTARY INFORMATION DISCLOSURE POLICY

ICANN's Documentary Information Disclosure Policy (DIDP) is intended to ensure that information contained in documents concerning ICANN's operational activities, and within ICANN's possession, custody, or control, is made available to the public unless there is a compelling reason for confidentiality.

A principal element of ICANN's approach to transparency and information disclosure is the identification of a comprehensive set of materials that ICANN makes available on its website as a matter of course.

Specifically, ICANN has:

- Identified many of the categories of documents that are already made public as a matter of due course
- Developed a time frame for responding to requests for information not already publicly available
- Identified specific conditions for nondisclosure of information
- Described the mechanism under which requestors may appeal a denial of disclosure

### Documents Made Public in Due Course

ICANN posts on its website at [www.icann.org](http://www.icann.org), numerous categories of documents in due course. A list of those categories follows:

- **Annual Reports** –<http://www.icann.org/annualreport>
- **Articles of Incorporation** –<http://www.icann.org/general/articles.htm>
- **Board Meeting Transcripts, Minutes and Resolutions** –<http://www.icann.org/minutes/>
- **Budget** –<http://www.icann.org/general/financial.html>
- **Bylaws (current)** –<http://www.icann.org/general/bylaws.htm>
- **Bylaws (archives)** –<http://www.icann.org/general/archive-bylaws/>
- **Correspondence** –<http://www.icann.org/correspondence/>
- **Financial Information** –<http://www.icann.org/general/financial.html>
- **Litigation documents** –<http://www.icann.org/general/litigation.htm>
- **Major agreements** –<http://www.icann.org/general/agreements.htm>
- **Monthly Registry reports** –<http://www.icann.org/tlds/monthly-reports/>
- **Operating Plan** –<http://www.icann.org/planning>
- **Policy documents** –<http://www.icann.org/general/policy.html>
- **Speeches, Presentations & Publications** –<http://www.icann.org/presentations/>
- **Strategic Plan** –<http://www.icann.org/planning>
- **Material information relating to the Address Supporting Organization (ASO)** – <http://aso.icann.org/docs/index.html> including ASO policy documents, Regional Internet Registry (RIR) policy documents, guidelines and procedures, meeting agendas and minutes, presentations, routing statistics, and information regarding the RIRs

- **Material information relating to the Generic Supporting Organization (GNSO)** – <http://gnso.icann.org/> – including correspondence and presentations, council resolutions, requests for comments, draft documents, policies, reference documents (see <http://gnso.icann.org/reference-documents.htm>), and council administration documents (see <http://gnso.icann.org/council/docs.shtml>).
- **Material information relating to the country code Names Supporting Organization (ccNSO)** – <http://ccnso.icann.org> – including meeting agendas, minutes, reports, and presentations
- **Material information relating to the At Large Advisory Committee (ALAC)** – <http://alac.icann.org> – including correspondence, statements, and meeting minutes
- **Material information relating to the Governmental Advisory Committee (GAC)** – <http://gac.icann.org/web/index.shtml> – including operating principles, gTLD principles, ccTLD principles, principles regarding gTLD Whois issues, communiqués, and meeting transcripts, and agendas
- **Material information relating to the Root Server Advisory Committee (RSSAC)** – <http://www.icann.org/committees/dns-root/> – including meeting minutes and information surrounding ongoing projects
- **Material information relating to the Security and Stability Advisory Committee (SSAC)** – <http://www.icann.org/committees/security/> – including its charter, various presentations, work plans, reports, and advisories

## Responding to Information Requests

If a member of the public requests information not already publicly available, ICANN will respond, to the extent feasible, to reasonable requests within 30 calendar days of receipt of the request. If that time frame will not be met, ICANN will inform the requester in writing as to when a response will be provided, setting forth the reasons necessary for the extension of time to respond. If ICANN denies the information request, it will provide a written statement to the requestor identifying the reasons for the denial.

## Defined Conditions for Nondisclosure

ICANN has identified the following set of conditions for the nondisclosure of information:

- Information provided by or to a government or international organization, or any form of recitation of such information, in the expectation that the information will be kept confidential and/or would or likely would materially prejudice ICANN's relationship with that party.
- Internal information that, if disclosed, would or would be likely to compromise the integrity of ICANN's deliberative and decision-making process by inhibiting the candid exchange of ideas and communications, including internal documents, memoranda, and other similar communications to or from ICANN Directors, ICANN Directors' Advisors, ICANN staff, ICANN consultants, ICANN contractors, and ICANN agents.
- Information exchanged, prepared for, or derived from the deliberative and decision-making process between ICANN, its constituents, and/or other entities with which ICANN cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among ICANN, its constituents, and/or other entities with which ICANN cooperates by inhibiting the candid exchange of ideas and communications.

- Personnel, medical, contractual, remuneration, and similar records relating to an individual's personal information, when the disclosure of such information would or likely would constitute an invasion of personal privacy, as well as proceedings of internal appeal mechanisms and investigations.
- Information provided to ICANN by a party that, if disclosed, would or would be likely to materially prejudice the commercial interests, financial interests, and/or competitive position of such party or was provided to ICANN pursuant to a nondisclosure agreement or nondisclosure provision within an agreement.
- Confidential business information and/or internal policies and procedures.
- Information that, if disclosed, would or would be likely to endanger the life, health, or safety of any individual or materially prejudice the administration of justice.
- Information subject to the attorney–client, attorney work product privilege, or any other applicable privilege, or disclosure of which might prejudice any internal, governmental, or legal investigation.
- Drafts of all correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication.
- Information that relates in any way to the security and stability of the Internet, including the operation of the L Root or any changes, modifications, or additions to the root zone.
- Trade secrets and commercial and financial information not publicly disclosed by ICANN.
- Information requests: (i) which are not reasonable; (ii) which are excessive or overly burdensome; (iii) complying with which is not feasible; or (iv) are made with an abusive or vexatious purpose or by a vexatious or querulous individual.

Information that falls within any of the conditions set forth above may still be made public if ICANN determines, under the particular circumstances, that the public interest in disclosing the information outweighs the harm that may be caused by such disclosure. Further, ICANN reserves the right to deny disclosure of information under conditions not designated above if ICANN determines that the harm in disclosing the information outweighs the public interest in disclosing the information.

ICANN shall not be required to create or compile summaries of any documented information, and shall not be required to respond to requests seeking information that is already publicly available.

## **Appeal of Denials**

To the extent a requestor chooses to appeal a denial of information from ICANN, the requestor may follow the Reconsideration Request procedures or Independent Review procedures, to the extent either is applicable, as set forth in Article IV, Sections 2 and 3 of the ICANN Bylaws, which can be found at <http://www.icann.org/general/bylaws.htm>.

## C. DISPUTE RESOLUTION MECHANISMS AT ICANN

There are two areas where ICANN has need for dispute resolution mechanisms.

- Parties may be in dispute with ICANN because they believe that due process has not been followed in arriving at a Board decision or because they believe that they have not been treated fairly in an ICANN process. The three part dispute resolution process that is available to members of the community is described in detail below in the section “Disputes about process and fair treatment”.
- Parties may be in dispute with ICANN because they disagree not with the process but with the outcome of an ICANN decision process. The current method for dealing with disputes such as this is through the court system or via arbitration if provided for under the terms of ICANN’s agreements. This approach is described in the section “Disputes about outcomes of a decision process”.

### Disputes about process and fair treatment

ICANN has a three-part dispute resolution process available to members of the community who feel that they have not been dealt with fairly or who believe that due process has not been followed in a Board decision making process.

Members of the community may choose whichever of these schemes is most appropriate to their needs. Alternative dispute resolution approaches are provided and preferred because these are accountable, transparent and flexible methods for resolving disputes..

### Board Reconsideration Committee

The Reconsideration Committee is the first formal appeal or dispute resolution channel. It is a permanent committee of the ICANN Board of Directors. The Reconsideration Committee may hear a demand for the reconsideration of any decision made by the Board or the organization at no cost to the complainant. The purpose of a Reconsideration Committee review is to check that the correct process has been followed by the Board in reaching its decision. It has the power to recommend to the Board appropriate changes, and may amend or overturn decisions that were not made by a vote of the Board as a whole. The activities and decisions of the committee are posted on the ICANN website.

The Reconsideration Committee consists of three members of the Board and it has the authority to:

- Evaluate requests for review or reconsideration
- Determine whether a stay of the contested action pending resolution of the request is appropriate
- Conduct whatever factual investigation is deemed appropriate
- Request additional written submissions from the affected party, or from other parties
- Make a recommendation to the ICANN Board of Directors on the merits of the request.

### Independent Review Panel (IRP)

The IRP is the second formal dispute resolution mechanism. It is established in the ICANN Bylaws, and ICANN must cooperate with the IRP in providing documents or information. The IRP promotes accountability and transparency by allowing any person who is materially affected by an ICANN decision to access an outside third party who will review that act or decision. The IRP’s mandate is to

review the actions, decisions, and inactions of the Board to determine whether they were consistent with the Articles of Incorporation and the Bylaws.

The IRP has the authority to:

- Request additional written submissions from the party seeking review, the Board, the Supporting Organizations, or from other parties.
- Declare whether an action or inaction of the Board was inconsistent with the Articles of Incorporation or Bylaws.
- Recommend that the Board stay any action or decision, or that the Board take any interim action, until such time as the Board reviews and acts upon the opinion of the IRP.

The IRP is operated by an international arbitration provider, the International Centre for Dispute Resolution (see <http://www.adr.org/icdr>). The steps for requesting an Independent Review Panel review have been set out simply and clearly on the ICANN website. The forms to initiate an IRP review can be found at [http://www.icann.org/general/accountability\\_review.html](http://www.icann.org/general/accountability_review.html). The IRP conducts much of its work online or by telephone in order to reduce costs and to make the process efficient and flexible to the complainant.

## **The ICANN Ombudsman**

The Office of the Ombudsman is created in the ICANN Bylaws. The Ombudsman is an independent, impartial resource that allows community members an informal, cost-free mechanism to deal with perceived unfair decisions, actions, or inactions by the organization. Any person affected by an ICANN action, decision, or inaction may request an Ombudsman's review. The Ombudsman has the power to investigate, and to make recommendations to the Board to improve or change policies, procedures, or actions; the Ombudsman does not have the power to order changes. The Ombudsman has the discretion to publish or not to publish findings and recommendations. Each year the Ombudsman produces an Annual Report that outlines the activities of the Office of the Ombudsman for that year. That report is published for distribution to interested parties and is also available on the ICANN website.

## **Disputes about outcomes of a decision process**

The dispute resolution mechanisms described above have been designed to provide efficient and cost effective means by which members of the ICANN community can have complaints dealt with and have issues resolved. As described in greater detail in the sections below on the legal accountability, parties in dispute with ICANN may choose to use the court system to resolve their dispute or in extreme cases may use the mechanisms provided by the State of California for the resolution of issues with nonprofit public benefit corporations.

## **Ongoing review of dispute resolution mechanisms**

ICANN strives to maintain the highest standards of accountability and transparency. An important aspect of this is the continuous improvement of the mechanisms for dealing with complaints and resolving issues within the ICANN community. As part of the regular round of reviews of all aspects of ICANN's operations, the Board Governance Committee will implement reviews of the ICANN's dispute resolution mechanisms to ensure that they meet the needs of the all members of the community to have complaints dealt with efficiently and effectively.

## **D. FINANCIAL ACCOUNTABILITY**

Once the budget is approved by the Board, there are several checks and balances built into the ICANN financial accountability framework. The ICANN financial accounts are audited every year by an external auditor in compliance with the ICANN Bylaws. In addition, the ICANN Board has two committees that review ICANN's financial affairs: the Finance Committee and the Audit Committee.

### **Independent External Audit**

- Each year the ICANN accounts are audited by an independent external auditor. This is a Bylaws requirement which ICANN believes is good practice to ensure that financial management and governance are of the highest standard. The auditor reports to the Board Audit committee and report is made available for the community.

### **Finance Committee**

- The Finance Committee of the ICANN Board is responsible for consulting with the President on the annual budget process of the corporation; for reviewing and making recommendations on the annual budget submitted by the President; and for developing and recommending long-range financial objectives for the corporation. In consultation with the President, the Finance Committee may establish such budget tracking and reporting standards as are appropriate to the needs of the committee and the Board.

### **Audit Committee**

- The Audit Committee of the ICANN Board is responsible for recommending the selection of an independent external auditor each year to conduct a thorough audit of ICANN's financial affairs; for receiving, reviewing, and forwarding to the Board the annual financial report of the independent external auditors; for publishing that report for public consumption; and for such other matters as may warrant its attention.

These committees meet regularly throughout the year to monitor the financial health of the organization and to check that high standards of financial accountability are being upheld.

## **Reporting**

There are two elements of reporting in the ICANN financial accountability framework: the audited financial accounts and the Annual Report.

### **Financial Accounts**

- Within 120 days of the end of the fiscal year, the Audit Committee presents to the Board a final audited set of accounts for the year, along with an audit report that examines the standard of compliance with accounting standards.
- The final accounts are posted on the ICANN website for the information of the ICANN community.

### **Annual Report**

- ICANN also publishes an Annual Report that details progress on the initiatives identified in the Strategic and Operating Plans and in the budget.
- It provides feedback to the community on achievements during the year.

## **E. ICANN'S ONGOING COMMITMENT TO THE HIGHEST STANDARDS OF TRANSPARENCY**

ICANN is committed to very high standards accountability and transparency. In response to the recommendations of the One World Trust review, ICANN has undertaken to conduct an annual audit of standards of accountability and transparency, including an audit of the commitments made in these Management Operating Principles. This audit will be conducted by an external party and the results of the audit will be published in the Annual Report.

## 2. Legal and Corporate accountability

A second important aspect of ICANN's accountability is the legal and corporate accountability that comes about through the organization's Bylaws and through the state and national laws that govern ICANN's behavior. The Bylaws underpin the operations of ICANN and in particular set out the procedures for the appointment of Directors and for the running of ICANN's core governance process, the Board. As such, they are a critical component of ICANN's accountability framework. ICANN is a California nonprofit public benefit corporation, and is subject to both the state laws of California, and United States federal laws. One of the reasons that ICANN was constituted as a California nonprofit public benefit corporation is that the State of California provides a rigorous framework of legal accountabilities for organizations of this type. The responsibilities that have been put in place through ICANN's Bylaws and its corporate structure should give stakeholders certainty that ICANN operates to the highest standards of accountability.

This section of the Management Operating Principles sets out:

- A. The ICANN Bylaw requirements for corporate responsibility;
- B. The jurisdictional legal obligations ICANN has as a California nonprofit public benefit corporation.

### A. BYLAW REQUIREMENTS

ICANN's Bylaws are the internal rules by which the Corporation operates.

The Bylaws state that the powers of ICANN and all property and business and affairs are to be conducted by or under the direction of the Board. The Board may act only by a majority vote of all members of the Board at any annual, regular, or special meeting of the Board, or by unanimous written consent of all voting members.

The Bylaws also require ICANN to have in place a process by which any person or entity may request review or reconsideration of actions by the Board that materially impact an individual or entity. This is outlined further in the framework for Dispute Resolution at ICANN.

The Bylaws can only be altered and new Bylaws adopted by a two-thirds (2/3) vote of all members of the Board.

## **B. JURISDICTIONAL LEGAL OBLIGATIONS**

As a California nonprofit public benefit corporation, ICANN is subject to both the state laws of California, and United States federal laws. Laws generally applicable to ICANN and its operations include laws relating to tortious behavior, laws applicable to contracting activities of corporations, and laws prohibiting monopolistic behavior. As a corporation, ICANN is a legal entity and has the ability to sue and be sued for its actions, and to be held responsible in a court of proper jurisdiction for its business dealings with the global community. Accordingly, ICANN's activities in the global community are conducted under awareness and appreciation of the laws applicable to it as an organization.

Under its articles of incorporation:

- ICANN is a non-profit public benefit corporation
- It is not organized for the private gain of any person

The law that organizes ICANN is called the California Non-profit Public Benefit Corporation Law for charitable and public purposes. ICANN has been granted tax-exempt status by the United States federal and California state governments. Tax-exempt status was conferred upon ICANN based on its mission of providing technical coordination for the Internet, and the resulting benefits to the public community at large. ICANN's status as a tax-exempt organization carries with it certain responsibilities to federal and state authorities which are different than those associated with taxable, for-profit entities. Specifically, ICANN's operating activities and organizational decision-making are guided by requirements incorporated into ICANN's charter for continuing eligibility for tax-exempt status. The California Attorney General is the legal overseer of California nonpublic benefit corporations such as ICANN. As such, the Attorney General works to protect the interest of all public beneficiaries within his or her jurisdiction. The Attorney General, acting on behalf of the public, may conduct investigations and bring legal actions to ensure that ICANN does not stray from its public charitable purpose. For corporate behavior that has otherwise gone uncured and uncorrected, members of the public are also able to petition the Attorney General to conduct these investigations.

ICANN is recognized as a public charitable organization described in Internal Revenue Code ("IRC") § 501(c)(3). This recognition carries with it several benefits, namely, exemption from federal taxation and the ability to receive tax-deductible charitable contributions. Being an IRC § 501(c)(3) organization, however, also imposes special responsibilities on ICANN. Among those responsibilities is that ICANN's directors must ensure that ICANN operates exclusively in furtherance of its public charitable and scientific purposes and avoids transactions that may confer excessive economic benefit on corporate insiders, others closely affiliated with ICANN or private parties who contract with ICANN.

### **Fiduciary obligations of directors**

Under California corporate law, ICANN's Board of Directors is charged with overall responsibility for the management of the business and affairs of the corporation. The general legal duties of an ICANN director are owed to the corporation itself, and the public at large.

Generally, a director of a non-profit public benefit corporation shall perform his/her duties in good faith, in the best interests of the organization and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

That is generally understood to embrace four duties, which directors owe to the organization and its constituencies: (a) a duty of care; (b) a duty of inquiry; (c) a duty of loyalty; and (d) a duty of prudent investment.

### **Duty of Care**

The duty of care is best expressed as the seriousness that each Director brings to his or her responsibilities such as gaining and maintaining familiarity with the business objectives of the organization. It also includes important business considerations and industry information relevant to the organization's activities, and serving on the same basis on committees to which the Director may be appointed. The duty of care also requires that the Director take reasonable measures to ensure that the organization is managed and directed in a manner that is consistent with its mission. Further, the duty of care requires the Directors to be attentive to the concerns expressed by the organization's counsel and follow directives concerning the confidentiality of advice and overall legal strategy approved by the Board of Directors or the officers for dealing with particular problems or issues that may arise.

### **Duty of Inquiry**

The duty of inquiry generally requires that a Director take such steps as are necessary to be sufficiently informed to make decisions on behalf of the organization and participate in the Board of Directors' activities. In satisfying this duty, Directors must balance against competing considerations, such as the organization's obligations relating to confidentiality of information received from third parties, privacy rights of employees and others who deal with the organization, attorney-client privilege relating to legal proceedings or legal advice to the organization, and protection against disclosures of information which may damage the organization's business, property, or other interests.

### **Duty of Loyalty**

The duty of loyalty generally involves the protection of the organization's interests in its business, properties, assets, employees, and legal rights, avoidance of conflicts of interest or self-dealing on the part of Directors, and serving the interests of the organization and not the interests of any other person or group, including a constituency of the organization which caused the Director to be selected.

### **Duty of Prudent Investment**

Directors of a non-profit corporation are required, in the management of the organization's investments, to avoid speculation and to comply with any applicable standards in the organization's Articles, Bylaws, or the terms of any gift or grant of funds to the corporation.

In addition, due to the tax-exempt status of ICANN, its directors and officers owe a duty to avoid "excess benefit" transactions and those that inure to the benefit of any insider (i.e., an officer or director of ICANN) or confer a benefit on a private party which is not an insider. Further, directors of a California nonpublic public benefit corporation may, under certain circumstances, be subjected to personal liability for uninsured damages resulting from acts or omissions not within the scope of the director's duties; that are not performed in good faith; or that are reckless, wanton, intentional or grossly negligent.

Similar standards of legal accountability apply if the Corporation opens international offices. There has been some discussion among the ICANN community about potential review of ICANN's legal status in the context of its further internationalization. Whatever may emerge out of these discussions, if anything, ICANN is committed to maintaining the same standards of external accountability to those outlined above.

## **Accountability of Senior Staff**

The senior staff of ICANN serve as officers of the organization and are elected annually by the Board. The Bylaws require the designation of the President, Secretary, and Chief Financial Officer. The Board appoints the President and CEO and permits the Board to designate other officers on an annual basis. The Board also has the ability to remove any officer by a two-thirds vote of the Board and each officer is subject to ICANN's conflict of interest policies. Like Board members, these officers have fiduciary responsibilities to the corporation and are also accountable under state and federal laws.

### 3. Accountability to the participating community

ICANN operates on a multi-stakeholder model that brings together a wide range of relevant parties to develop policy to promote the stability and integrity of the Internet. As a private-public partnership, ICANN is dedicated to preserving the operational stability of the Internet; to promoting competition; to achieving broad representation of global Internet communities; and to developing policy appropriate to its mission through bottom-up, consensus-based processes. Within ICANN's structure, governments and international treaty organizations work in partnership with businesses, organizations, and skilled individuals involved in building and sustaining the global Internet. Innovation and continuing growth of the Internet bring forth new challenges for maintaining stability. Working collectively, ICANN's participants address those issues that directly concern ICANN's mission of technical coordination. Consistent with the principle of maximum self-regulation in the high-tech economy, ICANN is perhaps the foremost example of collaboration by the various constituents of the Internet community.

ICANN is accountable to the global community, however the nature of ICANN's unique mission does not permit "members" of the organization that could exert undue influence and control over ICANN's activities. Thus by not having any statutory members, ICANN is accountable to the public at-large rather than to any specific member or group of members. This construct helps eliminate the specter of antitrust violations by allowing ICANN to operate in the best interests of the public at large rather than in the individual interests of certain members. This construct also allows ICANN to work collaboratively, rather than compete, with the various constituents of the Internet community.

This section sets out the mechanisms by which ICANN makes itself accountable to its participating community. The major aspects are:

- A. The representative composition of the Board which allows all parts of the ICANN community to participate in ICANN Board process;
- B. The consultative planning process by the ICANN community sets strategic direction and determines operational priorities and budgets;
- C. The ongoing schedule of reviews of ICANN's structure according to Article IV, Section 4 of the ICANN bylaws;
- D. Translation Principles that guide the translation of documents within the ICANN community;
- E. Consultation Principles that guide the consultation processes that are used to generate community input on ICANN issues;
- F. A statement of expected standards of behavior which outlines the standards of behavior expected of those who participate in the ICANN process.

## **A. THE REPRESENTATIVE COMPOSITION OF THE ICANN BOARD**

Although the powers of the Board are clearly set out in the Bylaws, the Board derives an important aspect of its validity from the diverse and global nature of its membership. The ICANN Board draws its membership from community selection and through a Nominating Committee. The Nominating Committee membership is also drawn from amongst the community.

The Board is constituted as follows:

- Six members of the Board (Directors) are elected from the ICANN Supporting Organizations (two each from the Address Supporting Organization (ASO), the Country-Code Names Supporting Organization (ccNSO), and the Generic Names Supporting Organization (GNSO)).
- The President is a voting member of the Board.
- Eight members are selected by the Nominating Committee. (A description of the Nominating Committee composition and process follows.) These Nominating Committee appointees are selected on strict criteria including intelligence and integrity, a broad experience of the Internet community, and an understanding of ICANN's mission. The Nominating Committee also is required to select candidates in such a way as to maintain the geographical diversity of the ICANN Board.

In addition, there are six non-voting liaisons, one each from:

- The Governmental Advisory Committee
- The Root Server System Advisory Committee
- The Security and Stability Advisory Committee
- The Technical Liaison Group (which represents the European Telecommunications Standards Institute, The International Telecommunication Union's Telecommunications Standardisation Sector, the World Wide Web Consortium, and the Internet Architecture Board)
- The At-Large Advisory Committee
- The Internet Engineering Task Force

The liaisons participate in Board discussions and bring the views of their respective groups to the Board table.

The Bylaws lay out the term for each Director and the process for removing a Director from office, if necessary (see Article VI, Section 11).

The Board meets regularly throughout the year, usually by telephone conference. These are called Special Board meetings. Regular Board meetings are held three times per year (including the Annual Meeting), and these meetings are open to the public (either in person or through streaming media). A detailed Preliminary Report of each Board Meeting is posted on the ICANN website shortly following each meeting. That report then forms the minutes subject to approval by the Board.

Apart from the Nominating Committee appointments, the other positions on the Board are derived from a bottom-up selection process. Under ICANN's corporate structure, Supporting Organizations and other bodies within ICANN representing certain sectors of the participating community are entitled to elect directors to ICANN's Board. These directors, in turn, owe all of the duties of a director to ICANN in their roles as members of the Board. These duties for a director of care, inquiry, loyalty and prudent investment to the corporation and its constituencies take supremacy over the interests of the electing organization. Each member of ICANN's board is accountable to the

participating community as a whole through his or her fiduciary duties and is required to make decisions that are in the best interests of the corporation and community at large.

## **The Nominating Committee**

The Nominating Committee is responsible for the selection of eight of the voting members of the Board. Its membership is drawn from the community.

The Chair of the Nominating Committee is appointed by the Board and is responsible for the smooth running of the committee process. However, the Chair of the Nominating Committee cannot vote. The immediately previous Nominating Committee Chair acts as a non-voting advisor.

The committee is made up of 18 volunteers including the chairman. It is composed of voting members from:

- The At-Large Advisory Committee (5 members)
- The Business Users Constituency of the GNSO (2 members, one representing small business users and one representing large business users)
- The gTLD Registry Constituency of the GNSO
- The gTLD Registrar Constituency of the GNSO
- The Internet Service Providers Constituency of the GNSO
- The Intellectual Property Constituency of the GNSO
- The Council of the ccNSO
- The Council of the ASO
- An entity designated by the Board to represent academic and similar organizations
- Representatives of consumer and civil society groups selected by the Non-commercial Users Constituency of the GNSO
- The Internet Engineering Task Force
- The Technical Liaison Group

The Nominating Committee also has 3 non-voting liaison representatives, one each from:

- The Root Server Advisory Committee
- The Security and Stability Advisory Committee
- The Governmental Advisory Committee

With this membership, the Nominating Committee is extremely representative of the ICANN community and well placed to select appropriate members for the ICANN Board.

The size of the committee and the breadth of representation ensure that it is not able to be captured by one interest group and that it is not possible for any individual to force their ideas onto others.

## B. PLANNING

One of the most important ways that the community participates in ICANN is through the planning element that encompasses Strategic Planning, Operational Planning, and budgeting. Members of the ICANN community are able to contribute through a multi-phase consultation process to the strategic direction of the organization and to its operating and budget prioritization.

During the first six months of each fiscal year, ICANN develops its three-year strategic plan. During the second six months of each fiscal year, ICANN develops the operating plan and the budget for the next fiscal year. Each of these elements of the planning phase is developed through a thorough, multi-phase process of consultation with the ICANN community.

### Strategic Plan

- The Strategic Plan outlines the strategic priorities for ICANN over a three-year period. It is updated annually to reflect changes in the environment in which ICANN operates and the changing needs of the ICANN community. The strategic planning process begins with consultation with the ICANN community to gain initial input to the plan. This usually takes place at an ICANN meeting where sessions are conducted in several languages and also through online forums or similar tools.
- Based on this input, an issues paper is compiled that summarizes the main opportunities and challenges for ICANN over the coming three years, and a list of key priorities to address those opportunities and challenges. Consultation is undertaken on this issues paper by posting it for comment on the ICANN website.
- Based on this feedback, a draft plan is developed and posted for comment. Consultation is undertaken with the community on the draft plan through online forums and at the ICANN meeting held in the last quarter of the calendar year with sessions conducted in multiple languages. The plan is refined to reflect comments from the community, with each draft being posted for consultation.
- The final version of the plan is submitted to the Board for approval at its December meeting.
- The approved plan is posted on the ICANN website and previous plans are also available.

### Operating Plan

- The Operating Plan is a one-year plan that turns the priorities identified in the Strategic Plan into action.
- An initial draft of the Operating Plan is prepared by ICANN staff in the first two months of the calendar year.
- The Operating Plan draft contains details of ongoing operations and special projects developed to address strategic priorities. This draft plan is posted for community comment and consultation sessions are conducted at the first ICANN meeting of the calendar year.
- The plan is redrafted based on the feedback received and posted for further comment. Another round of consultation is conducted at the second meeting of the calendar year. After any necessary redrafting, the Operating Plan is submitted to the Board. The current Operating Plan and previous plans are available on the ICANN website.

## ICANN Budget

- The ICANN Budget is developed in parallel with the Operating Plan. Initial consultation on the Budget takes place at the first ICANN meeting of the year. All of ICANN's Supporting Organizations, Advisory Groups and constituency groups are consulted and general consultation sessions are conducted in multiple languages.
- The budget is adjusted in line with comments received during consultation about the Operating Plan and a draft budget is posted for community comment in May.
- Based on feedback received, a further draft is prepared and posted.
- Community consultation, including consultation with all of ICANN's Supporting Organizations, Advisory Groups and constituency groups, is undertaken at the second ICANN meeting of the calendar year with sessions conducted in multiple languages.
- The budget is fine-tuned on the basis of comments received and the final version of the budget is presented to the Board for approval in June. The approved version of the budget is posted on the ICANN website.
- As a final step in the consultation process, the registrar fee structure contained in the Budget must be approved by two-thirds of the gTLD registrars using the methodology contained in the Registrar Accreditation Agreement.

## C. ONGOING REVIEW OF STRUCTURES

Another way in which ICANN maintains and strengthens accountability to the participating community is through an ongoing schedule of reviews of its structure. A regular review of performance is an important aspect of seeking continuous improvement in effectiveness and accountability. The ICANN Bylaws stipulate that an independent review of each of the key parts of the ICANN structure should take place no less frequently than every three years. “The goal of the review, to be undertaken pursuant to such criteria and standards as the Board shall direct, shall be to determine (i) whether that organization has a continuing purpose in the ICANN structure, and (ii) if so, whether any change in structure or operations is desirable to improve its effectiveness.” (ICANN Bylaws Article IV, Section 4) These reviews examine the effectiveness of ICANN’s community structures and identify improvements that help the ICANN community and the ICANN model work more effectively.

## D. ICANN CONSULTATION PRINCIPLES

ICANN is based on a multi-stakeholder model that develops policy through a bottom-up, consensus-driven process. ICANN’s values contained in the Bylaws set out the importance of consultation in the ICANN process:

4. **Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.**
7. **Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.**

**(Article I, Section 2)**

Furthermore, ICANN consults in other aspects of its operations beyond policy development, including strategic planning, operational planning, and budgeting.

The ICANN Bylaws set out clear frameworks for aspects of consultation, particularly those associated with policy development.

This document does not override or replace any of the Bylaws requirements. However, given the importance of consultation to the ICANN community, this document establishes a set of principles that guide consultation that takes place within the ICANN community.

### Principles

In consulting with the ICANN community, ICANN seeks to uphold the following principles.

#### **To maximize the ease of participation in any consultation, ICANN will:**

- Provide information on upcoming issues as far in advance as possible to give the community time to respond. Where issues are to be discussed publicly in a meeting, best efforts will be made to provide relevant information at least one week in advance of the meeting.
- Maintain a calendar of current consultations and, where practicable, forthcoming consultations so that the ICANN community can be aware of times when their views will be sought on issues
- Use online forums as the basic mechanism for conducting consultation
- Provide sufficient context and background material to enable participants to understand the issues on which they are being asked to comment

- Make clear the purpose of the consultation and the way in which comments will be used
- Use developments in technology to enhance the consultation process
- Follow the ICANN translation policy, with relevant documents and questions being translated and posted according to that policy
- Except where Bylaws stipulate otherwise, ensure the minimum time for a comment period will be 21 days
- Maintain a public participation site that encourages the community to discuss particular issues ahead of time and so clarify arguments and positions early on. If necessary, specific web pages, forums, and chat rooms can be quickly set up to cater to demand

**To encourage active debate of issues, ICANN will:**

- Explore interactive approaches to comments that encourage discussion and resolution between members of the community
- In the spirit of the values contained in the Bylaws, proactively seek comment from those entities most affected by an issue

**To maximize transparency of the consultation process, ICANN will:**

- Make all comments visible to the community
- Require that all comments be tagged with the sender's name and any relevant affiliation (where the individual is speaking on behalf of a group). Where the respondent is an ICANN Supporting Organization, Advisory Committee, or constituency group, some indication must be given of the process that was used to develop the comment and the parties who took part in that process
- Post a summary of comments at the end of each comment period and in the same place as the comments
- Post an analysis of the comments
- Explain how the input will be used
- Make clear wherever possible the impact of public comment on decisions
- Request explicit discussion of that summary and analysis by the relevant body while discussing the topic under consideration

**To maximize the effectiveness of the consultation process, ICANN will:**

- Conduct annual reviews of the consultation process

## E. ICANN TRANSLATION PRINCIPLES

As a globally authoritative body on the technical and organizational means to ensure the stability and interoperability of the DNS, ICANN aspires to be an organization that is capable of communicating comfortably in a variety of languages. Through consultation with the community, ICANN will continue to improve its capabilities in this area. To encourage effective dialogue amongst all parties in the ICANN global multi-stakeholder process:

- ICANN commits to timely and accurate translations to encourage real dialogue in different languages.
- ICANN commits to translate core strategic and business documentation (such as the Strategic and Operating Plans; the budget; the annual report; ICANN's mission and by laws) into the UN languages (Arabic, Chinese, English, French, Russian, and Spanish), and the language of large Internet economies where there is little bilingualism in one of the UN languages (e.g. Japanese) and to continue to take expert advice on language choice and translation policy.
- ICANN works with the community to identify other types of documents that should be translated into the agreed block of languages.
- From time to time, ICANN will also translate documents into languages outside of the agreed block to communicate about issues that may be of special interest to particular communities.
- ICANN works collaboratively with the community and experts to develop tools for multi-lingual dialogue. Every effort will be made to ensure equity between comments made in languages other than English and those made in English.
- ICANN provides transcription (scribing) for major sessions at ICANN meetings to assist those who do not have English as a first language to follow discussions.
- English will remain the operating language of ICANN for legal purposes.
- ICANN has adopted the International Organization for Standardisation's 639-2 naming system for identifying and labeling particular languages.

## F. ICANN EXPECTED STANDARDS OF BEHAVIOR

Those who take part in ICANN multi-stakeholder process including Board, staff and all those involved in Supporting Organization and Advisory Committee councils undertake to:

- **Act** in accordance with ICANN's Bylaws. In particular, participants undertake to act within the mission of ICANN and in the spirit of the values contained in the Bylaws.
- **Adhere** to the conflict of interest policy laid out in the Bylaws.
- **Treat** all members of the ICANN community equally, irrespective of nationality, gender, racial or ethnic origin, religion or beliefs, disability, age, or sexual orientation; members of the ICANN community should treat each other with civility both face to face and online.
- **Act** in a reasonable and informed manner when participating in policy development and decision-making processes. This includes regularly attending all scheduled meetings and exercising independent judgment based solely on what is in the overall best interest of Internet users and the stability and security of the Internet's system of unique identifiers, irrespective of personal interests and the interests of the entity to which an individual might owe their appointment.
- **Listen** to the views of all stakeholders when considering policy issues. ICANN is a unique multi-stakeholder environment. Those who take part in the ICANN process must acknowledge the importance of all stakeholders and seek to understand their points of view.
- **Work** to build consensus with other stakeholders in order to find solutions to the issues that fall within the areas of ICANN's responsibility. The ICANN model is based on a bottom-up, consensus driven approach to policy development. Those who take part in the ICANN process must take responsibility for ensuring the success of the model by trying to build consensus with other participants.
- **Act** in accordance with ICANN policies.
- **Protect** the organization's assets and ensure their efficient and effective use.
- **Act** fairly and in good faith with other participants in the ICANN process.

3.1.3 Public Comments (including comments summary) on Current Draft of Accountability and Transparency Frameworks and Principles for Consultation  
<http://forum.icann.org/lists/draft-mop-2007/>

ICANN

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3.1.4 January 2008 Announcement of Possible 'Next Steps' in Dispute Resolution document.

<http://www.icann.org/announcements/announcement-2-11jan08.htm>

## Possible 'Next Steps' in Dispute Resolution

Document released by ICANN for Public Notice

*11 January 2008*

**MARINA DEL REY, Calif.:** Following the posting of the Frameworks and Principles for Accountability and Transparency, the Internet Corporation for Assigned Names and Numbers today published a document that countenances some possible additional improvements in dispute resolution mechanisms.

In response to feedback on accountability and transparency issues during the consultation process — especially feedback received during a workshop at ICANN's Los Angeles meeting held in November 2007 — the 'Next Steps' document contains two ideas:

First, that the Board Governance Committee schedule a review of existing dispute resolution mechanisms to identify ways in which they may might provide even higher levels of accountability. This approach is inline with ICANN's commitment to regularly review its structures.

Second, that in the context of the upcoming Board review, the possibility of a mechanism for the community to ask the Board to reconsider a decision be investigated, along with a mechanism to dissolve and reconstitute the Board should it engage in unethical or other misbehavior.

[The document](#) [PDF, 89K] is posted for public notice prior to final consideration by the Board.

### **About ICANN:**

ICANN is responsible for the global coordination of the Internet's system of unique identifiers like domain names (like .org, .museum and country codes like .uk) and the addresses used in a variety of Internet protocols that help computers reach each other over the Internet. Careful management of these resources is vital to the Internet's operation, so ICANN's global stakeholders meet regularly to develop policies that ensure the Internet's ongoing security and stability. ICANN is an internationally organized, public benefit non-profit company. For more information please visit: [www.icann.org](http://www.icann.org) .

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3.1.5 Next steps in continuous improvement  
of ICANN dispute resolution and Board  
processes document

<http://www.icann.org/transparency/next-steps-dispute-resolution-11jan08.pdf>

## Next steps in continuous improvement of ICANN dispute resolution and Board processes

ICANN is committed to ongoing review and improvement in all aspects of its operation. A strong set of dispute resolution mechanisms already exists. However, two areas of potential improvement have been identified during consultations on ICANN's accountability and transparency practices. As part of ICANN's continuing review program mandated by Section 4 of the ICANN bylaws, the following could be considered:

- Parties may be in dispute with ICANN because they believe that due process has not been followed in arriving at a Board decision or because they believe that they have not been treated fairly in an ICANN process. ICANN's three-part dispute resolution process, which includes the Board Reconsideration Committee, the Independent Review Panel, and the Ombudsman, is available to members of the community to resolve these types of disputes. The One World Trust in its review of ICANN accountability and transparency concluded that "Together they offer a robust approach to complaints handling, providing internal oversight of Board decisions and staff actions and thus reducing the likelihood of litigation." They also identified some areas for improvement, particularly with regard to the accessibility of these mechanisms. As part of its ongoing practice of reviews of ICANN structures and processes, the Board Governance Committee could schedule a review of these mechanisms to identify ways in which they might provide even higher levels of accountability.
- Parties may be in dispute with ICANN because they disagree not with the process but with the outcome of an ICANN decision process. Based on feedback received from the community, the Board could recommend that the forthcoming Board Review consider a mechanism whereby the community can require the Board to reconsider a decision. This mechanism needs to be constructed with awareness that the Directors are legally accountable for the business dealings of the organization and have fiduciary obligations including (a) a duty of care; (b) a duty of inquiry; (c) a duty of loyalty; and (d) a duty of prudent investment. The proposed recommendation could consist:
  - The community could require the Board to reconsider a decision through a two-thirds majority vote of two-thirds of the Councils of Supporting Organizations and two-thirds of members of Advisory Committees; for the GAC it may be sufficient to have a consensus statement from all the members present at a physical meeting. As final accountability rests with the Board, the Board cannot be forced to change its decision, only to reconsider. There would need to be a reasonable time limit on such a vote to ensure that contracting parties or other third parties could have certainty in the Board's decisions.
- There may be circumstances where it is appropriate for the ICANN community to be able to move for an extraordinary dissolution of the Board and its consequent reconstitution. The most obvious case for such an action would be where the Board has made clearly unethical decisions that constitute "misbehavior". The Board will be recommending that the forthcoming Board Review investigate and consider a "misbehavior" Board dissolution and reconstitution process. What constitutes "misbehavior" would need to be carefully studied and defined within the context and deliberations of the Board Review. The mechanism for dissolution could be a two-thirds majority vote of two-thirds of the Councils of Supporting Organizations and two-thirds of members of Advisory Committees (for the GAC it may be sufficient to have a consensus statement from all the members present at a physical meeting) to remove all Board members from their positions. There would need to be a reasonable time limit on such a vote to ensure

that contracting parties or other third parties could have certainty in the Board's decisions. A new election and appointment process would need to be undertaken immediately by the Supporting Organizations and Advisory Committees to put a new Board in place. Replacement Nominating Committee members would need to be nominated by a specially convened Nominating Committee. Some members who were removed may be re-elected or re-appointed. It is important that the whole Board is removed, rather than just the representatives of individual Supporting Organizations so that the individual Board members do not feel beholden to the Supporting Organization that elected them but rather are able to fulfill their duties to ICANN as a whole without fear of immediate individual recall because of disagreement with a decision by the particular Supporting Organization. The Board acting as a whole is accountable for its actions.

In considering the scope of the "misbehavior" dissolution, it would be important for the Board Review to recognize that the Board has a fiduciary obligation to the organization as a whole and to its mission for the users of the global Internet. In contrast, Councils of Supporting Organizations, and particularly their individual members, as well as the members of Advisory Committees, have specific business and other interests to defend. It is not sufficient to empower the dissolution power simply to a coalition of community interests who may disagree with a particular decision of the Board – this could result in institutionalizing a gaming incentive that may effectively hold the Board to blackmail. Another incentive that is not intended to be created is to give to one set of constituencies (namely, Councils of Supporting Organizations and the members of Advisory Committees,) the power of dissolving the Board, while the power of electing the Board comes from a different mix (Supporting Organizations and the NomCom). This could create (in theory) a deadlock by which a set of people appoints a Board that is dissolved by another group, just because the second group does not agree with the choices of the first group.

The focus of the Board Review's consideration of any dissolution power would need to be on "misbehaviour" in ethical terms.

### 3.2.1 ICANN Ombudsman Annual Report 2006

<http://www.icann.org/ombudsman/documents/annual-report-2006-english-15nov06.pdf>



# 2006 Annual Report

*The principal function of the Ombudsman shall be to provide an independent internal evaluation of complaints by members of the ICANN community who believe that the ICANN staff, Board or an ICANN constituent body has treated them unfairly. The Ombudsman shall serve as an objective advocate for fairness, and shall seek to evaluate and where possible resolve complaints about unfair or inappropriate treatment by ICANN staff, the Board, or ICANN constituent bodies, clarifying the issues and using conflict resolution tools such as negotiation, facilitation, and "shuttle diplomacy" to achieve these results.*

ICANN Bylaws, Article V, Section 2



*Creating Dialogue . . . Affirming Fairness*

# Letter from the Ombudsman

30 June 2006

To the Chairman and the Board of Directors of ICANN,

I have the great pleasure of submitting to you the second annual report of the Office of the Ombudsman.

This has been a year which has seen the Office of the Ombudsman continue to put forward an informal dispute resolution system for the ICANN community, and which has been embraced by both the community and the corporation. As the Office, and its work plan, has developed, I believe that my work, as the Ombudsman, can be differentiated in several pillars: the reception, referral and investigation of complaints; administration and case management; outreach activities; and research and evaluation.

I am pleased to report to the Board that the Office of the Ombudsman has developed a fair, flexible, responsive and prompt manner of dealing with dispute issues raised by the community. It is a unique model of dispute resolution, now recognized as a “Centre of Excellence”, and a professional, competent Ombudsman institution.

In this annual report, I will provide information on these key activities.

Finally, I would like to express my continued appreciation to you, the members of the ICANN community and supporting organizations, and the ICANN staff for the continued support it has received.

With best regards,

A handwritten signature in blue ink, appearing to read 'F. Fowlie', with a horizontal line underneath.

Frank Fowlie  
Ombudsman

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ICANN Ombudsman Frank Fowle (right) and ICANN Adjunct Ombudsman Herb Waye (left) at the ICANN Wellington Meeting, March 2006.

# *in Review*

## *Year*

*2005 – 2006* has been an active year for my Office. The Ombudsman was established in ICANN to act as an informal, independent mechanism to assist members of the community who feel that they have been treated in an unfair manner. My role should be to receive and evaluate those complaints, and to use any of a number of alternative dispute resolution techniques if I believe that there has been an unfairness. However, I have found that the demands placed on my Office exceed that simple expectation. During the past year my Office has been the recipient of a large number of complaints and contacts that are outside of the vision expressed in Bylaw V. In two circumstances, groups wishing to put forward opinions, rather than making cogent complaints about actions, decisions, or inactions by the board, staff or supporting organisations, have used my Office as the target of email campaigns. In both of these cases I declined to investigate any of the matters brought to my attention, as the contacts were simply the expression of disagreement with contemplated decisions of the Board, and adequate opportunities to communicate that disagreement existed with public comment forums.

My Office has received many complaints and contacts from members of the community who have had issues or concerns with other bodies, such as registrars. In this, I must underline the exceptional cooperation of the Chief Registrar Liaison and Registrar Liaison Manager. They have been able to provide assistance to this portion of the community after receiving a referral from my Office.

During the past year, I have updated the Ombudsman Framework to reflect the operational activities of the Office. This has been translated into several languages, and is available as a downloadable .PDF on the Ombudsman webpage. I have also reviewed and upgraded the complaint form, added a "Contact the Ombudsman" form, and provided more self help information on the webpage.

The SeeMore Case Management System is installed, and operational, and makes the tracking of complaints more automated and efficient. Since inception in November 2004, my Office has opened nearly 2000 files.

The ICANN IT staff has been able to secure and make operational the domain [www.icannombudsman.org](http://www.icannombudsman.org) for my Office, which is a further demonstration of my independence. I thank them for their kind assistance.

My Office has used translation services on a number of files and correspondences during the year. We have established what I consider to be a win – win scenario with the Richmond Multicultural Concerns Society. It is a win for my Office, as I am able to obtain prompt and accurate translation service from an independent source, separate and apart from ICANN, thus maintaining confidentiality. It is a win for the service provider, as they are a community based group for immigrants, and are able to access a wide range of language speakers to do the translations, which helps to fund their programs.



## Ombudsman Activities: Reception, Referral and Investigation of Complaints

The charts and graphs contained within this annual report provide information about the volume of contacts, the country of origin, the classification of the complaints, and resolutions.

The number of complaints within my jurisdiction (actions, decision, or inaction by the board, staff or supporting organisation) as a percentage of the whole is consistent with data I have been able to examine from other Ombudsman Offices.

## Outreach, Consumer Education and Peer Activities

To my definition outreach includes: speaking to groups, hospitality, training events, and peer Ombudsman activity. My overall goal with Outreach is threefold: to inform the ICANN community about the existence and activities of the Office of the Ombudsman; to professionalise the Office through continual learning activities; and to enforce a constant message amongst ICANN and stakeholder communities, government officials, users and stakeholders, and my peer Ombudsman community that this Office of the Ombudsman is deserving of its reputation as a "Centre of Excellence" for online dispute resolution, and Ombudsmanship generally. My overriding goal is that all would see the office as a center of excellence where there was a preconceived idea of professionalism and good, fair service.

My focus in this fiscal year has been to do staff training and orientations so that they are better enabled to pass along information about the Office to the community they deal with, and to further enable them to provide information to the community on using my Office when disputes or conflicts arise.

I have generally tried to tie any overseas travel for Outreach in with travel to ICANN meetings. This greatly increases the scale of economy for travel expenses. Training courses each have been identified and budgeted for in advance and are budgeted for separately. In FY 06-07, I hope to be able to conduct training for all staff in the basics of interest based, mutual gains dispute resolution, giving one more tool to the organisation to reduce conflict at the lowest possible level.

During FY 05-06 I have either gained or maintained membership in the Forum of Canadian Ombudsman, the United States Ombudsman Association, the International Ombudsman Association, and the International Ombudsman Institute.

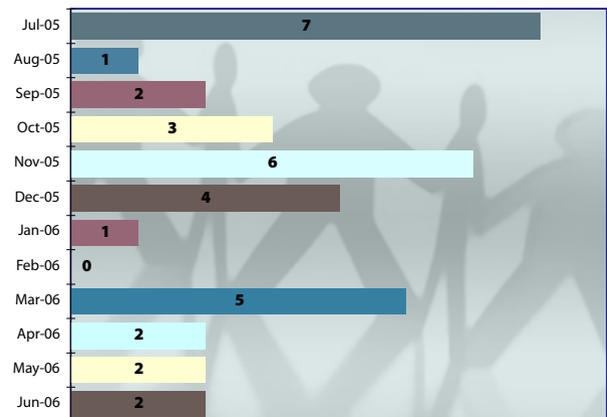
I have made presentations to individuals, organisations,

conferences, and academic institutions; ranging from the European Ombudsman, to the United Nations Conference on Online Dispute Resolution, to justice studies learners at my alma mater, Royal Roads University.

In April 2006, I was made a fellow at the Centre for Information Technology and Dispute Resolution at the University of Massachusetts – Amherst, and I am grateful to Dr. Ethan Katsh for that honour. My contribution in that area will be in the evaluation of ODR programs.

The following tables outline the Outreach Activities I have participated in.

## Total Outreach Activities: 35 FY-06 (1 July 2005 - 30 June 2006)



File No.	Month	Activity	Location
05-14	July	3 <sup>rd</sup> Annual European Internet Domain Name Summit	Paris
05-15	July	Presentation, OECD	Paris
05-16	July	Executive Director, Forum sur les Droits sur l'Internet	Paris
05-17	July	Director General, Working Group on Internet Governance	Geneva
05-18	July	Presentation, World Intellectual Property Organization	Geneva
05-19	July	Presentation, DIPLO Foundation	Geneva
05-20	July	ICANN Meetings Luxembourg (9 days)	Luxembourg
05-21	Aug	New Staff Orientation	Marina del Rey
05-22	Sept	New Staff Orientation	Marina del Rey
05-23	Sept	United States Ombudsman Assoc Meetings (4 days)	Nashville
05-24	Oct	Program on Negotiation Professional Development (4 days)	Cambridge, Mass.
05-25	Oct	Adjunct Ombudsman Orientation (4 days)	Marina del Rey
05-26	Oct	New Staff Orientation (2 sessions)	Marina del Rey
05-27	Nov	Northwest Ombuds Association (by conference call)	Seattle
05-28	Nov	New Staff Orientation (5 sessions)	Vancouver
05-29	Dec	ICANN Meetings, 9 days	Vancouver
05-30	Dec	Media Interview, CanWest News Service	Vancouver
05-31	Dec	Media Interview, Canadian Technology News (2 interviews)	Vancouver
05-32	Dec	Technology Negotiation Program Setup	Marina del Rey
06-01	Jan	New Staff Orientation	Marina del Rey
06-02	Jan	Media Interview, Canadian Technology News (2 interviews)	Vancouver
06-03	Jan	Regional Liaison Briefing	Marina del Rey
06-04	Jan	Advanced Investigations Course	Toronto
06-05	Mar	Staff Negotiation and Ethics Training (Postponed)	Brussels
06-06	Mar	European Ombudsmen courtesy calls	Brussels
06-07	Mar	Regional Liaison Cairo	Cairo
06-08	Mar	UN Forum on Online Dispute Resolution (3 Days)	Cairo
06-09	Mar	ICANN Meeting (9 days)	Wellington
06-10	Apr	International Ombuds Assoc Annual Meeting (4 Days)	San Diego
06-11	Apr	Undergraduate Lecture, Royal Roads University	Victoria BC
06-12	May	Richmond Multicultural Concerns Society (translation)	Richmond BC
06-13	May	Briefing Session with Board of Directors	Marina del Rey
06-14	June	Lecture, Vancouver Scholars, Simon Fraser University	Vancouver
06-15	June	ICANN Meeting (9 days)	Marrakesh

# Evaluation and Recommendations

During the fiscal year, the Office of the Ombudsman was reviewed by an evaluator from the International Standards Organisation. The Office was reviewed on comparison to the standards established in ISO Standard 10002, "Quality Management – Customer Satisfaction – Guidelines for handling complaints in organisations."

The text of the evaluator's report follows:

*The Office of the Ombudsman meets the intent and general requirements of ISO 9001:2000 Provisions 4.2.4, 5.2, 7.2.3, 8.2.1, and 8.4. The Office of the Ombudsman meets the intent of the Provision based on Ombudsman record control, identification, confidentiality, maintenance, and storage. With respect to Provision 5.2, the establishment of the Office of the Ombudsman by the Board of Directors illustrates top management's commitment to the ICANN community in addressing customer complaints as one mechanism for enhancing customer relationships. In regards to Provision 7.2.3, the Office of the Ombudsman has established, documented, and implemented a customer feedback/compliant process that are communicated via the ICANN website, and outreach and education programs. In relation to Provision 8.2.1 and 8.4, the Office of the Ombudsman is one of the means that ICANN has to monitor and measure customer perception of company's ability to meet customer and service requirements through compliant closing metrics. The metrics data set provides a small sample base due to the infancy of the Office of the Ombudsman; however, there is significant potential over time for issue type identification to lend itself to detection of areas for process improvement.*

*The only observation regarding the Office of the Ombudsman with respect to Provision 5.2 and 8.2.1 is ICANN's ability to meet its own requirements as established by the Bylaws for independence, neutrality, and impartiality of the Office of the Ombudsman and customer requirements based on contract renewal terms and no current formal contract authorisation. The observation addresses the potential customer perception of the lack of objectivity of the Office of the Ombudsman due to apprehension of contractor termination or lack of confidence in contractor authority.*

In FY 2006–2007, the Office of the Ombudsman will undergo further evaluation by an independent process which will compare the establishment of ICANN's Office of the Ombudsman with standards found in the literature.

The Office of the Ombudsman Results Based Management Accountability Framework requires that I look at five performance indicators concerning four evaluation questions, and report to the Board on these on an annual basis.



Ombudsman Frank Fowle speaking at an ICANN Meeting in Wellington, New Zealand, March 2006.

## 1. Relevance – Is there an ongoing need for the Office of the Ombudsman?

The trend analysis for my Office is best documented through the various charts and graphs within the body of this report.

There are a number of indicators for the relevance of my Office. First is the volume of the complaints received, and the variety of issues brought to my attention as the Ombudsman. This indicates to me that the community continues to see my Office as a credible resource in dealing with issues of dispute.

Secondly, the variety of sources of complaints: individual domain name holders; applicants for administrative benefits provided by ICANN; CCTLD managers; organisations; and board members, indicates to me that my Office is able to respond to a wide range of fairness based issues, and this wide acceptance of my Office is de facto recognition of its relevance.

Media analysis would continue to evidence a positive reception of the Office in the community.

## 2. Are resources sufficient for the Office of the Ombudsman to carry out its mandate?

During the year, I have been able to establish the post of Adjunct Ombudsman within my Office. Mr. Herb Wayne, a fellow Canadian, assists my Office when I am either on vacation or sick leave by receiving and responding to correspondence from the community. Mr. Wayne has also attended two ICANN meetings, as a volunteer, to assist me in the operation of a physical office location during these meetings.

As the workload for this Office, across all its key activities (Complaint handling, Outreach, and Administration) continues to rise, and is compounded by frequent travel, it will be natural that more staff will be required. I have raised a proposal to the Board that some time in the future my Office expands by a half person full time equivalent.

In FY 05-06 the budget resources provided by ICANN have been sufficient to meet the operational, administrative and outreach components of my mandate.

- 3. Cost effectiveness – Actual or potential improvements, efficiencies, or cost savings in ICANN program delivery or administration? Are there other models of Executive Ombudsmanship which ICANN could employ?

There are a number of ways of measuring systems improvements. First, I have made suggestions or recommendations for system improvements. These range from the development of policy where none previously existed, to establishing minimum participation standards for members of certain supporting organisations. All of these system improvements, at some level, impact ICANN operations to some degree.

Secondly, since the inception of my Office, the number of issues which have been brought to the Board Reconsideration Committee has dropped significantly.

Third, by using alternative dispute resolution techniques, including investigations, my Office has been able to assist parties at resolving issues at the lowest possible level of dispute, and thus has reduced antagonistic situations, and created time efficiencies for both the community members raising issues, and with ICANN.

## Recommendations

In FY 04-05, I made both formal and informal recommendations to the Board and senior staff. Both the formal and informal recommendations were reported on in last year's annual report, and as the formal recommendation has been acted upon, I have no further comment.

In FY 05-06 I notified the Board twice where I believed that there had been an unfairness or maladministration to a member or members of the ICANN community. These related to outcomes from investigations conducted by my Office. In one case, I recommended that ICANN apologise to a member of the community who had been ill-treated by a staff member. In the second case, I made a number of recommendations concerning a voting process used by one of ICANN's supporting organisations, and minimum participation standards for committee members. All of my formal recommendations have been accepted and acted upon by the Board.

I have made an informal recommendation to the Board to develop policies and procedures generally concerning Board Governance, and I will continue to monitor that policy development over time.

As I review the operations of my Office and consider the possibilities of other models which serve both the community and the organisation in conflict resolution, I become more and more convinced that the Office of the Ombudsman is the most appropriate route. While it may be possible to have contracted Ombuds services, I believe that due to the volume of the complaints received by my Office that cost effectiveness, especially when it relates to associated activities such as Outreach, would be lost. I also believe that there are circumstances where the use of a contracted Ombudsman service could not handle matters with the requisite speed or flexibility one can muster when the Ombudsman is a part of the organisation. Finally, based on my environmental scanning, there exists no stand alone, contractor style Ombudsman service with the capacity to service ICANN's need and unique subject matter.

I think it is important to note the uniqueness of the ICANN Ombudsman model. Within the Ombudsman community, I find my Office to be a rarity, in that I am the only Ombudsman who conducts dispute resolution in an online environment. When I recently had an opportunity to meet with fellow on-line practitioners at the United Nations Conference on Online Dispute Resolution (ODR) in Cairo, I concluded that I was the sole Ombudsman in that community. Based on those parameters, I feel confident in stating that the ICANN Ombudsman is likely on the only online Ombudsman program in the world.





During the year, three issues have been brought to my attention regarding ICANN meetings:

First, I received a complaint regarding the use of ID badges. The complainant was concerned that by having to use an ID badge his or her ability to participate in an anonymous fashion would be compromised. My response, in part, follows:

First, I have considered the rationale for having name badges. I believe that there are bona fide reasons for having name badges. First, it permits meeting organisers to ensure that access to ICANN events; especially those which incur expenses to the local hosts (such as banquets, lunches, etc) are restricted to delegates. This is a critical element, as the conferences run on tight budgets, underlining that the events are offered to the community at no cost. Second, the wearing of name badges fosters a level of social engagement by giving delegates the opportunity to associate names with faces, and names with otherwise identities known only online.

While you have argued that security is not an issue, as the name badges are not related back to government issued identification, I am not satisfied that this is an overriding rationale in the necessity of requiring attendees to use the badges.

Second, you are not required to enter your company nor country on the registration form when you do the online registration. As you can see from my test registration below, I was able to register using my name only. Your argument that you are forced to identify your employer; therefore, jeopardising a relationship with them should you announce a contrary minded opinion therefore does not strike me as valid.

Third, I can find no relationship between your complaint and any privacy law paradigm. Your name and photograph are the only personal information requested, and you do have the ability to request that your name not be published on the list

of attendees. The only request made of you is to provide your name and photograph in order to allow you access to conference venues and social events. Therefore the use of the data is not inconsistent with the reason for which it was collected. The data is not used for any other purpose other than for which it is collected.

I am unaware of any religion based argument where the taking of a photograph would be a violation of any human rights principle. Should you have a concrete example of this, I would be most pleased to receive it.

Fourth, you have opined that the issuing of an identification badge countermines the ability of a person to fulfill a whistle blower role. The role and function of the conference is not to act as a public forum to report wrongdoings related to your employer. However, there is no bar to you, or any other person making "whistle blower" revelations at the conference. In my experience an open public conference is not a forum usually associated with an opportunity to act as a whistle blower without attribution. These activities are normally directed through more private offices, such as my own, should the protagonist wish anonymity. I underline that under United States jurisprudence that offices such as mine hold a latent role of permitting whistlers a safe haven for drawing attention to negative activities.

Fifth, should you feel that after reading my reply that you still prefer to remain anonymous in your participation with ICANN, I note that there are other forums within ICANN by which you can do so. These would include representation through the various committees and supporting organisations, or through communication through the various electronic fora available.

In the second complaint, a member of the community raised a concern about the handling of personal information requested during the meeting registration process. As the concern was raised during the Vancouver meeting, the federal and provincial privacy laws of Canada and British Columbia applied, and I could find no indication that the information requested was either collected or used for a purpose inconsistent for the reason for which it was collected, nor in contravention of any Canadian law.

A third matter has been raised to me dealing with the posting of board meeting agendas at the public meetings.

The Bylaws state:

*Section 4. MEETING NOTICES AND AGENDAS*

*At least seven days in advance of each Board meeting (or if not practicable, as far in advance as is practicable), a notice of such meeting and, to the extent known, an agenda for the meeting shall be posted.*

From my experience, members of the Board of Directors are often in travel status to reach the various locations of ICANN meetings seven days in advance of the Board meeting. This fact makes it difficult, and at times logistically impossible, to put forward an agenda for the Board meeting seven days in advance. It is also my opinion that the notice of the meeting is usually posted well ahead of time, in conjunction with the related information about the ICANN meeting. Finally, it is my opinion that the agenda is posted as soon as the Chairman and the Directors are satisfied that they have necessary topics for discussion; and that this takes place as far in advance as practicable.

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**What the complainants say about the Office of the Ombudsman:**

*"You did go above and beyond the call of duty and I do appreciate that."*

*"Thank you. I appreciate your efforts to understand and clarify the situation."*

*"I just wanted to say thank you very much for going above and beyond when I asked you about a website auctioning url's - and if it was legal or not. We got a pretty good name so we are happy. And you gave some great websites and ideas."*

*"Everything has been resolved now . . . I appreciate ICANN's quick response."*

*"I really appreciate the time you've taken to give me advice on this issue. "*

*"Your ability as a sounding board is incredibly invaluable."*

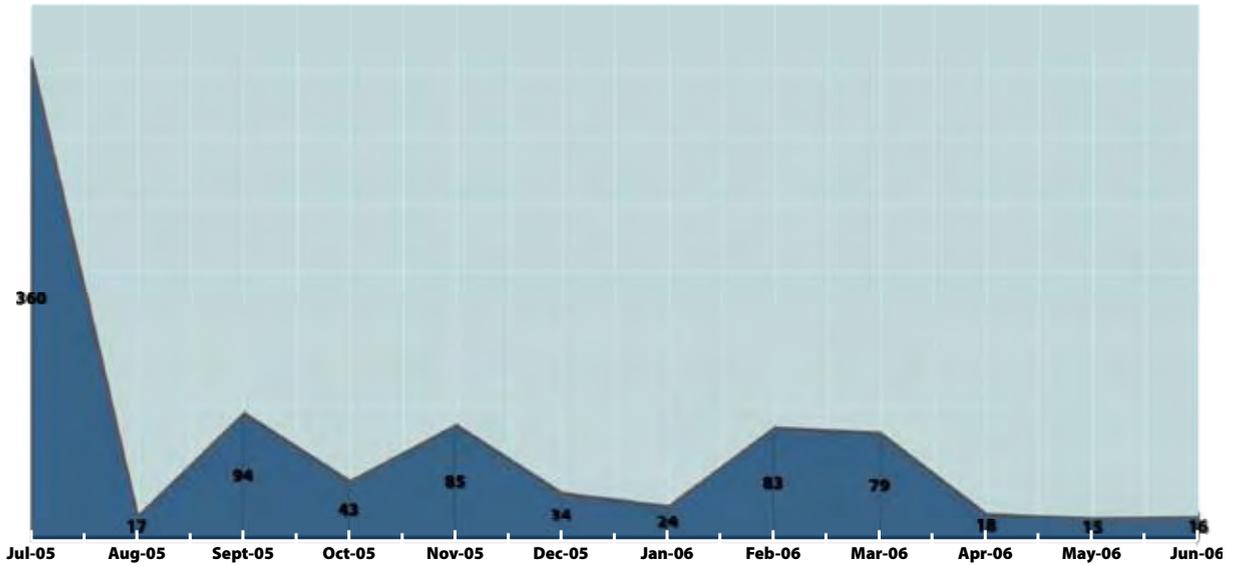
*"As always, appreciate your help in driving impartiality and professionalism in this process."*



ICANN Ombudsman Frank Fowlie with law student Reem Wael at the United Nations Forum on Online Dispute Resolution, Cairo, March 2006.

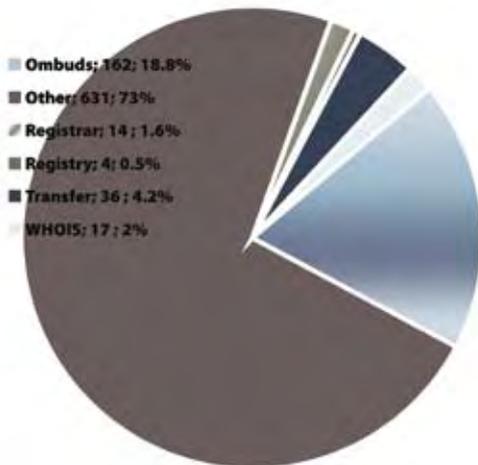
# Overall Complaints Received by Month: 880

FY-06 (1 July 2005 - 30 June 2006)

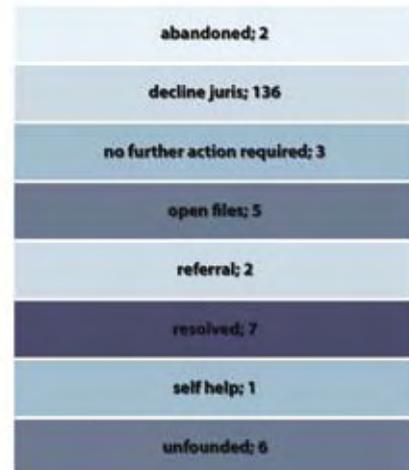


# Type of Complaints Received @ Resolution of Complaints in the Ombudsman's Jurisdiction

FY-06 (1 July 2005 - 30 June 2006)

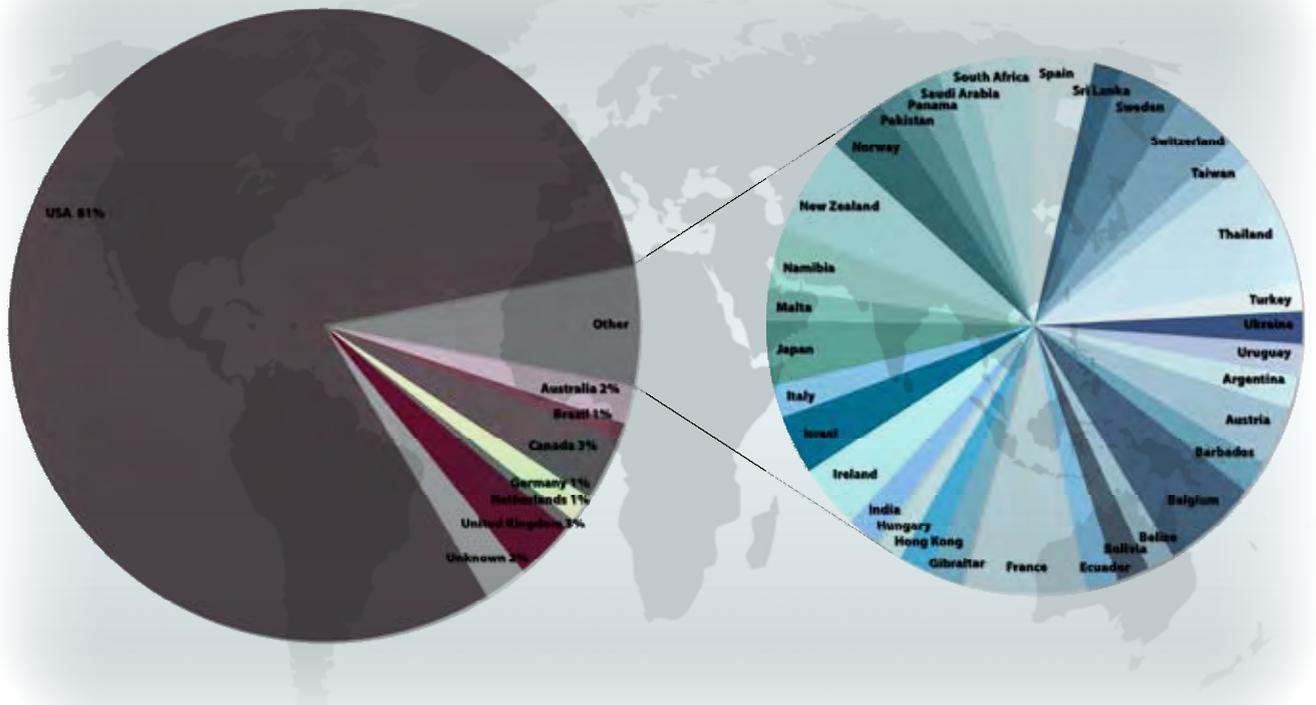


**Ombudsman Jurisdiction** ➤



# Geographical Distribution of Complainants:

FY-06 (1 July 2005 - 30 June 2006)



Argentina; 1	Australia; 17	Austria; 2	Barbados; 1	Belgium; 3	Belize; 1	Bolivia; 1
Brazil; 6	Canada; 30	Ecuador; 1	France; 4	Germany; 11	Gibraltar; 1	Hong Kong; 1
Hungary; 1	India; 1	Ireland; 2	Israel; 2	Italy; 1	Japan; 2	Malta; 1
Namibia; 2	Netherlands; 6	New Zealand; 3	Norway; 2	Pakistan; 1	Panama; 1	Saudi Arabia; 1
South Africa; 2	Spain; 2	Sri Lanka; 1	Sweden; 2	Switzerland; 2	Taiwan; 1	Thailand
Turkey; 1	Ukraine; 1	United Kingdom; 27	Unknown; 19	Uruguay; 1	USA; 699	



## The Values of this office are:

*Respect for Diversity* The Office of the Ombudsman recognises and honours the fact that members of the ICANN community come from across the face of the globe. This diversity means that the Office of the Ombudsman will respect that different cultures view disputes and conflict through different lenses. The Ombudsman will always be open to learning about cultural differences in responding to disputes and conflict.

*Excellence in Ombudsmanship* The Office of the Ombudsman will strive to be a leader for modeling and promoting fairness, equality, clarity, innovation, and by providing assistance to ICANN and the community in developing an awareness of the Ombudsman role. The Ombudsman will also strive to ensure that ICANN's Office of the Ombudsman is well regarded as an institution of excellence in the peer community, such as The Ombudsman Association, the United States Ombudsman Association, and the Forum of Canadian Ombudsmen. I wish to develop deeper relationships with Ombudsmen in other regions of the world in the future to reflect the global nature of ICANN's constituency.

*Professionalism* The Ombudsman, in conducting his or her duties, will maintain and exemplify the highest standards of professional conduct, and respect for human dignity.

*Confidentiality* All parties, both within the community and ICANN, bringing information to the attention of the Ombudsman should feel assured that the information will be held in confidence, except when it is necessary to help resolve the complaint.

*Impartiality* In each and every situation, the Office of the Ombudsman will receive information from the community with no predisposed idea as to the outcome of the Alternative Dispute Resolution process, and without favouring any party in the process.

*Independence* The Office of the Ombudsman, in order to remain an impartial officer, will be independent of the normal ICANN structures.



Internet Corporation for Assigned Names & Numbers

### *Brussels*

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T +32 2 234 7870 F +32 2 234 7848

### *Marina del Rey*

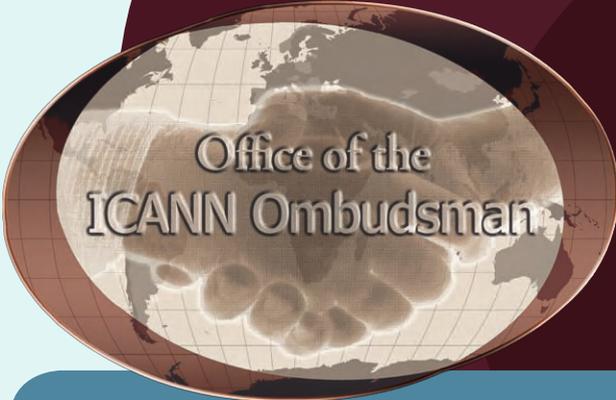
4676 Admiralty Way, Suite 330 | Marina del Rey, CA 90292 | USA  
T +1 310 823 9358 F +1 310 823 8649

<http://icann.org>

<http://icannombudsman.org>

### 3.2.2 ICANN Ombudsman Annual Report 2007

<http://www.icann.org/ombudsman/documents/annual-report-2007-english-26oct07.pdf>



Office of the  
ICANN Ombudsman

# 2007 Annual Report

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# Letter from the Ombudsman



The Internet Corporation for Assigned Names and Numbers

30 June 2007

To the Chairman and the Board of Directors of ICANN,

I have the great pleasure of submitting to you the third annual report of the Office of the Ombudsman.

The 2006 – 2007 fiscal year was a busy one for the Office of the Ombudsman. The Office continues to receive a number of complaints and contacts on a regular basis from members of the ICANN community. Dealing with these issues, and the associated case management remains the priority of my Office. The Office maintains its roles in outreach, involvement in peer Ombudsman activities, and research.

The ICANN Office of the Ombudsman continues to distinguish itself as a Centre of Excellence in online dispute resolution, Ombudsmanship, and over the past year, in Ombudsman evaluation.

This annual report will document those key activities.

Finally, I would like to express my continued appreciation to you, the members of the ICANN community and supporting organisations, and the ICANN staff for the continued support my Office has received.

With best regards,

Frank Fowlie  
Ombudsman



## The Year in Review

**2006–2007** was an active year for the Office of the Ombudsman. 375 complaints or community contacts for assistance were handled. Two major reports were prepared and delivered to the Board and the community. Hundreds of RegisterFly consumers turned to my Office seeking assistance.

The website at [www.icannombudsman.org](http://www.icannombudsman.org) was revamped. An active Ombuds blog was initiated. Three major evaluations were completed. Ongoing client satisfaction surveys were put in place. I wrote a paper for publication in the International Ombudsman Yearbook dealing with client satisfaction.

I attended three ICANN meetings, three Ombudsman conferences (including making a major presentation at one), an international conference on Online Dispute Resolution, and three Ombudsman training sessions. I participated in a total of 20 outreach or training events.

I spent 128 days in travel status between Marina del Rey and other responsibilities. The majority of correspondence to my Office was responded to within the first 24 hours, or the first 48 hours if I was traveling.

The annual report was delivered in six languages. Complaints were received in and translation services provided in German, French, Turkish, Portuguese and Spanish.

All of this was accomplished on time, with a sole practitioner office and a very capable adjunct that covers the Office during my leave periods.

*Creating Dialogue . . .*  
*Affirming Fairness.*

# Ombudsman Activities

## RECEPTION, REFERRAL AND INVESTIGATION OF COMPLAINTS

The charts and graphs contained within this annual report provide information about the volume of contacts, the country of origin, the classification of the complaints, and resolutions.

The number of complaints within my jurisdiction (actions, decision, or inaction by the Board, staff or supporting organisation) as a percentage of the whole is consistent with data I have been able to examine from other Ombudsman Offices.

- to enforce a constant message amongst ICANN and stakeholder communities, government officials, users and stakeholders, and my peer Ombudsman community that this Office of the Ombudsman is deserving of its reputation as a 'Centre of Excellence' for online dispute resolution, and Ombudsmanship generally.

My overriding goal is that all would see the office as a centre of excellence, where there is a preconceived idea of professionalism and good, fair service.

During FY 06-07 I have maintained membership in the Forum of Canadian Ombudsman, the United States Ombudsman Association, the International Ombudsman Association, the International Ombudsman Institute, as a Fellow in the Centre for Information Technology and Dispute Resolution, and the United Nations Expert Working Group on Online Dispute Resolution.

## OUTREACH, CONSUMER EDUCATION AND PEER ACTIVITIES

To my definition outreach includes speaking to groups, hospitality, training events, and peer Ombudsman activity. My overall goal with Outreach is threefold:

- to inform the ICANN community about the existence and activities of the Office of the Ombudsman;
- to professionalise the Office through continual learning activities; and

I have made presentations to individuals, organisations, conferences, and academic institutions ranging from the International Ombudsman Association to participating in judging an essay contest with the Internetbar.org to undergraduate law students at the University of Massachusetts – Amherst.

The tables found within this annual report outline the Outreach activities I have participated in.



■ Monthly Outreach Activities	2	1	2	3	1	3	2	2	2	1
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## 2006-2007 Outreach Activities

Date	Activity	Location
01-Jul-06	International Ombudsman Association Training (5 Days)	Montreal
02-Jul-06	Courtesy Call Industry Canada, Public Service Ombudsmen	Ottawa
03-Aug-06	Written Communication Analysis Course (3 Days) (LSI)	Vancouver
04-Sep-06	United States Ombudsman Association Annual Conference (4 Days)	Des Moines
05-Sep-06	Site Visit - Brussels Office (5 Days)	Brussels
06-Oct-06	New Staff Orientation	Marina del Rey
08-Oct-06	New Staff Orientation	Marina del Rey
08-Oct-06	Southern California Ombudsman Caucus	Los Angeles
09-Dec-06	ICANN Meeting (9 Days)	São Paulo
10-Feb-07	North West Ombudsman Group Meeting	Vancouver
11-Feb-07	Telecommunities Canada	Vancouver
12-Feb-07	UMASS Law School (online discussion)	Amherst
13-Mar-07	International Ombudsman Ass'n Systemic Issues Course (2 Days)	Orlando
14-Mar-07	New Staff Orientation	Marina del Rey
15-Mar-07	ICANN Meeting Lisbon (9 Days)	Lisbon
16-Apr-07	International Ombudsman Association Annual Meeting (4 Days)	St. Louis
17-Apr-07	United Nations Expert Working Group Online Dispute Resolution (4 Days)	Liverpool
18-May-07	Undergraduate Lecture, Royal Roads University	Victoria
19-May-07	Forum of Canadian Ombudsman Biennial Meeting (4 Days)	Montreal
20-Jun-07	ICANN Meeting (9 Days)	San Juan

## Statement on Respectful Online Communication

Drafted jointly and agreed to by consensus April 20, 2007 at the 5th International Forum on Online Dispute Resolution in Liverpool, England – held in collaboration with the United Nations Economic and Social Commission for Asia and the Pacific:

*“While information and communications technologies (ICT) enable unprecedented interactions between individuals around the world, they also introduce some dynamics that can degrade dialogue.*

*ICT enables people to communicate immediately and anonymously, often without moderation, and in some circumstances this encourages behavior (such as threats or insults) that most individuals would never engage in face-to-face.*

*This behavior may make people feel unwelcome, disrespected, or harassed in their online interactions. Ultimately, individuals may be dissuaded by these dynamics from participating, which undermines the vibrancy of our global conversation.*

*As a result, we encourage individuals to:*

- communicate online with respect*
- listen carefully to others in order to understand their perspectives*
- take responsibility for their words and actions*
- keep criticism constructive*
- respect diversity and be tolerant of differences*

*We embrace full and open communication and recognise the unique opportunity for expression in the online environment. We support freedom of speech and reject censorship. These principles are not intended to address what ideas can be expressed, but rather the tone with which communications takes place.”*

# Case Studies

## UNHAPPY CUSTOMER

I have decided to include a letter from a complainant which on the face of it is disturbing. To put some context around this particular correspondence, the writer had written to the ICANN Ombudsman because he was dissatisfied with OEM software he had bought on line. The author wrote to my Office to complain that he was unhappy with his purchase, and to ask my Office to bring the vendors "to justice". My Office's response to inform the writer that as his issue did not concern an ICANN act, decision, or inaction, that I could not accept the complaint.

However, I think it is important to report to the Board and to the community a number of the issues which this letter raises. First, it demonstrates a common problem that, despite all of the information available on the ICANN, and the Office of the Ombudsman websites, in a number of languages, correspondents sometimes do not understand that ICANN has a narrow technical mandate with respect to the Domain Name System. It also shows a common misconception that the role of the Ombudsman is a general service complaints agency for the Internet as a whole, rather than its defined role as an alternative dispute resolution mechanism for complaints dealing with ICANN actions, decisions, or inactions. Thirdly, it demonstrates an ever-increasing trend towards what some have called a culture of meanness or literal violence in a detached, faceless world of emails.

*Dear Mr. Fowlie,*

*Thank you very much for your email and notification that you will not take any action on a moral, ethical and legal issue of Russians depriving the free world of millions of dollars of hard currency with absolute impunity.*

*ICANN is a regulatory organisation entrusted with REGULATING the World Wide Web and doing this in a manner that will make it impossible for criminals to utilise the World Wide Web for their filthy purposes.*

*However, I and many others see that ICANN has gone mad with its lunatic attitude about the manner in which it supervises allocation of the global domain name system and today we see that Russians, a nation with no belief in any moral or ethical concerns or God is openly exploiting the web with impunity to de absolute evil.*

*This is absolutely ridiculous and the attitude that you have taken on the issue when you are a responsible member of this organisation is even more ridiculous.*

*It appears Sir that you are accustomed to taking your fat salary for doing nothing in a position which was entrusted to you so that you could do some good.*

*I think that the ridiculous oprganisation which ICANN has proven itself to be requires that all its upstart and irresponsible members, including you, should receive a thorough beating till you come to your senses. I wish that I could personally thrash you so well that your soddiness could come to your senses.*

*However, because I cant take a stick and beat the shit out of you filthy good for nothing idiot, I intend to bring your callous attitude to the attention of the press and the US government. It is about time that this soddy private organisation was thoroughly overhauled so that it did bring morality and ethics to the WWW, something which an idiot like you neither has an inclination of doing nor the will despite your fat pay check.*

*Thanks for nothing assehole.*

## CAN A PROCESS BE IMPROVED?

In the past two years my Office has received two complaints, and has self-generated a complaint concerning the same process. The process in question concerns the granting of a benefit or status by the organisation. The administrative function involves the reception of an application made by a party outside of ICANN. The process involves an investigation and recommendation by staff, and then a decision by an ICANN structure on the granting of the benefit or status. This matter was of such concern that my Office had received complaints from individual members of the ICANN structure.

The complaints have variously dealt with three different administrative issues. First, the process, which should normally be completed within 90 days, has taken much longer in some instances. Secondly, that when communicating a denial for the benefit or status to the applicant, that reasons for the negative decision were not provided. Third, that the number of members of the ICANN structure simply not voting on the application, or formally abstaining, meant that even though there were no negative votes cast, that there were not enough votes overall to form the quorum required, and the applications could not pass.

I have made over a dozen recommendations to the Board of Directors and the ICANN structure concerning this process. My hope is that the structure, the Board of Directors, ICANN staff, and my Office can work progressively to ameliorate this administrative process for the benefit of the applicants and the community.

Finally, it has been brought to my attention that some members of this structure feel dissatisfied with the manner that my Office has conducted this investigative and recommendation process. If the work of the Office of the Ombudsman has caused any person to feel discomforted, I offer my sincere apology. I believe that my work has been as an advocate for fair administrative processes, and that I have worked diligently to bring forward reasonable recommendations and accurate fact patterns to the attention of the structure, the Board, and the community within the standards of my profession.

*The principal function of the Ombudsman shall be to provide an independent internal evaluation of complaints by members of the ICANN community who believe that the ICANN staff, Board or an ICANN constituent body has treated them unfairly. The Ombudsman shall serve as an objective advocate for fairness, and shall seek to evaluate and where possible resolve complaints about unfair or inappropriate treatment by ICANN staff, the Board, or ICANN constituent bodies, clarifying the issues and using conflict resolution tools such as negotiation, facilitation, and "shuttle diplomacy" to achieve these results.*

ICANN Bylaws, Article V, Section 2

# Evaluation and Recommendations

During the fiscal year, the Office of the Ombudsman conducted three major evaluation studies as part of the planned mid-term, or formative evaluation. The three evaluation studies were Literature Based Review; Statistical Comparison; and Client Survey. These may all be found at <http://icann.org/ombudsman/program.html>.

The Literature Based Review was an innovative approach to evaluate the formation and operations of the Ombudsman’s Office. Over fifty evaluation criteria were found in the literature concerning Ombudsmen, and these criteria were compared to the ICANN Ombudsman operations. The Literature Based Review demonstrated that the Office of the Ombudsman is a centre of excellence in a number of ways:

- Despite being in the developmental process, it has matured into a responsive, flexible, and fair online dispute resolution system;
- It has a leading edge evaluation framework in place. Research conducted at ICANN on Ombudsman review is at the forefront in the field; the ICANN Ombudsman will, over time, be able to demonstrate value and program efficiency;
- It has a strong recognition of the necessity of outreach and community education;
- It has developed appropriate online tools for complaint intake and resolution;
- It is unique in its mix of Ombudsmanship and online dispute resolution;
- It has strong leadership from a well-qualified incumbent;
- It promotes a strong communications and feedback loop with the organisation;

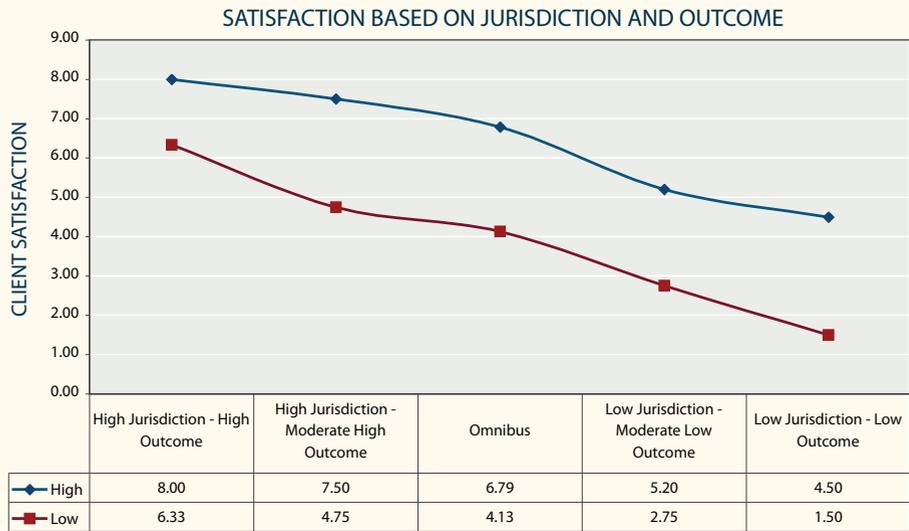


Figure 1 illustrates client satisfaction based on meeting expectations as per survey Question Five. The High Jurisdiction – High Outcome (ICANN act, decision, inaction which was resolved) satisfaction range is higher and tighter than the Low Jurisdiction – Low Outcome (registrar or domain name – complaint declined) range.

- It uses data and trend analysis to promote improvement in the organisation, and to advise other parties of potential issues;
- It participates in the range of Ombudsman fora; and,
- Despite being a sole practitioner office, it has established a continuity program for absences.

The Statistical Comparison contrasted the ICANN Office of the Ombudsman with three other Ombudsman operations, based on budgets, staff complements, and cases handled. This review demonstrated that the ICANN Office of the Ombudsman is efficient in operations, based on the volume of work it handles based on a “files per staff member” ratio, and cost per file.

The Client Survey involved re-ontacting persons who have made complaints or have contacted the Office of the Ombudsman for assistance. They were invited to participate in an online survey, hosted outside of ICANN. The online survey contained 17 questions ranging from general satisfaction levels to the material viewed on the Ombudsman website. The results indicated that the office has achieved a generally high level of satisfaction. Interestingly, the survey demonstrated that there is a direct link between the level of satisfaction and the Ombudsman’s jurisdiction over the issue raised. (See figure 1) The survey has continued on a monthly basis, and the results show a generally high level of satisfaction.

The results of these self evaluations were reviewed by an independent third party, who was selected by the Board Audit Committee. The outside evaluator has stated:

*“The ICANN Office of the Ombudsman has developed and initiated the single most complete, deliberate, and meaningful assessment process deployed in the ombuds field to date. This process allows the Office to accurately declare it is structured to, and appears to function as, an ideal executive ombuds on behalf of the ICANN community.”*

The Office of the Ombudsman has also undergone evaluation in the One World Trust Report on ICANN Accountability and Transparency. The Report mentions the Office of the Ombudsman at several points and recommends to ICANN an increased level of staffing support for the Office of the Ombudsman.

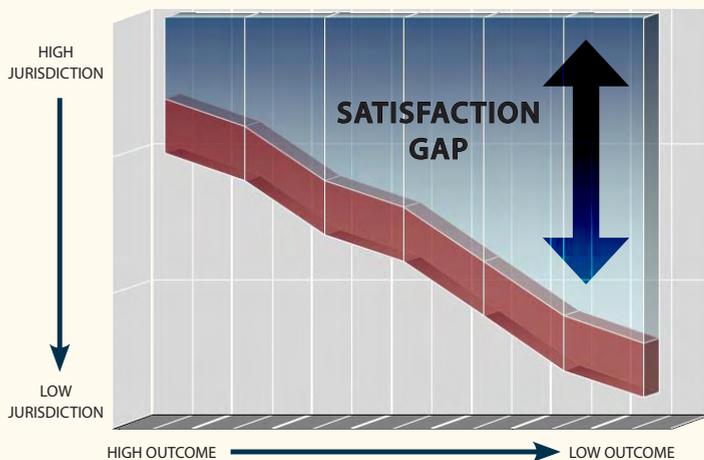


Figure Satisfaction Gap

Based on survey results and the figure “Satisfaction based on Jurisdiction and Outcome”, this figure demonstrates a ‘satisfaction gap’ that Ombudsman should be aware of. It appears that there is a direct relationship between the jurisdiction – outcome of a complaint, and a client’s satisfaction level. The satisfaction gap is the divergence between the client’s actual and potential levels of satisfaction at the end of an Ombudsman process. Research would indicate that high jurisdiction – high outcome complaints would create higher levels of satisfaction than low jurisdiction – low outcome complaints.

The Office of the Ombudsman Results Based Management Accountability Framework requires that I report on five performance indicators concerning four evaluation questions, and report to the Board on these on an annual basis.

### **1. Relevance – Is there an ongoing need for the Office of the Ombudsman?**

The trend analysis for my Office is best documented through the various charts and graphs within the body of this report.

There are a number of indicators for the relevance of my Office. First is the volume of complaints received and the variety of issues brought to my attention. This indicates to me that the community continues to see my Office as a credible resource in dealing with issues of dispute.

Secondly, the variety of sources of complaints: individual domain name holders; applicants for administrative benefits provided by ICANN; ccTLD managers; organisations; and Board members, indicates to me that my Office is able to respond to a wide range of fairness based issues, and this wide acceptance of my Office is de facto recognition of its relevance.

Media analysis continues to evidence a positive reception of the Office in the community.

### **2. Are resources sufficient for the Office of the Ombudsman to carry out its mandate?**

During the year, the Adjunct Ombudsman, Mr. Herb Wayne, assists my Office when I am on travel, vacation or sick leave by receiving and responding to correspondence from the community. Mr. Wayne has also attended two ICANN meetings, as a volunteer, to assist me in the operation of a physical office location.

In FY 06-07 the budget resources provided by ICANN have been sufficient to meet the operational, administrative, and outreach components of my mandate.

The One World Trust Report on ICANN Accountability and Transparency makes the following commentary on Ombudsman resources:

*“The Ombudsman plays an important role within ICANN as an informal alternative dispute resolution mechanism. Since its formation, it has reduced the number of complaints handled through the formal complaint channels of the Reconsideration Committee. As the Ombudsman’s office continues to reach out to the community and raises awareness of the function within the ICANN community, there is the distinct possibility that the number of complaints it has to handle will increase. The office’s user group is the entire Internet community, yet it is currently staffed by a single full time Ombudsman and an adjunct Ombudsman that provides holiday cover. To ensure the continued effectiveness of the office, ICANN should continue to support the Ombudsman through the adjunct Ombudsman and also consider recruiting an additional full time member staff to provide administrative support to the office.*

*Recommendation 4.3: ICANN should consider strengthening the capacity of the Ombudsman’s office by recruiting full time administrative support for the Ombudsman.”*

There will not be an increase in the Ombudsman staff complement in FY 07-08. In fact, the Board of Directors has instructed me that as of June 30, 2007, that I am to operate my Office without the assistance of the Adjunct Ombudsman. Herb, thank you for all of your good work.

### **3. Cost effectiveness – Actual or potential improvements, efficiencies, or cost savings in ICANN program delivery or administration? Are there other models of Executive Ombudsmanship which ICANN could employ?**

The Office of the Ombudsman has acted on complaints, made referrals, provided self help information, and has made recommendations as part of the alternative dispute resolution (ADR) processes. These steps, in the long run, provide for a more efficient overall operation by having a professional ADR service which allows the staff, supporting organisations, and the Board to focus on their core work, rather than dispute resolution. The number of requests for reconsideration has dropped. The recommendations made by the Office of the Ombudsman provide for the lowering of conflict temperature, and the improvement of services or processes.

The flexibility of the Office to respond to issues, language, culture, and a range of conflict styles, combined with a wide spectrum view of conflict resolution means that the Office offers responsive, timely, and relevant solutions, at an early time frame, and reduces antagonistic relationships between the parties. I cannot imagine a more efficient manner of delivering this service to the organisation and the community.

In FY 06-07 I made public two Ombudsman reports, each of which contained a number of recommendations. I have made these reports public in accordance with powers given to me under Bylaw V. I concur with United States Supreme Court Justice Louis Brandeis, who stated, "Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman."

Bylaw V states that, "The Ombudsman shall be specifically authorised to make such reports to the Board as he or she deems appropriate with respect to any particular matter and its resolution or the inability to resolve it. Absent a determination by the Ombudsman, in his or her sole discretion, that it would be inappropriate, such reports shall be posted on the Website." Thus, I am required to post my reports on the website, unless I make a determination that there

is a particular reason not to do so. I found no reason that these reports should not be made public.

The One World Trust Report on ICANN Accountability and Transparency makes the following comment:

*"In the Ombudsman framework there is a specific commitment made by the Board to respond to Ombudsman recommendations within 60 days of the next Board meeting. There is no similar commitment made in relation to responding to Reconsideration Committee recommendations. A commitment to provide timely response is important because it prevents protracted processes and also ensures the complainant is not forced to wait for a response an unnecessarily long period of time."*

In both instances, the responses to my recommendations were not provided within the established 60 day period of time. In the case of the first report I am satisfied that my recommendations have been implemented. As of June 30, 2007, the end of the fiscal year, I have not received a response to my second set of recommendations; however, I have received correspondence from the Board of Directors indicating that a reply was being prepared.

## What Clients Say about the Office of the Ombudsman:

*"Thank you Mr. Fowlie, I appreciate your feedback on this matter. I also understand your position and role as Ombudsman. I will research the documents behind the links that you provided."*

*"Thank you for your reply. Your guidance is highly appreciated."*

*"Thanks for your efforts, Frank."*

*"Thanks. I appreciate your help."*

*"Dear Frank, thank you for I consider a PROMPT response. That is a good thing. I do appreciate your feedback and... That is all and I once again do appreciate you folks understanding and addressing my unpleasant experience."*

*"Well done! I finally withdrew my complaint, but ombudsman intervention was very important for the ALAC to take the necessary steps and move forward in its work. Thanks!!!"*

*"I was very pleasantly surprised at the prompt, personal interest taken in my issue. I had expected some kind of runaround, useless auto-advice, or a frustrating FAQ, and nothing more."*

*"It is a great thing that we finally HAVE an Ombudsman!"*

### Some recent quotes on Ombudsmanship:

The head of a state's government speaking about his Ombudsman:

*"(He is) doing a good job. His job is not to lend comfort to me and to the government or any government of the day. His job is to expose areas where we're coming up short. ...the fact of the matter is that this stuff needs to be brought into the light of day."*

The Ombudsman referred to above when speaking about the state's government:

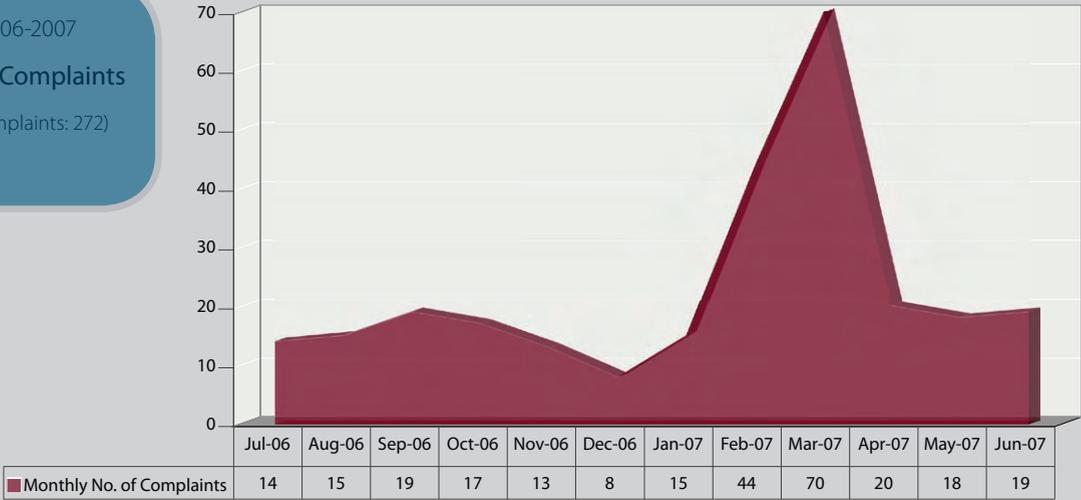
*"It has been astute enough to know when our criticisms are right, humble enough to admit when it has been wrong, and generous enough in spirit to help us forge solutions to problems we have identified."*



Figure 2

This figure shows the various pressures which impact on Ombudsman operations. The figure centers on the Ombudsman jurisdiction, which is established by Bylaw V. Community pressures which may impact the Ombudsman's operations include the volume of complaints, or the demands for service, made upon the Ombudsman, and the complaints' jurisdiction. Likewise, the Ombudsman is impacted by the Organisation, which determines the Ombudsman's mandate, and the resources to fulfill that mandate. In a balanced Ombudsman system, the resources allocated will be sufficient to meet the demands for service, and the Ombudsman's mandate will clearly determine the scope of issues in the Ombudsman's jurisdiction.

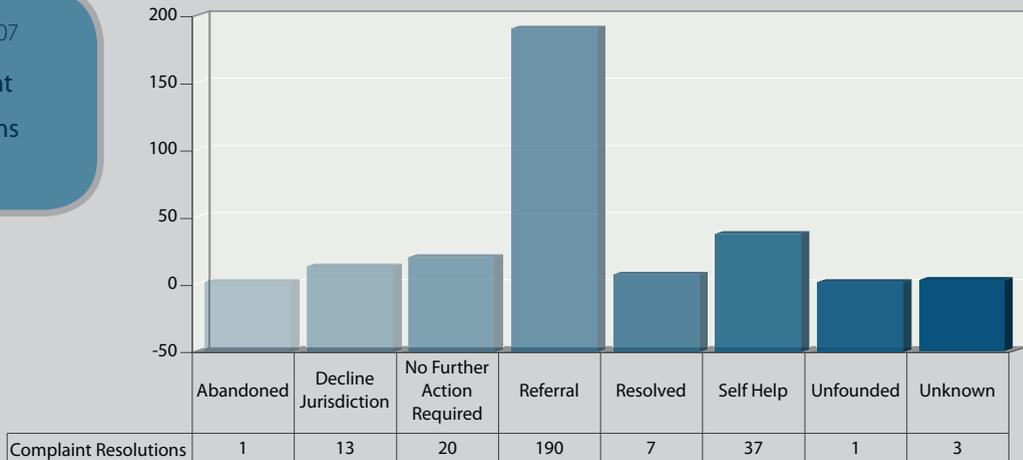
FY 2006-2007  
**Monthly Complaints**  
 (Total complaints: 272)



FY 2006-2007  
**Complaint Types**

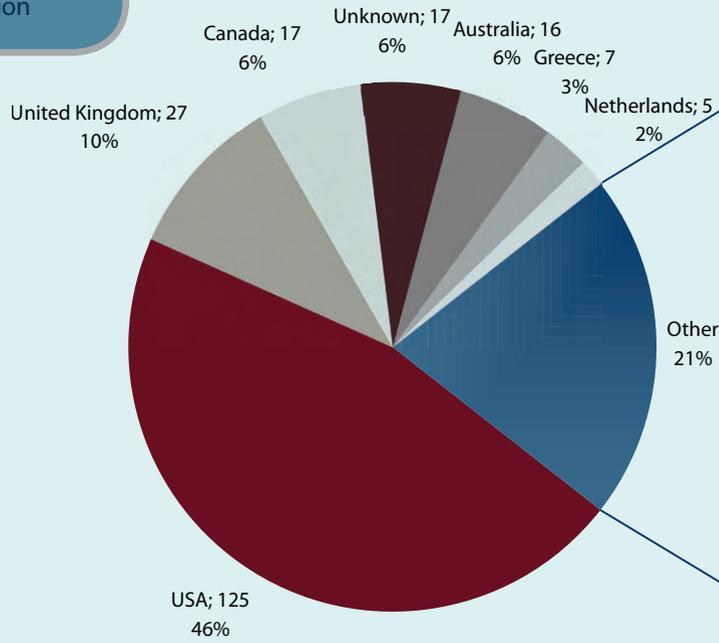


FY 2006-2007  
**Complaint Resolutions**



FY 2006-2007

Complaints  
by Geographic  
Location



- Brasil; 4
- Turkey; 4
- France; 3
- Germany; 3
- Hong Kong; 3
- Ireland; 3
- Macedonia; 3
- New Zealand; 3
- S. Africa; 3
- Belgium; 2
- Israel; 2
- Switzerland; 2
- Thailand; 2
- Argentina; 1
- Austria; 1
- Colombia; 1
- Croatia; 1
- Czech Republic; 1
- Denmark; 1
- India; 1
- Indonesia; 1
- Italy; 1
- Japan; 1
- Lebanon; 1
- Malaysia; 1
- Malta; 1
- Pakistan; 1
- Portugal; 1
- Slovenia; 1
- Spain; 1
- Sweden; 1
- U.A.E.; 1
- Vietnam; 1

The Values of this office are:

*Respect for Diversity* The Office of the Ombudsman recognises and honours the fact that members of the ICANN community come from across the face of the globe. This diversity means that the Office of the Ombudsman will respect that different cultures view disputes and conflict through different lenses. The Ombudsman will always be open to learning about cultural differences in responding to disputes and conflict.

*Excellence in Ombudsmanship* The Office of the Ombudsman will strive to be a leader for modeling and promoting fairness, equality, clarity, innovation, and by providing assistance to ICANN and the community in developing an awareness of the Ombudsman role. The Ombudsman will also strive to ensure that ICANN's Office of the Ombudsman is well regarded as an institution of excellence in the peer community, such as The Ombudsman Association, the United States Ombudsman Association, and the Forum of Canadian Ombudsmen. I wish to develop deeper relationships with Ombudsman in other regions of the world in the future to reflect the global nature of ICANN's constituency.

*Professionalism* The Ombudsman, in conducting his or her duties, will maintain and exemplify the highest standards of professional conduct, and respect for human dignity.

*Confidentiality* All parties, both within the community and ICANN, bringing information to the attention of the Ombudsman should feel assured that the information will be held in confidence, except when it is necessary to help resolve the complaint.

*Impartiality* In each and every situation, the Office of the Ombudsman will receive information from the community with no predisposed idea as to the outcome of the Alternative Dispute Resolution process, and without favouring any party in the process.

*Independence* The Office of the Ombudsman, in order to remain an impartial officer, will be independent of the normal ICANN structures.



## Office of the ICANN Ombudsman

email [ombudsman@icann.org](mailto:ombudsman@icann.org)

<http://icannombudsman.org>



Internet Corporation for Assigned Names and Numbers

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DESIGN + EDITORIAL Tanzanica S. King

### 3.2.3 Committee of the Board on Reconsideration

<http://www.icann.org/committees/reconsideration/>

## Committee of the Board on Reconsideration

The Committee of the Board on Reconsideration is responsible for handling requests for reconsideration of ICANN Board and staff actions. Consisting of five Directors, the Reconsideration Committee has the authority to investigate and evaluate requests for reconsideration and to make recommendations to the Board of Directors, which ultimately determines how to resolve such requests.

**Background.** Until 15 December 2002, ICANN's reconsideration policy operated under a [Reconsideration Policy](#) that was adopted by the ICANN Board, after public notice and comment, on 4 March 1999.

During 2002, ICANN underwent a reform process, resulting in [adoption of New Bylaws on 31 October 2002. Article IV, Section 2, of the New Bylaws](#) sets forth new reconsideration procedures. The transition to those new procedures began on 15 December 2002.

**Members of the Committee.** The Members of the Reconsideration Committee are Susan Crawford, Demi Getschko, Dennis Jennings, Rita Rodin (Chair), and Jean-Jacques Subrenat.

- [Reconsideration Committee Annual Report 2004 \(4 December 2004\)](#)
- [Reconsideration Committee Annual Report 2006 \(6 December 2006\)](#)

**How to file a request for reconsideration.** Requests for reconsideration must contain at least the following information:

- a. name, address, and contact information for the requesting party, including postal and e-mail addresses;
- b. the specific action or inaction of ICANN for which review or reconsideration is sought;
- c. the date of the action or inaction;
- d. the manner by which the requesting party will be affected by the action or inaction;
- e. the extent to which, in the opinion of the party submitting the Request for Reconsideration, the action or inaction complained of adversely affects others;
- f. whether a temporary stay of any action complained of is requested, and if so, the harms that will result if the action is not stayed;
- g. in the case of staff action or inaction, a detailed explanation of the facts as presented to the staff and the reasons why the staff's action or inaction was inconsistent with established ICANN policy(ies);
- h. in the case of Board action or inaction, a detailed explanation of the material information not considered by the Board and, if the information was not presented to the Board, the reasons the party submitting the request did not submit it to the Board before it acted or failed to act;
- i. what specific steps the requesting party asks ICANN to take-i.e., whether and how the action should be reversed, cancelled, or modified, or what specific action should be taken;
- j. the grounds on which the requested action should be taken; and
- k. any documents the requesting party wishes to submit in support of its request.

The above information must be submitted by e-mail to [reconsider@icann.org](mailto:reconsider@icann.org). Requests will be publicly posted.

**How to comment on a request for reconsideration.** Comments on requests for reconsideration should be submitted to [reconsider@icann.org](mailto:reconsider@icann.org).

### Requests for Reconsideration

#### Request 99-1: Eric Brunner and Bob Gough

- [Request 99-1: Eric Brunner and Bob Gough](#) (June 25, 1999)

- [Letter from Reconsideration Committee to IPC](#) (December 27, 1999)
- [Response of Steve Metalitz](#) (10 January, 2000)
- [Response of Eric Brunner](#) (13 January, 2000)
- [Recommendation of the Reconsideration Committee](#) (May 22, 2000) (Board action 6 June 2000)

**Request 99-2: Gene Marsh**

- [Request 99-2: Gene Marsh](#) (August 2, 1999)
- [Letter from Reconsideration Committee to Gene Marsh](#) (August 5, 1999)
- [Recommendation of Reconsideration Committee](#) (January 10, 2000)
- [Board Action](#) (January 12, 2000)

**Request 99-3: Mr. Perelman**

- [Request 99-3: Mr. Perelman](#) (September 4, 1999)
- [Recommendation of Reconsideration Committee](#) (January 27, 2000)
- [Board Action](#) (February 10, 2000)

**Request 99-4: Karl Auerbach**

- [Request 99-4: Karl Auerbach](#) (November 17, 1999)
- [Recommendation of the Reconsideration Committee](#) (May 2, 2000)
- [Board Action](#) (May 4, 2000)

**Request 00-1: Russ Smith**

- [Request 00-1 \(part a\)](#) (January 6, 2000)
- [Request 00-1 \(part b\)](#) (January 6, 2000)
- [Request 00-1 \(part c\)](#) (January 7, 2000)
- [Recommendation of Reconsideration Committee](#) (January 27, 2000)
- [Board Action](#) (February 10, 2000)
- [Letter from Russ Smith](#) (January 27, 2000)
- [Response of the Reconsideration Committee](#) (April 24, 2000)

**Request 00-2: Nigel Roberts**

- Request 00-2: Nigel Roberts (January 23, 2000) [Withheld at the request of Nigel Roberts]
- Letter from Andrew McLaughlin to Nigel Roberts (January 25, 2000) [Withheld at the request of Nigel Roberts]

**Request 00-3: Paul Wilson**

- [Request 00-3](#) (March 10, 2000)

**Request 00-4: Bret Fausett**

- [Request 00-4](#) (May 6, 2000)
- [Recommendation of the Reconsideration Committee](#) (May 22, 2000) (Board action 6 June 2000)

**Request 00-5: James Trefil/Adam Corelli**

- [Request 00-5](#)(may11, 2000)
- [Recommendation of the Reconsideration Committee](#) (May 22, 2000) (Board action 6 June 2000)

**Request 00-6: A. J. L. de Breed**

- [Request 00-6](#) (November 5, 2000)
- [Recommendation of the Reconsideration Committee](#) (January 21, 2001) (Board action 13 March 2001)

**Request 00-7: D. Alexander Floum**

- [Request 00-7](#) (November 13, 2000)
- [Recommendation of the Reconsideration Committee](#) (January 21, 2001) (Board action 13 March 2001)

**Request 00-8: Ivan Vachovsky**

- [Request 00-8](#) (November 28, 2000)
- [Recommendation of the Reconsideration Committee](#) (March 5, 2001) (Board action 7 May 2001)

**Request 00-9: Roy Goldberg**

- [Request 00-9](#) (December 15, 2000)
- [Comment of USTAR and others](#) (February 23, 2001)
- [IATA's Response to USTAR Comment Regarding Reconsideration Request 00-9](#) (March 9, 2001)
- [USTAR Point of Order to IATA's Response to USTAR Comment Regarding Reconsideration Request 00-9](#) (March 9, 2001)
- [IATA Response to USTAR Point of Order to IATA's Response to USTAR Comment Regarding Reconsideration Request 00-9](#) (March 13, 2001)
- [USTAR Rebuttal Concerning Point of Order to IATA's Response to USTAR Comment Regarding Reconsideration Request 00-9](#) (March 13, 2001)
- [Recommendation of the Reconsideration Committee](#) (April 30, 2001) (Board action 7 May 2001)

**Request 00-10: Paul Stahura**

- [Request 00-10](#) (December 15, 2000)
- [Recommendation of the Reconsideration Committee](#) (March 5, 2001)(Board action 7 May 2001)

**Request 00-11: Sarnoff Corporation**

- [Request 00-11](#) (December 15, 2000)
- [Recommendation of the Reconsideration Committee](#) (March 16, 2001) (Board action 7 May 2001)

**Request 00-12: The .TV Corporation**

- [Request 00-12](#) (December 15, 2000)
- [Recommendation of the Reconsideration Committee](#) (March 16, 2001) (Board action 7 May 2001)

**Request 00-13: Image Online Design, Inc.**

- [Request 00-13](#) (December 15, 2000)
- [Recommendation of the Reconsideration Committee](#) (March 16, 2001) (Board action 7 May 2001)

**Request 00-14: SRI International**

- [Request 00-14](#) (December 15, 2000)
- [Recommendation of the Reconsideration Committee](#) (March 16, 2001) (Board action 7 May 2001)

**Request 00-15: ICM Registry**

- [Request 00-15](#) (December 16, 2000)
- [Recommendation of the Reconsideration Committee](#) (April 30, 2001)
- [Revised Recommendation of the Reconsideration Committee](#) (September 7, 2001) (Board action 10 September 2001)

**Request 00-16: Telnix Limited**

- [Request 00-16](#) (November 24, 2000)
- [Letter from Telnix](#) (13 March, 2001)
- [Recommendation of the Reconsideration Committee](#) (April 30, 2001) (Board action 7 May 2001)

**Request 01-1: Beltraide**

- [Request 01-1](#) (5 January 2001)
- [Recommendation of the Reconsideration Committee](#) (16 March 2001) (Board action 7 May 2001)

**Request 01-2: .Kids Domains, Inc.**

- [Request 01-2](#) (1 February 2001)
- [Recommendation of the Reconsideration Committee](#) (30 April 2001) (Board action 7 May 2001)

**Request 01-3: Monsoon Assets Limited (BVI)**

- [Request 01-3](#) (2 May 2001)
- [Recommendation of the Reconsideration Committee](#) (30 August 2001) (Board action 10 September 2001)

**Request 01-4: Verio**

- [Request 01-4](#) (15 June 2001)
- [Recommendation of the Reconsideration Committee](#) (11 January 2002) (Board action 21 January 2002)

**Request 01-5: Michael Fromkin and Jonathan Weinberg**

- [Request 01-5](#) (8 August 2001)
- [Recommendation of the Reconsideration Committee](#) (18 January 2002) (Board action 12 February 2002)

**Request 01-6: Russ Smith**

- [Request 01-6](#) (20 May 2000)
- [Recommendation of the Reconsideration Committee](#) (7 January 2002) (Board action 21 January 2002)

**Request 01-7: Edward Hasbrouck**

- [Request 01-7](#) (4 December 2001)
- [Statement Concerning Request for Stay](#) (16 December 2001)
- [Recommendation of the Reconsideration Committee](#) (14 January 2002) (Board action 21 January 2002)

**Request 02-1: David Ogden**

- [Request 02-1](#) (22 January 2002)
- [Request for Additional Information](#) (24 April 2002)
- [Response to Request for Additional Information](#) (30 April 2000)
- [Recommendation of the Reconsideration Committee](#) (25 June 2002) (Board action 23 August 2002)

**Request 02-2: Russ Smith**

- [Request 02-2](#) (1 February 2002)
- [Request for Supplemental Information](#) (2 February 2002)
- [Supplemental Information](#) (2 February 2002)
- [Recommendation of the Reconsideration Committee](#) (17 June 2002) (Board action 28 June 2002)

**Request 02-3: Tony So**

- [Request 02-3](#) (27 February 2002)
- [Request for Supplemental Information](#) (8 March 2002)
- [Recommendation of the Reconsideration Committee](#) (17 June 2002) (Board action 28 June 2002)

**Request 02-4: Ethan Katsh**

- [Request 02-4](#) (12 April 2002)
- [Recommendation of the Reconsideration Committee](#) (24 June 2002) (Board action 23 August 2002)

**Request 02-5: Dotster, Inc.**

- [Request 02-5](#) (12 September 2002)
- [Letter from Kevin E. Brannon to Paul Twomey](#) (9 April 2003) (inquiring about status)
- [Message from Louis Touton to Kevin E. Brannon](#) (6 May 2003) (giving status report)
- [Recommendation of the Reconsideration Committee](#) (20 May 2003)

**Request 02-6: VeriSign, Inc.**

- [Request 02-6](#) (16 October 2002)
- [Letter from Kevin E. Brannon to Stuart Lynn and Louis Touton Regarding VeriSign Request for Reconsideration](#) (30 October 2002)
- [Message to Philip L. Sbarbaro Regarding Handling of 16 October 2002 Letter Under Reconsideration Policy](#) (3 November 2002)
- [Message to Kevin E. Brannon Regarding Dotster's 30 October 2002 Letter](#) (3 November 2002)
- [Letter from Kevin E. Brannon to Paul Twomey](#) (9 April 2003) (inquiring about status)
- [Message from Louis Touton to Kevin E. Brannon](#) (6 May 2003) (giving status report)
- [Recommendation of the Reconsideration Committee](#) (20 May 2003)

**Request 04-1: Bret Fausett**

- [Request 04-1](#) (4 March 2004)
- [Recommendation of the Reconsideration Committee](#) (4 March 2004)

**Request 04-2: Danny Lee Younger**

- [Request 04-2](#) (24 July 2004)
- [Recommendation of the Reconsideration Committee](#) (4 December 2004)

**Request 04-3: Network Solutions, LLC**

- [Request 04-3](#) (16 November 2004)

**Request 05-1: Bret Fausett**

- [Request 05-1 \(12 May 2005\)](#)
- [Recommendation of the Reconsideration Committee \(14 July 2005\)](#)

**Request 05-2: Edward Hasbrouck**

- [Request 05-2 \(16 May 2005\)](#)
- [Response to Request for Reconsideration 05-2](#)

**Request 06-1: Network Solutions, LLC, et al.**

- [Request 06-1](#) (10 March 2006)
- [Amended Request 06-1](#) (16 March 2006)
- [Recommendation of the Reconsideration Committee](#) (30 March 2006)

**Request 06-2: Danny Younger**

- [Request 06-2](#) (17 March 2006)
- [Recommendation of the Reconsideration Committee](#) (30 March 2006)

**Request 06-3: Marilyn Cade**

- [Request 06-3](#) (03 May 2006)
- [Recommendation of the Reconsideration Committee](#) (10 May 2006)

**Request 06-4: ICM Registry**

- [ICM Reconsideration Petition \(As Filed\)](#) (19 May 2006)
- [ICM Reconsideration Petition \(Corrected\)](#) (19 May 2006)
- [ICM Reconsideration Request \(Amended\)](#) (22 May 2006)
- [Exh. A Swedish Letter](#)
- [Exh. B Taiwan letter](#)
- [Exh. C - Denmark email](#)
- [Exh. D\(1\) FOIA Appeal](#)
- [Exh. D\(2\) FOIA Appeal](#)
- [Exh. D\(3\) FOIA Appeal](#)

- [Exh. E Memo re changes](#)
- [Exh. F\(1\) Cover to Tarmizi](#)
- [Exh. F\(2\) Tarmizi 3-25](#)
- [Exh. G\(1\) Ombuds Complaint](#)
- [Exh. G\(2\) Ombuds Complaint](#)
- [Letter from John Jeffrey to Reconsideration Committee](#)
- [Withdrawal of Reconsideration Request 06-4](#)

### 3.2.4 Reconsideration Committee Annual Report 2006

<http://www.icann.org/committees/reconsideration/rc-annualreport-06dec06.htm>



## Reconsideration Committee Annual Report 2006

Date: 6 December 2006

ICANN's Reconsideration Policy is set forth in [Article IV, §2 of the ICANN Bylaws](#). This annual report is presented in fulfillment of subsection 19 of the policy, which prescribes a report with the following elements:

- a. the number and general nature of Reconsideration Requests received;
- b. the number of Reconsideration Requests on which the Committee has taken action;
- c. the number of Reconsideration Requests that remained pending at the end of the calendar year and the average length of time for which such Reconsideration Requests have been pending;
- d. a description of any Reconsideration Requests that were pending at the end of the calendar year for more than ninety (90) days and the reasons that the Committee has not taken action on them;
- e. the number and nature of Reconsideration Requests that the Committee declined to consider on the basis that they did not meet the criteria established in this policy;
- f. for Reconsideration Requests that were denied, an explanation of any other mechanisms available to ensure that ICANN is accountable to persons materially affected by its decisions; and
- g. whether or not, in the Committee's view, the criteria for which reconsideration may be requested should be revised, or another process should be adopted or modified, to ensure that all persons materially affected by ICANN decisions have meaningful access to a review process that ensures fairness while limiting frivolous claims.

### A. The number and general nature of Reconsideration Requests received:

During calendar year 2006, ICANN has received and docketed four reconsideration requests, as follows:

Request 06-1: Network Solutions, LLC et al. (10 March 2006) - related to the Board's approval of ICANN's settlement in February 2006 with VeriSign;

Request 06-2: Danny Younger (17 March 2006) - related to the Board's approval of ICANN's settlement in February 2006 with VeriSign;

Request 06-3: Marilyn Cade (3 May 2006) - related to Ms. Cade's eligibility to stand for election to mid-term Board vacancy; and

Request 06-4: ICM Registry (19 May 2006) - related to ICM's proposed Registry Agreement to operate the .XXX TLD.

### B. The number of Reconsideration Requests on which the Committee has taken action:

As of the conclusion of the Sixth Annual Meeting on 8 December 2006, the Committee will have taken some action on all four requests submitted on or before the drafting of this report. With respect to Requests 06-1, 06-2 and 06-3, the Committee recommended that the Board take no action on the requests because there were no proper grounds for reconsideration. With respect to Request 06-4, the Committee began the reconsideration process; however, on 29 October 2006, the party that submitted this request withdrew it before the Committee completed the reconsideration process.

C. The number of Reconsideration Requests that remained pending at the end of the calendar year and the average length of time for which such Reconsideration Requests have been pending.

No pending requests

D. A description of any Reconsideration Requests that were pending at the end of the calendar year for more than ninety (90) days and the reasons that the Committee has not taken action on them.

Not applicable.

E. The number and nature of Reconsideration Requests that the Committee declined to consider on the basis that they did not meet the criteria established in this policy.

None.

F. For Reconsideration Requests that were denied, an explanation of any other mechanisms available to ensure that ICANN is accountable to persons materially affected by its decisions; and

Not applicable. No Reconsideration Requests were denied this year.

G. Whether or not, in the Committee's view, the criteria for which reconsideration may be requested should be revised, or another process should be adopted or modified, to ensure that all persons materially affected by ICANN decisions have meaningful access to a review process that ensures fairness while limiting frivolous claims.

The Committee had suggested modifications in the past, that are currently in use, related to the web based reconsideration request form.

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### 3.2.5 ICANN Bylaws on Independent Review of Board Actions

<http://www.icann.org/general/archive-bylaws/bylaws-15dec02.htm#IV-3>

- e. the number and nature of Reconsideration Requests that the Committee declined to consider on the basis that they did not meet the criteria established in this policy;
- f. for Reconsideration Requests that were denied, an explanation of any other mechanisms available to ensure that ICANN is accountable to persons materially affected by its decisions; and
- g. whether or not, in the Committee's view, the criteria for which reconsideration may be requested should be revised, or another process should be adopted or modified, to ensure that all persons materially affected by ICANN decisions have meaningful access to a review process that ensures fairness while limiting frivolous claims.

20. Each annual report shall also aggregate the information on the topics listed in [paragraph 19\(a\)-\(e\) of this Section](#) for the period beginning 1 January 2003.

### **Section 3. INDEPENDENT REVIEW OF BOARD ACTIONS**

1. In addition to the reconsideration process described in [Section 2 of this Article](#), ICANN shall have in place a separate process for independent third-party review of Board actions alleged by an affected party to be inconsistent with the Articles of Incorporation or Bylaws.
2. Any person materially affected by a decision or action by the Board that he or she asserts is inconsistent with the Articles of Incorporation or Bylaws may submit a request for independent review of that decision or action.
3. Requests for such independent review shall be referred to an Independent Review Panel ("IRP"), which shall be charged with comparing contested actions of the Board to the Articles of Incorporation and Bylaws, and with declaring whether the Board has acted consistently with the provisions of those Articles of Incorporation and Bylaws.
4. The IRP shall be operated by an international arbitration provider appointed from time to time by ICANN ("the IRP Provider") using arbitrators under contract with or nominated by that provider.
5. Subject to the approval of the Board, the IRP Provider shall establish operating rules and procedures, which shall implement and be consistent with this [Section 3](#).
6. Either party may elect that the request for independent review be considered by a three-member panel; in the absence of any such election, the issue shall be considered by a one-member panel.
7. The IRP Provider shall determine a procedure for assigning members to individual panels; provided that if ICANN so directs, the IRP Provider shall establish a standing panel to hear such claims.

8. The IRP shall have the authority to:

- a. request additional written submissions from the party seeking review, the Board, the Supporting Organizations, or from other parties;
- b. declare whether an action or inaction of the Board was inconsistent with the Articles of Incorporation or Bylaws; and
- c. recommend that the Board stay any action or decision, or that the Board take any interim action, until such time as the Board reviews and acts upon the opinion of the IRP.

9. Individuals holding an official position or office within the ICANN structure are not eligible to serve on the IRP.

10. In order to keep the costs and burdens of independent review as low as possible, the IRP should conduct its proceedings by e-mail and otherwise via the Internet to the maximum extent feasible. Where necessary, the IRP may hold meetings by telephone.

11. The IRP shall adhere to conflicts-of-interest policy stated in the IRP Provider's operating rules and procedures, as approved by the Board.

12. Declarations of the IRP shall be in writing. The IRP shall make its declaration based solely on the documentation, supporting materials, and arguments submitted by the parties, and in its declaration shall specifically designate the prevailing party. The party not prevailing shall ordinarily be responsible for bearing all costs of the IRP Provider, but in an extraordinary case the IRP may in its declaration allocate up to half of the costs of the IRP Provider to the prevailing party based upon the circumstances, including a consideration of the reasonableness of the parties' positions and their contribution to the public interest. Each party to the IRP proceedings shall bear its own expenses.

13. The IRP operating procedures, and all petitions, claims, and declarations, shall be posted on the Website when they become available.

14. The IRP may, in its discretion, grant a party's request to keep certain information confidential, such as trade secrets.

15. Where feasible, the Board shall consider the IRP declaration at the Board's next meeting.

#### **Section 4. PERIODIC REVIEW OF ICANN STRUCTURE AND OPERATIONS**

The Board shall cause a periodic review, if feasible no less frequently than every three years, of the performance and operation of each Supporting Organization, Supporting Organization Council, Advisory Committee (other than the Governmental Advisory Committee) and Nominating Committee by an entity or entities independent of the organization under review. The goal of the review, to be undertaken pursuant to such

### 3.3.1 Strategic and Operating Planning Process

<http://icann.org/planning/>

## Strategic and Operating Planning Process

### Overview

ICANN produces a three-year Strategic Plan (reviewed and updated annually) and an annual Operating Plan.

### Status

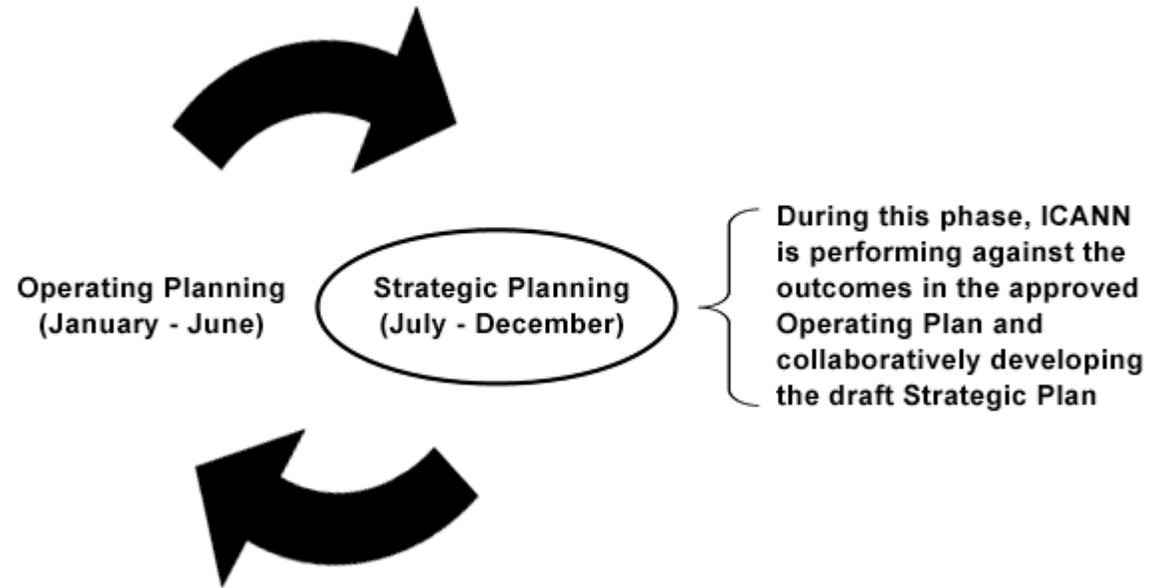
ICANN is currently developing the July 2008 - June 2011 Strategic Plan.

- [Participate in the Strategic Planning Process](#)
- [View the Current Strategic Plan: FY 2007 – 2010](#) [PDF, 76K]
- **View the Current Operating Plan: FY 2007 – 2008**
  - [Introduction](#) [PDF, 61K]
  - [Organized by ICANN Functional Areas](#) [PDF, 141K]
  - [Organized by Strategic Objectives](#) [PDF, 81K]

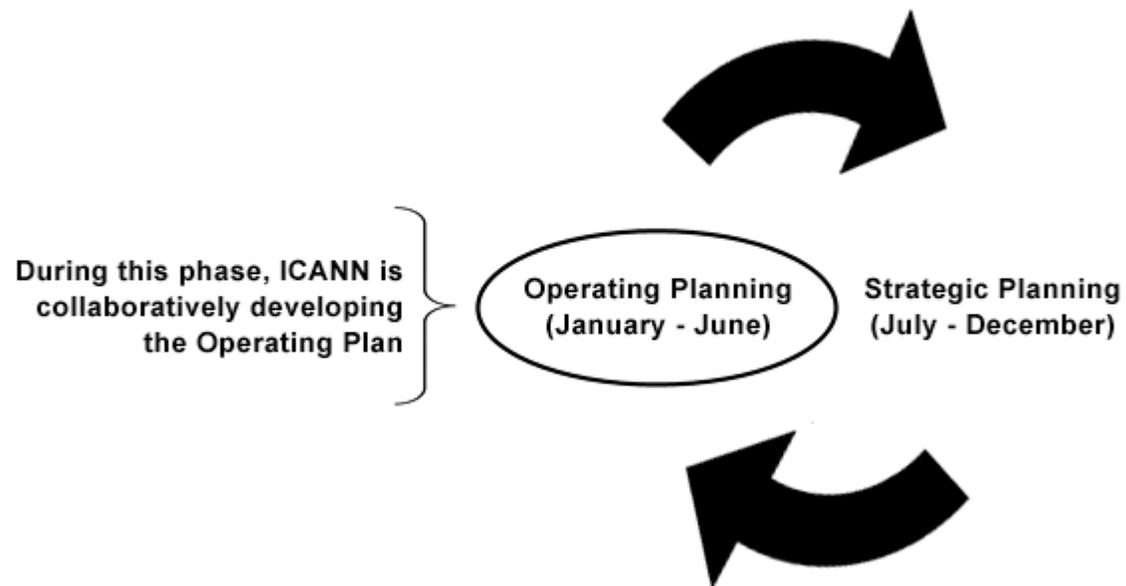
### Planning Cycle

The planning year is made up of two parts:

- The Strategic Plan is developed with the community between July and December.



- The Operating Plan is developed with the community between January to June.



## Participate in the Planning Process

### Strategic Plan

- [Read the Strategic Plan timetable](#) [PDF, 12K]
- [Initial Consultation \(closed\)](#)
- [Read the strategic plan issues paper and comment on ICANN's priorities for the FY2008-2011 plan](#)



### 3.3.2 2008-2011 Strategic Plan Consultation Timetable

<http://icann.org/planning/calendar-stratplan-2008.pdf>

# ICANN Strategic Planning Calendar June-December 2007

Activity	June	July	August	September	October	November	December
Initial consultation at the San Juan meeting in multiple languages	San Juan meeting						
Online comment forum for initial feedback on key challenges and opportunities							
Staff consideration of key issues and challenges							
Senior management team strategic planning workshop							
Initial consultations with SO s and ACs							
Release of "Key issues and priorities" document for discussion							
Consultation on "Key issues and priorities" document, including online comment forum							
Preparation of draft plan							
Release of draft strategic plan for consultation							
Consultation on draft strategic plan, including online comment forum							
Telephone consultation with SO s and AC s on draft plan							
Revision of plan based on feedback							
Release of revised plan							
Consultation at the LA meeting and online							
Board discussion of plan							
Revision of plan as necessary							
Final version of plan presented to the Board							
Board considers plan for approval							



### 3.3.3 Current Strategic Plan (Draft) 2008-2011

[http://icann.org/strategic-plan/draft\\_stratplan\\_2007\\_2010\\_clean\\_final.pdf](http://icann.org/strategic-plan/draft_stratplan_2007_2010_clean_final.pdf)



# ICANN Strategic Plan

July 2007 – June 2010

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## Letter from the President and CEO

December 2006

To All Interested Parties:

Please accept my thanks to all those who contributed to this strategic plan. The development of this draft plan has been based on consultation with the community through workshops at ICANN meetings, and will continue through Supporting Organizations and Advisory Committees and through public forums on the ICANN website. Members of the community have been very generous with their time and we appreciate the work that they have done.

Based on feedback that we received from the first Strategic Plan written two years ago, this July 2007 - June 2010 plan is a short, concise document. This year's draft plan continues with the three-year objectives set out in last year's plan, taking into account changes such as the progress realized by execution of the Joint Project Agreement and increased attention to process transparency.

The plan provides a description of challenges and opportunities that ICANN is likely to face in the next few years and then outlines five strategic objectives for the ICANN community. Each of those objectives is then described in more detail in the text of the plan. As in the past, the strategic objectives in this plan will form the framework around which the operational plan is constructed. I look forward to working with the community in the coming months to put the first year of this plan into effect through the 2007-2008 Operational Plan.

Sincerely,

Paul Twomey, President and CEO

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## ICANN's Mission and Values

The Internet requires a stable and secure system of unique identifiers if it is to serve its global community efficiently and reliably. ICANN has been established to serve the Internet community in maintaining the stability and security of the Internet's unique identifier systems, while fostering competition where appropriate to give Internet users greater choice at optimal cost. While the core functions were in the early years of the Internet (and its predecessors) performed under auspices of the US Government, ICANN marks the transition of these services from the responsibility of one national government to the global Internet community. In ICANN's self-governance model, the policies that create stable processes for IP address allocation and protocol parameter recordation, as well as a stable, competitive domain name system are able to be developed in a manageable, bottom-up, consensus-based process involving global, multi-stakeholder representation. In short, a key to accomplishing the strategic principles supporting ICANN's mission:

- ensuring the stability and security of the DNS,
- promoting competition and choice for users and registrants,
- facilitating the bottom-up, transparent policy development process, and
- engaging the participation of the global stakeholder community in the ICANN process

is the inter-relation among those principles. ICANN's work supporting bottom-up coordination involving global stakeholder interests also facilitates stability and competition. Similarly, facilitation of competition and practices promoting stability and security will attract global participants to the ICANN model and its policy development forums.

## ICANN's Mission

Since its creation, the Internet community has vigorously discussed and reviewed the mission and values that guide ICANN's actions. This extensive, inclusive and bottom up discussion has been encapsulated in ICANN's Bylaws, its Mission and Core Values.

The limited and distinct mission of ICANN is clearly set out in Article I of its Bylaws.

The mission of The Internet Corporation for Assigned Names and Numbers ("ICANN") is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems. In particular, ICANN:

1. Coordinates the allocation and assignment of the three sets of unique identifiers for the Internet, which are:
  - a. Domain names (forming a system referred to as "DNS");
  - b. Internet protocol ("IP") addresses and autonomous system ("AS") numbers; and
  - c. Protocol port and parameter numbers.
2. Coordinates the operation and evolution of the DNS root name server system.
3. Coordinates policy development reasonably and appropriately related to these technical functions.

ICANN is an international, non-profit, multi-stakeholder organisation. It has become the globally authoritative body on the technical and organisational means to ensure the stability and interoperability of the DNS, the continued equitable distribution of IP addresses, and accurate recordation of protocol parameters.

## ICANN's Core Values

ICANN's Bylaws detail ICANN's core values as part of its Mission. In performing its mission, the following core values should guide the decisions and actions of ICANN:

- 1 Preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet.
  - 2 Respecting the creativity, innovation, and flow of information made possible by the Internet by limiting ICANN's activities to those matters within ICANN's mission requiring or significantly benefiting from global coordination.
  - 3 To the extent feasible and appropriate, delegating coordination functions to or recognising the policy role of other responsible entities that reflect the interests of affected parties.
  - 4 Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.
  - 5 Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment.
  - 6 Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest.
  - 7 Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.
  - 8 Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.
  - 9 Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected.
  - 10 Remaining accountable to the Internet community through mechanisms that enhance ICANN's effectiveness.
  - 11 While remaining rooted in the private sector, recognising that governments and public authorities are responsible for public policy and duly taking into account governments' or public authorities' recommendations.
-

## **Development of the July 2007 - June 2010 Strategic Plan**

This initial draft of the plan is based on a bottom up, multi-phase consultation with the ICANN community. It attempts to set out the community's views of the priorities that face ICANN in the next three years as it continues to evolve as a global organisation serving the Internet community in maintaining the stability and security of the Internet's unique identifier systems.

Development of this strategic plan began at the ICANN meeting in Marrakech in July 2006. Extensive consultation with the community was undertaken in workshops with the Supporting Organisations and Advisory Committees, and also in general sessions conducted in Arabic, English, French and Spanish.

Input from the public forum and the Marrakech sessions was collated into an issues paper which was published in September 2006. Comments were sought through a public forum on the ICANN website. From this input, this draft version of the plan was written.

Telephone consultations were conducted on the first draft of the plan. Based on feedback received from the community, a revised draft was published for discussion at the Sao Paulo meeting. In Sao Paulo, consultation sessions were conducted with stakeholder groups and in general sessions in English, Spanish and French.

This final version of the plan reflects the input received from the community throughout the process. The plan was adopted by the ICANN Board in December 2006 at the Sao Paulo meeting.

## **Key challenges and opportunities for ICANN**

This strategic plan sets out priorities for ICANN over the next three years. These priorities have been set in consultation with the community in response to what the community believes are the major challenges and opportunities that will face the organization. These challenges and opportunities are summarized here.

### **Key environmental challenges**

- i. The continued rise of the Internet as a truly global means of communication and the need for ICANN to meet the needs of a truly global stakeholder base.
- ii. Ensuring stability and security of the Internet's system of unique identifiers in an environment of increased threats.
- iii. The increasing importance of the infrastructure of the DNS for a broad range of critical commercial and communication applications.
- iv. Managing a wide range of abusive behaviours in the Internet environment that may be placed at ICANN's doorstep although they are not part of ICANN's remit.
- v. Maintaining stability given expected increases in scale driven by the number of devices using the Internet and the number of users.
- vi. Multiple complicated changes to Internet operations or protocols that need to be managed in parallel, including possible paradigm changes not yet anticipated.
- vii. Managing the continuous evolution of commercial applications and business models that use the Internet.
- viii. Avoiding possible fracturing of the DNS, perhaps brought about by some users becoming dissatisfied with perceived restrictions imposed by technical protocols or by actions of a government or governments.
- ix. ICANN taking an appropriate role in the broad group of international entities involved in Internet functions.
- x. Dealing effectively with widely differing levels of understanding among key stakeholders of technical aspects of the Internet's system of unique identifiers and the implications for Internet users.

### **Key organizational challenges**

- i. Significant increases in the volume of policy, policy development support, operations and client delivery work that needs to be done
- ii. Developing reliable, stable sources of revenue and building adequate cash reserves
- iii. An ongoing obligation to review and renew ICANN processes and performance in order to operate most effectively
- iv. Maintaining effective communication with a global audience of ICANN stakeholders with different levels of knowledge about how the DNS works.

## Strategic Objectives for the Next Three Years

Having considered the challenges and opportunities that are most likely to present themselves over the next three years, the following objectives have been identified by the ICANN community for the ICANN community. The objectives are broad and ambitious. Specific targets to be accomplished in the near term will be set out in the one-year operating plan that follows this strategic plan.

- 1. Organizational excellence in Operations:** If ICANN is to continue to serve a growing and increasingly international stakeholder base effectively, it must strive to further improve its basic operational functions. Given expected increases in activities related to meeting the core mission and continuing attention to stability and security of the Internet's system of unique identifiers, operational excellence is critical to ICANN's success. Accordingly, ICANN will continue to pursue adequate, diverse forms of funding models to ensure ICANN can meet the objectives set out in this plan.
- 2. Organizational excellence in Policy Development:** The continued evolution of the Internet, especially the DNS, brings with it an increasing number and depth of policy issues that need to be decided through the ICANN process. Given this growth, the ICANN community needs to further improve its policy development processes and the support that it provides to these processes.
- 3. Increase international participation in ICANN and the use of the Internet system of unique identifiers:** ICANN is a global forum for the discussion of issues affecting the stability and security of the Internet's unique identifier systems. At this stage of the evolution of the Internet and of ICANN's own evolution as an organization, it is appropriate to review and improve ICANN practices and procedures to ensure that they are designed to serve and support a global audience as effectively as possible. In addition, ICANN needs to continue to work with other organizations to build capability in developing countries.
- 4. Increase participation in and efficiency of the ICANN multi-stakeholder environment:** One of ICANN's great strengths is the multi-stakeholder environment in which issues are debated and resolved. ICANN needs to continue to build on that strength by improving participation by key stakeholders in the process. As one of a number of organizations that are concerned with Internet governance, ICANN must clearly communicate its unique role and engage other organisations in dialogue on matters of common concern.
- 5. Complete transition of technical coordination of the Internet's system of unique identifiers:** In September 2006, ICANN signed a Joint Project Agreement with the United States Department of Commerce "for the purpose of the joint development of the mechanisms, methods and procedures necessary to effect the transition of Internet domain name and addressing system (DNS) to the private sector". As part of this agreement, ICANN committed to a number of actions and principles outlined in the Affirmation of Responsibilities adopted by the ICANN Board. ICANN must now deliver on the actions described in these documents.

## The key priorities within these objectives

The Strategic Plan sets the direction for ICANN for the next three years by outlining the work that needs to be done under the objectives described above. Members of the community have suggested that it is worthwhile to identify the specific areas or projects that are most important (ie the key priorities) for the ICANN community over the next three years.

Those key priorities are:

- Continued improvement and automation of IANA operations.
- Implementation of those objectives that continue to ensure the stability and security of the Internet's systems of unique identifiers.
- The deployment of Internationalized Domain Names as TLDs.
- The creation of a process for the designation of new gTLDs.
- The implementation of best practice in accountability, transparency and governance.
- The implementation of a proactive contractual compliance program.
- Improvement of cooperation and coordination of the activities of the GAC with the ICANN Board and with other constituencies.
- The implementation of independent reviews of Supporting Organizations and Advisory Committees and other ICANN bodies and the carrying out of those improvements that are deemed to be appropriate as determined through community consultation.
- Addressing the challenges of significant growth, especially the increased demand on ICANN operations and policy processes.

# 1. Organizational excellence in Operations

1. Operational performance targets for IANA
  1. Collaborate with customers (e.g. through working groups) to establish acceptable year-by-year performance targets and meet all of those targets; continue to improve so those targets can be reset by mutual agreement as new performance levels are achieved.
  2. Automate IANA processes where appropriate to enhance productivity and efficiency.
  3. Collaborate with customers to augment IANA operations to include security services to customers in accordance with evolving community standards.
  4. Publish IANA processes and practices and engage with customers to introduce revisions and adaptations where appropriate.
  5. Provide public statistical information on IANA performance, and provide access to individual request status in a secure and confidential manner.
2. Operational performance targets for gTLD Registry tasks
  1. Address new registry services requests in accordance with the consensus policy implementation, and provide information to the GNSO council to lead to improvements in the policy based upon experiences.
  2. Develop and implement effective feedback reporting methodologies on all implemented consensus policies to enable the GNSO to improve the effectiveness of .consensus policies.
  3. Implement Board approved consensus policies in a timely, effective manner.
  4. Develop a methodology to negotiate and execute new gTLD contracts and the renewal of existing gTLD contracts in a timely, predictable, standard way.
3. Operational performance targets for gTLD Registrar tasks:
  1. Facilitate the activities of the registration market to promote competition and choice for consumers in all regions of the world; foster innovation to develop additional markets.
  2. Develop tools for registrars so that they can readily

- interact with ICANN as required by agreement,
  - provide performance metrics to and receive the same from ICANN, and
  - have access to information and data meaningful to the operation of the registration business.
3. In consultation with relevant stakeholders (including registrants), identify and implement improvements in the accreditation process, including developing appropriate criteria for registrar accreditation and improving processing times for applications.
  4. Conduct outreach efforts to enhance relations with the global community of gTLD registrars to improve understanding of their unique concerns and circumstances while also improving their understanding of ICANN and ICANN policies.
4. Contractual compliance:
1. Continue to improve contractual compliance through the development of the compliance function, expanding the staffing and developing of a proactive compliance program.
  2. Collaborate with gTLD registrars, gTLD registries, registrants and end users to identify compliance program elements that best serves ICANN's mission and challenges.
  3. Develop appropriate feedback mechanisms into the accreditation process and relevant policy processes.
5. Making use of the contacts made to ICANN by registrants and end-users, establish processes and collect data in order to effectively provide complainants with proper direction, collect and analyse data to recognize trends and identify potential problems areas associated with ICANN's technical coordination role, and inform the community of this information.
  6. Continue to facilitate the deployment of Internationalised Domain Names (IDNs) by creating forums for exchange of information, integrating the technical, policy, government-related and communications aspects into a program plan, and through collaboration, execute according to the plan objectives.
  7. Continue the execution of the strategy to designate new gTLDs. Complete the policy development process and implement the resulting policy.
  8. Build on previous hardening of the L-root server. Establish performance targets and measure performance against them to ensure ongoing stable operations; encourage geographical diversity of the L-root server in regional areas.

9. Continue to implement best practice project management processes to:
  1. Identify project milestones and deliverables,
  2. Improve project delivery,
  3. Budget and measure project spending, and
  4. Improve transparency.
10. Procedures for dealing with emergency situations and potential business failure of key operational entities:
  1. Fully implement contingency plans and study the effect of registry and registrar failover in order to appropriately protect registrants and report on this to the community in ways that do not compromise security.
  2. Implement an emergency response plan for ICANN, i.e., responses for different emergency situations (internal and external), ensuring agreed processes with key partners, ensuring full operational redundancy, preparing messaging strategies; reporting on these plans to the community in ways that do not compromise security.
11. Further improve accountability of the operating planning and the budget process and ensure a level of revenue appropriate for ICANN mission and objectives:
  1. Further refine project based budgets and measurement and reporting of performance against those budgets.
  2. Ensure there is sufficient budget to accomplish the objectives set out in this plan. In accordance with sound business practice, continue to establish diverse, consistent sources for revenue. This includes developing new sources for revenue presently not included in the ICANN budget.
12. Improve response to requests for technical advice:
  1. Build capability to respond to requests in developing countries and undertake comprehensive study as required to provide understanding, and establishing service metrics (such as turnaround times).
  2. Facilitate ICANN processes (such as requests to the IANA function) with appropriate expert advice.
13. Maintain and improve internal Information Technology infrastructure used to support critical ICANN operations (eg ICANN staff, meetings, publishing services).
14. Develop and implement a workforce planning methodology for ICANN staff to attract and retain high quality staff. Implement a workforce planning

methodology, develop and improve recruitment and retention processes, improve performance metrics, monitor against turnover targets.

15. The challenges posed by growth are significant. They must be given high priority if ICANN is to remain effective while facing the organization and operation issues posed by the managing this great amount of change. Monitor workloads, and analyse implications of increased demand on ICANN operations and policy processes. Identify and develop ways of improving scalability and achieving or deriving economies of scale for operations and policy development support. Use previous experience to develop staff requirements.

## **2. Organizational excellence in Policy Development**

1. Undertake research and publish papers (with translations where appropriate) to help the community better understand technical issues, economic issues, user and registrant needs, market expectations and behaviour, business models and the implications of these factors on ICANN policy development, and also the implications of ICANN policies on Internet users
2. Improve the efficiency and effectiveness of Supporting Organizations and Advisory Committees, including:
  1. Conducting independent reviews and working with the community to implement improvements in the processes of Supporting Organizations and Advisory Committees.
  2. Working with the community to identify and implement improvements in policy support and policy processes, including the Policy Development Process.
  3. Developing and implementing an evaluation and review process for all ICANN consensus policy work, including development, implementation and impact.
  4. Broadening and deepening capability for policy development work in Supporting Organizations to enable distribution of tasks across a greater number of parties.
  5. Supporting regular planning to assist effective resource management for policy work.
  6. Provide Supporting Organizations and Advisory Committees with the correct level of staff and other support to facilitate efficient and effective policy development.
  7. Improve cooperation and coordination of the activities of the GAC with the ICANN Board and with other constituencies, especially so as to facilitate effective engagement of the GAC in processes and consideration of GAC advice on policy issues.

### **3. Increase international participation in ICANN and the use of the Internet system of unique identifiers**

1. Improve the ability of stakeholders to participate in ICANN processes, including participation in languages other than English:
  1. Implement a translation policy designed to effectively meet the objectives of the organisation that takes into account stakeholder requirements, the need for effective and economic programs, and the goal of raising participation levels.
  2. Work with the ICANN stakeholder community to develop and implement an attendance program and other programs to improve stakeholder participation, particularly to encourage potential participants in least developed countries. Establish and monitor metrics for participation by region.
2. Work with the community to redesign ICANN business and policy development support practices and processes to meet the needs of a global audience:
3. In each region, work with country code TLD managers and operators, local Internet communities (including governments, private sector and civil society) and regional organizations to develop and monitor outreach programs for their region to improve capabilities in IP address, domain name and root management services:
  1. Implement a plan for each region (to include active ongoing liaison with regional organizations and declaration of intent for programs in each region).
  2. Working with the ccNSO, develop recommended best practices for technical aspects of DNS management in ccTLDs.
  3. Monitor and report against plan.
  4. Leverage the skills embedded in ccTLDs to facilitate communications in languages familiar to participants.
4. Conduct outreach and education regarding the planned deployment of IDN TLDs. Support ccNSO policy development efforts so that ccTLDs can realize benefits of this development.
5. Encourage ccTLD participation in the ccNSO.

## **4. Increase participation in and efficiency of the ICANN multi-stakeholder environment**

1. Improve and deepen participation in the ICANN process by stakeholders:
  1. In partnership with constituency groups, develop and implement plans to increase participation for each stakeholder group, and measure results against targets.
  2. Provide education and engage business and technical experts to inform the new participants.
  3. Undertake an ongoing review of ICANN's meetings program to ensure they facilitate achievement of ICANN's mission and encourage participation in the ICANN process, including support for remote participation.
2. Conduct a review of the Nominating Committee and implement recommendations to improve ICANN's ability to recruit for key leadership positions.
3. Implement and refine a communications plan that clearly explains ICANN's mission and communicates ICANN's activities and achievements.
4. Implement a program to enhance and develop relevant skills and knowledge in existing participants and in the next generation of ICANN leadership.
5. Develop and implement a knowledge management program to institutionalize corporate memory and communicate core ICANN values.
6. Strengthen relationships with key partners as needed to assist ICANN in carrying out its mission, including through existing mechanisms and forums. Specifically acknowledge and identify the role of technical, policy making, advisory, governmental, regional, service and educational groups with whom ICANN partners as the first step toward increasing participation in the ICANN model.
7. Identify key forums with which ICANN should interact to:
  1. Assist in dealing with issues that are related to but not in ICANN's ambit
  2. Facilitate ICANN's mission by engaging those not typically involved in ICANN-related forums

## **5. Complete transition of technical coordination of the Internet's system of unique identifiers**

1. Perform ICANN's obligations described in the Joint Project Agreement and continue to perform ICANN's mission as originally defined, taking account of the aspirations of the developing world.
2. Through the GAC, involve governments in the transition planning.
3. Formalize relationships with ICANN stakeholder groups.
4. Maintain close contact with key stakeholders to define progress steps to transition to private sector management of the Internet system of unique identifiers.
5. Implement mechanisms to report on ICANN's openness, transparency, inclusiveness and its multilateral and multi-stakeholder environment:
  1. Produce annual reports to the community.
  2. Embed management operating principles that include governance best practices.
  3. Benchmark or audit ICANN accountability and transparency and implement best practice in accountability and transparency.
  4. Ensure effective accountability to ICANN stakeholders and the community.
6. As required by the Board resolution of 29 September 2006, conduct a review of appropriate administrative structure for ICANN. Such a review should consider the recommendations and observations of the President's Strategy Committee.

3.3.4 Public comments on current draft  
Strategic Plan (2008-2011)  
<http://forum.icann.org/lists/stratplan-2008/>

ICANN

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- **2008 Jan 07**
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  - [LOST ACCOUNT/DOMAIN](#) JORGE GEMPEL
- **2007 Dec 30**
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  - [forum active](#) Communications

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3.4.1 Current Operating Plan (2007-2008)  
<http://icann.org/planning/ops-plan-intro-fy07-08.pdf>

## **Introduction to the Draft ICANN Operating Plan For Fiscal Year 2007-2008**

This draft version of the ICANN 2007-2008 Operating Plan is being submitted for community input and feedback. Ultimately, this plan and an approved ICANN budget will guide ICANN's work and deliverables for the 2007-2008 fiscal year.

In accordance with ICANN's planning cycle, ICANN has developed its Strategic Plan during the first half of the present 2006-2007 fiscal year (July – December). After community consultation, the current Strategic Plan (see: <http://www.icann.org/strategic-plan/consultation-process-2006-07/>) was adopted in Sao Paulo in December, 2006. During the second half of the fiscal year, ICANN points its planning activities toward the annual Operating Plan and Budgeting, i.e., the one-year plan that works to accomplish the objectives set out in the three-year Strategic Plan.

A key element of the Operating Plan for 2006-2007 was a focus on projects. A key benefit of that approach was to better identify tasks, resources and deliverables of plan elements, as well as providing a proven management methodology for implementing them. In developing an Operating Plan this fiscal year, it was found that the sum of ICANN work could be better described by:

- Including "business as usual" activities. Most of ICANN work is included in these activities that are not project-related. Projects can't exist outside of the demands of this other work.
- Projects are undertaken to improve an existing activity or establish a new activity. Therefore each project is associated with an ICANN activity so that the benefits of the project can be quantified by improvements in performance.
- Identifying fewer undertakings as "projects." The formal project management methodology will then be applied only to the most resource intensive projects where those methods will improve efficiency. Other continuous improvement efforts are identified in the plan as an aspect of ongoing work.

The 2007-2008 Operating Plan, continues the project management approach, while explicitly identifying ongoing business activities of interest to the community. This plan identifies:

**Activities:** Specific deliverables or service elements provided by a functional area. (Example: IANA processing root zone change requests).

Standard/Metric: What the measure of success should be for that activity. (Example: Days to completion of a change request.) Due to the nature of the work, this standard or metric is often a qualitative statement of what ICANN intends to measure. ICANN will continue to identify quantitative measures for many of these activities over time.

Existing Work: Identifying specific initiatives under way that improve or add to an activity. (Example: significant formalisation of the contractual compliance processes.)

New Work: Identifying initiatives in the new fiscal year that will improve or add to an activity. (Example: IANA work to coordinate delegation request reporting.)

Projects: Work and tasks that rise to the level of a project to address a particular activity area. (Example: Implementation of the anticipated consensus policy for designation of new top-level domains.)

The complete plan is presented twice, organized from two different perspectives:

1. The first plan presentation is organized by ICANN functional area. This presentation aids understanding of how various activities are interrelated. Further, the interests of a particular constituency might fall within the domain of a specific ICANN function.
2. The second plan presentation is organized by strategic objective, mapped directly from ICANN's strategic plan. This presentation shows how ICANN activities support ICANN's strategic imperatives.

This plan will be updated and revised based on community feedback received during and after the ICANN meeting in Lisbon. The plan will then be costed to develop the annual expense budget that will be submitted for approval at the ICANN meeting in San Juan. Obviously, there will be some iteration between the Operating Plan set of activities and projects and the ICANN Budget – projects and activities will be amended/dropped/tailored to ensure the work provide an adequate return on investment and is adequately funded.

This Operating Plan intends to clearly describe: the totality of ICANN work in terms of business as usual and new projects, start to explicitly identify metrics, and enable better resource planning and budgeting. In preparing the 2008-2009 Operating Plan, it will be useful to review this approach, in order to provide for continual improvement of the planning process.

3.6.1 Webcasts from ICANN Meetings in  
Lisbon, Portugal, March 2007  
[http://www.icann.org/meetings/lisbon/lisbon-  
video.html](http://www.icann.org/meetings/lisbon/lisbon-video.html)

## Webcasts from ICANN Meetings in Lisbon, Portugal

26 - 30 March 2007

The following webcast files (Real Player format) recording the [March 2007 ICANN Meeting in Lisbon, Portugal](#) available for streaming access. A streaming RealVideo player, required to view these files, [can be obtained here](#).

### ICANN Welcome Ceremony

- 26 March 2007
  - <http://media1.icann.org/ramgen/2007/lisbon/welcome-26march07.rm>

### IPV6 Tutorial

- 25 March 2007
  - <http://media1.icann.org/ramgen/2007/lisbon/ipv6-25march07.rm>

### Domain names Tutorial

- 25 March 2007
  - <http://media1.icann.org/ramgen/2007/lisbon/domain-names-tutorial-25march07.rm>

### ICANN Public Forum (Day 1)

- 26 March 2007
  - <http://media1.icann.org/ramgen/2007/lisbon/pub-forum-26march07-1.rm>
  - <http://media1.icann.org/ramgen/2007/lisbon/pub-forum-26march07-2.rm>

### ICANN Public Forum - GNSO Improvements

- 26 March 2007
  - <http://media1.icann.org/ramgen/2007/lisbon/pub-forum-gnsso-improv-26march07.rm>

### President's Strategy Committee Workshop (Day 1)

- 26 March 2007
  - <http://media1.icann.org/ramgen/2007/lisbon/president-strat-com-workshop-26march07.rm>

### CCNSO Members Meeting

- 27 March 2007
  - <http://media1.icann.org/ramgen/2007/lisbon/ccnsso/ccnsso-27march07.rm>
  - <http://media1.icann.org/ramgen/2007/lisbon/ccnsso/ccnsso-27march07-1.rm>
  - <http://media1.icann.org/ramgen/2007/lisbon/ccnsso/ccnsso-27march07-2.rm>
- 28 March 2007
  - <http://media1.icann.org/ramgen/2007/lisbon/ccnsso/ccnsso-28march07.rm>
  - <http://media1.icann.org/ramgen/2007/lisbon/ccnsso/ccnsso-28march07-1.rm>

### CCNSO Council Meeting

- 28 March 2007
  - <http://media1.icann.org/ramgen/2007/lisbon/ccnsso/ccnsso-council-mtg-28march07.rm>

### SSAC Open Meeting

- 28 March 2007
  - <http://media1.icann.org/ramgen/2007/lisbon/ssac-pub-workshop-28march07.rm>

### President's Strategy Committee Workshop (Day 2)

- 28 March 2007
  - <http://media1.icann.org/ramgen/2007/lisbon/president-strat-com-workshop-28march07.rm>

**DNSSEC Workshop**

- 28 March 2007
  - <http://media1.icann.org/ramgen/2007/lisbon/dnssec-pub-workshop-28march07.rm>

**IDN Workshop**

- 28 March 2007
  - <http://media1.icann.org/ramgen/2007/lisbon/idn-workshop-28march07.rm>

**Nominating Committee Workshop**

- 28 March 2007
  - <http://media1.icann.org/ramgen/2007/lisbon/nomcom-workshop-28march07.rm>

**GNSO Public Forum and Council Meeting**

- 28 March 2007
  - <http://media1.icann.org/ramgen/2007/lisbon/gnso-pub-forum-28march07.rm>

**ICANN Public Forum (Day 2)**

- 29 March 2007
  - <http://media1.icann.org/ramgen/2007/lisbon/pub-forum-part2-29march07.rm>
  - <http://media1.icann.org/ramgen/2007/lisbon/pub-forum-part2-29march07-1.rm>

**ICANN Board Meeting**

- 30 March 2007
  - <http://media1.icann.org/ramgen/2007/lisbon/board-mtg-30march07.rm>
  - <http://media1.icann.org/ramgen/2007/lisbon/board-mtg-30march07-1.rm>

### 3.6.2 Webcasts from ICANN Meetings in San Juan, Puerto Rico, June 2007

<http://sanjuan2007.icann.org/schedule/>



## Schedule and Agenda

SATURDAY 23-Jun	SUNDAY 24-Jun	MONDAY 25-Jun	TUESDAY 26-Jun	WEDNESDAY 27-Jun	THURSDAY 28-Jun	FRIDAY 29-Jun
<a href="#">At Large</a>	<a href="#">ASO</a>	<a href="#">Board</a>	<a href="#">ccNSO</a>	<a href="#">Constituency</a>	<a href="#">GAC</a>	<a href="#">GNSO</a>
<a href="#">IANA</a>	<a href="#">Public Forum</a>	<a href="#">SSAC</a>	<a href="#">Ombudsman</a>	<a href="#">Fellowship Program</a>	<a href="#">Strategic Planning</a>	

Sort by Date	Sort by Committee / Organization	Webcast?		
Is Greater Than Less Than Or Equals <All>now12345678910111213141516171819202122232425262728293031	<All>At LargeBoardccNSOcommitteeConstituencyFellowship ProgramGACGNSOIANaOtherPublic ForumSSAC	<All>- None selected -		
Starts	Ends	Event	Room	Webcast?
Saturday, 23 June, 2007 - 09:00	Saturday, 23 June, 2007 - 10:00	<a href="#">GNSO Working Group: Protecting the Rights of Others</a>	Flamingo A/B	
Saturday, 23 June, 2007 - 10:30	Saturday, 23 June, 2007 - 12:00	<a href="#">San Juan ccTLD Policy Workshop - Caribbean ccTLD Community</a>	Las Olas	
Saturday, 23 June, 2007 - 10:30	Saturday, 23 June, 2007 - 11:30	<a href="#">Reserved Names Working Group</a>	Flamingo A/B	
Saturday, 23 June, 2007 - 11:30	Saturday, 23 June, 2007 - 12:30	<a href="#">GNSO New gTLD Discussion</a>	Flamingo A/B	
Saturday, 23 June, 2007 - 13:30	Saturday, 23 June, 2007 - 18:00	<a href="#">San Juan ccTLD Policy Workshop - Caribbean ccTLD Community</a>	Las Olas	
Saturday, 23 June, 2007 - 14:00	Saturday, 23 June, 2007 - 18:00	<a href="#">GNSO Working Group: New gTLDs</a>	Flamingo A/B	
Sunday, 24 June, 2007 - 09:00	Sunday, 24 June, 2007 - 11:00	<a href="#">ICANN Board/GAC Joint Working Group (CLOSED)</a>	San Cristobal A	
Sunday, 24 June, 2007 - 09:00	Sunday, 24 June, 2007 - 17:00	<a href="#">At-Large North American Regional Meeting</a>	Tropical C	
Sunday, 24 June, 2007 - 09:00	Sunday, 24 June, 2007 - 12:00	<a href="#">GNSO Working Group: WHOIS</a>	Flamingo A/B	
Sunday, 24 June, 2007 - 09:30	Sunday, 24 June, 2007 - 17:00	<a href="#">At-Large LAC Region First General Assembly</a>	Tropical A/B	
Sunday, 24 June, 2007 - 11:15	Sunday, 24 June, 2007 - 13:00	<a href="#">GAC Working Group on IDN (CLOSED)</a>	San Cristobal A	
Sunday, 24 June, 2007 - 13:30	Sunday, 24 June, 2007 - 14:30	<a href="#">ICANN Roundtable Orientation</a>	San Cristobal B	
Sunday, 24 June, 2007 - 13:45	Sunday, 24 June, 2007 - 15:15	<a href="#">GNSO Working Group: WHOIS</a>	Flamingo A/B	
Sunday, 24 June, 2007 - 14:00	Sunday, 24 June, 2007 - 15:45	<a href="#">GAC Working Group on IDN (CLOSED)</a>	San Cristobal A	
Sunday, 24 June, 2007 - 15:00	Sunday, 24 June, 2007 - 16:30	<a href="#">Tutorial: IPv6</a>	San Geronimo A/B	
Sunday, 24 June, 2007 - 15:30	Sunday, 24 June, 2007 - 17:30	<a href="#">GAC Working Group 1: Joint Session with GNSO on WHOIS and New gTLDs</a>	San Cristobal A	
Sunday, 24 June, 2007 - 16:00	Sunday, 24 June, 2007 - 17:00	<a href="#">ICANN Fellowship Participants Meeting</a>	Las Olas	
Sunday, 24 June, 2007 - 17:30	Sunday, 24 June, 2007 - 19:00	<a href="#">Tutorial: Domain Tasting</a>	San Geronimo A/B	
Monday, 25 June, 2007 - 09:00	Monday, 25 June, 2007 - 09:45	<a href="#">Welcome Ceremony</a>	San Geronimo	webcast
Monday, 25 June, 2007 - 10:30	Monday, 25 June, 2007 - 11:45	<a href="#">ICANN Public Forum</a>	San Geronimo	webcast
Monday, 25 June, 2007 - 12:00	Monday, 25 June, 2007 - 13:45	<a href="#">Workshop: Protection of Registrants</a>	San Geronimo	webcast
Monday, 25 June, 2007 - 13:30	Monday, 25 June, 2007 - 14:00	<a href="#">Joint ccNSO/ALAC Meeting</a>	San Cristobal B	
Monday, 25 June, 2007 - 14:00	Monday, 25 June, 2007 - 15:45	<a href="#">SSAC Briefing (GAC and ccTLD Operators in Closed Session)</a>	San Cristobal A	
Monday, 25 June, 2007 - 14:30	Monday, 25 June, 2007 - 16:30	<a href="#">GNSO Public Forum on New gTLDs</a>	San Cristobal B	webcast
Monday, 25 June, 2007 - 16:00	Monday, 25 June, 2007 - 17:00	<a href="#">ICANN Fellowship Participants Meeting</a>	Las Olas	
Monday, 25 June, 2007 - 16:00	Monday, 25 June, 2007 - 18:00	<a href="#">GAC and ccNSO Joint Meeting on IDN in cc Space</a>	San Cristobal A	
Monday, 25 June, 2007 - 16:30	Monday, 25 June, 2007 - 18:30	<a href="#">ICANN Public Forum: GNSO Improvements</a>	San Geronimo	webcast
Monday, 25 June, 2007 - 16:45	Monday, 25 June, 2007 - 18:15	<a href="#">SSAC Open Meeting</a>	San Cristobal B	webcast
Tuesday, 26 June, 2007 - 09:00	Tuesday, 26 June, 2007 - 10:45	<a href="#">GAC Working Group on IPv6 (CLOSED)</a>	San Cristobal A	
Tuesday, 26 June, 2007 - 09:00	Tuesday, 26 June, 2007 - 17:00	<a href="#">gTLD Registries Constituency Meeting</a>	Flamingo A/B	
Tuesday, 26 June, 2007 - 09:00	Tuesday, 26 June, 2007 - 18:00	<a href="#">Registrars Constituency Meeting</a>	San Geronimo C	
Tuesday, 26 June, 2007 - 09:00	Tuesday, 26 June, 2007 - 17:00	<a href="#">Non-Commercial Users Constituency</a>	Flamingo C	
Tuesday, 26 June, 2007 - 09:30	Tuesday, 26 June, 2007 - 17:00	<a href="#">ccNSO Members Meeting</a>	San Cristobal B	webcast
Tuesday, 26 June, 2007 - 10:00	Tuesday, 26 June, 2007 - 12:00	<a href="#">Cross Constituency Meeting</a>	San Geronimo A/B	
Tuesday, 26 June, 2007 - 11:00	Tuesday, 26 June, 2007 - 13:00	<a href="#">GAC Working Group on Reform and Methods of Work (CLOSED)</a>	San Cristobal A	
Tuesday, 26 June, 2007 - 12:30	Tuesday, 26 June, 2007 - 14:30	<a href="#">Workshop: New Geo-TLDs - More Consumer Choice or More Consumer Confusion? (Co-sponsors: NCUC, At-Large)</a>	San Geronimo A/B	
Tuesday, 26 June, 2007 - 14:00	Tuesday, 26 June, 2007 - 16:30	<a href="#">GAC Plenary (CLOSED)</a>	San Cristobal A	
Tuesday, 26 June, 2007 - 14:00	Tuesday, 26 June, 2007 - 17:00	<a href="#">Intellectual Property Interests Constituency Meeting</a>	Conference Room 8	
Tuesday, 26 June, 2007 - 14:00	Tuesday, 26 June, 2007 - 17:00	<a href="#">Internet Service and Connectivity Providers Constituency Meeting</a>	Flamingo D	
Tuesday, 26 June, 2007 - 14:00	Tuesday, 26 June, 2007 - 16:00	<a href="#">Commercial and Business Users Constituency</a>	Tropical A/B	
Tuesday, 26 June, 2007 - 16:00	Tuesday, 26 June, 2007 - 17:00	<a href="#">ICANN Fellowship Participants Meeting</a>	Las Olas	
Tuesday, 26 June, 2007 - 16:45	Tuesday, 26 June, 2007 - 18:00	<a href="#">GAC Meeting with the ICANN Board (OPEN SESSION)</a>	San Cristobal A	
Tuesday, 26 June, 2007 - 18:00	Tuesday, 26 June, 2007 - 18:00	<a href="#">Joint ccNSO - GAC Session</a>	San Cristobal A	

Wednesday, 27 June, 2007 - 08:30	Wednesday, 27 June, 2007 - 09:00	GAC Program Committee Meeting (CLOSED)	San Cristobal A	
Wednesday, 27 June, 2007 - 08:30	Wednesday, 27 June, 2007 - 10:30	GNSO Public Forum	San Geronimo	webcast
Wednesday, 27 June, 2007 - 09:00	Wednesday, 27 June, 2007 - 13:00	GAC Plenary (CLOSED)	San Cristobal A	
Wednesday, 27 June, 2007 - 09:00	Wednesday, 27 June, 2007 - 16:30	ccNSO Members Meeting	San Cristobal B	webcast
Wednesday, 27 June, 2007 - 09:00	Wednesday, 27 June, 2007 - 10:00	Caribbean Community Strategic Plan Consultation	Flamingo A/B	
Wednesday, 27 June, 2007 - 10:00	Wednesday, 27 June, 2007 - 11:00	French Strategic Plan Consultation	Flamingo A/B	
Wednesday, 27 June, 2007 - 10:30	Wednesday, 27 June, 2007 - 12:30	GNSO Council Meeting	San Geronimo	webcast
Wednesday, 27 June, 2007 - 10:30	Wednesday, 27 June, 2007 - 12:00	ASO Information Session	Tropical A, B and C	
Wednesday, 27 June, 2007 - 11:00	Wednesday, 27 June, 2007 - 12:00	<a href="#">Spanish Strategic Plan Consultation (Consultas sobre el Plan Estratégico en Español)</a>	Flamingo A/B	
Wednesday, 27 June, 2007 - 13:00	Wednesday, 27 June, 2007 - 15:30	NCUC/At-Large - gTLDs - Freedom of Expression	San Geronimo	webcast
Wednesday, 27 June, 2007 - 14:00	Wednesday, 27 June, 2007 - 18:00	GAC Plenary (CLOSED)	San Cristobal A	
Wednesday, 27 June, 2007 - 16:00	Wednesday, 27 June, 2007 - 18:00	<a href="#">Workshop: Internationalised Domain Names (IDNs)</a>		
Wednesday, 27 June, 2007 - 16:00	Wednesday, 27 June, 2007 - 17:00	*CANCELLED		
Wednesday, 27 June, 2007 - 16:00	Wednesday, 27 June, 2007 - 17:30	<a href="#">ICANN Fellowship Participants Meeting</a>	Las Olas	
Wednesday, 27 June, 2007 - 17:00	Wednesday, 27 June, 2007 - 18:00	<a href="#">Workshop: Accountability and Transparency</a>		
Thursday, 28 June, 2007 - 08:00	Thursday, 28 June, 2007 - 17:00	Management Operating Principles Consultations	San Geronimo	webcast
Thursday, 28 June, 2007 - 08:30	Thursday, 28 June, 2007 - 12:00	ccNSO Council Meeting	San Cristobal B	webcast
Thursday, 28 June, 2007 - 12:00	Thursday, 28 June, 2007 - 12:15	ccTLD Technical Meeting	San Cristobal B	
Thursday, 28 June, 2007 - 12:15	Thursday, 28 June, 2007 - 13:15	ICANN Public Forum	San Geronimo	webcast
Thursday, 28 June, 2007 - 13:30	Thursday, 28 June, 2007 - 15:00	North American Region RALO Signing	San Geronimo	webcast
Thursday, 28 June, 2007 - 14:00	Thursday, 28 June, 2007 - 16:00	Workshop: Internet Governance	San Geronimo	webcast
Thursday, 28 June, 2007 - 16:00	Thursday, 28 June, 2007 - 18:00	<a href="#">Geeks and Greeks: A Dialogue on Technology, Policy and the Internet</a>	Room L-2 The University of Puerto Rico Law School, Río Piedras	
Thursday, 28 June, 2007 - 16:00	Thursday, 28 June, 2007 - 17:00	<a href="#">At-Large Policy Priorities Discussion</a>	Flamingo C/D	
Friday, 29 June, 2007 - 08:30	Friday, 29 June, 2007 - 13:00	<a href="#">At-Large Advisory Committee Meeting</a>	Flamingo C/D	
		<a href="#">ICANN Fellowship Participants Meeting</a>	Las Olas	
		<a href="#">Meeting of the ICANN Board</a>	San Geronimo	webcast

[Back to top](#)

[Log in](#)

## Welcome to the San Juan Meeting Site

[The 29th International Public ICANN Meeting in San Juan, Puerto Rico, has concluded. You can still use your login at <http://public.icann.org/>.](#)

[Visit the main ICANN Public Participation Site at <http://public.icann.org>](#)

3.6.3 Webcasts from ICANN Meetings in  
Los Angeles, November 2007  
<http://losangeles2007.icann.org/schedule?filter1=33>

# Los Angeles 2007

[SCHEDULE / AGENDA](#)
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## Schedule and Agendas

**EVENTS BY DATE** [all](#) | [SAT, 27 OCT](#) | [SUN, 28 OCT](#) | [MON, 29 OCT](#) | [TUE, 30 OCT](#) | [WED, 31 OCT](#) | [THU, 1 NOV](#) | [FRI, 2 NOV](#) | [SAT, 3 NOV](#)

**EVENTS BY SUBJECT** [all](#) | [ccTLDs](#) | [IDNs](#) | [IPv6](#) | [New gTLDs](#) | [Strategic Planning](#) | [Translations](#) | [Whois](#)

**EVENTS BY TYPE** [all](#) | [Public Forum](#) | [Social Events](#) | [Working Groups](#) | [Workshops](#)

### All Webcast Events

[Sort by Date](#)
[Sort by Organisation](#)

<All>	<All>	<input type="submit" value="Submit"/>
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Day	Starts	Ends	Event	Room
Sun 28 Oct	14:00	15:30	IANA Workshop: IPv6	
Sun 28 Oct	16:00	17:30	IANA Workshop Part II: IPv6	
Mon 29 Oct	9:00	9:45	Welcome Ceremony	
Mon 29 Oct	10:30	11:00	ICANN Public Forum: President's Report and Comments	
Mon 29 Oct	11:00	12:30	DNSSEC In The Field: Asia-Pacific and IANA	
Mon 29 Oct	11:00	12:30	Workshop: GNSO Improvements	
Mon 29 Oct	13:00	19:00	GNSO Workshop on New gTLDs	
Tue 30 Oct	9:00	17:00	ccNSO Members Meeting	
Wed 31 Oct	8:30	10:00	Open GNSO Council Meeting	
Wed 31 Oct	9:00	15:15	ccNSO Members Meeting	
Wed 31 Oct	10:30	12:00	Open GNSO Council Meeting continued	
Wed 31 Oct	13:00	14:00	Workshop: Internet Governance	
Wed 31 Oct	13:30	15:00	SSAC Open Meeting	
Wed 31 Oct	14:00	15:00	Workshop: ICANN Translation Policy	
Wed 31 Oct	17:00	18:30	Workshop: ICANN Nominating Committee Review	
Thu 01 Nov	8:30	13:00	ICANN Public Forum	
Fri 02 Nov	8:30	13:00	Meeting of the ICANN Board	

3.7.1 Blog Entries, Archive for March, 2007  
<http://blog.icann.org/?m=200703>

# ICANN Blog

Internet Corporation for Assigned Names and Numbers

---

## Archive for March, 2007

[« Previous Entries](#)

### RegisterFly Update March 31

Saturday, March 31st, 2007

This is an update on the termination of RegisterFly as an ICANN accredited registrar.

As was previously advised ICANN sent a notice of termination to RegisterFly effective 31 March 2007

Under the agreement RegisterFly can initiate arbitration challenging the termination.

RegisterFly has decided to do that and has notified ICANN.

That means the termination has to be stayed by at least an additional thirty days.

Consequently there will be no bulk transfer to another Accredited registrar until further notice.

This clearly does not help registrants. It is another example of RegisterFly putting its own interests ahead of its customers.

ICANN is committed to pursuing RegisterFly under the terms of the Agreement.

ICANN has filed suit in Federal Court in the Central District of California to require RegisterFly to turn over all registrant data and to require them to provide updates every 48 hours and open up their books for audit. This will assist in making sure the data is accurate when a bulk transfer does occur or if the data is otherwise not available from the operators of RegisterFly. ICANN

RegisterFly is still required to assist registrants who want to transfer to another Registrar.

ICANN will provide more updates as information becomes available.

Posted in [ICANN](#) | [52 Comments](#) »

### Board discussion over .xxx

Friday, March 30th, 2007

Board discussion over .xxx

The following discussion took place between ICANN Board members with regard to the .xxx domain in a public meeting in Lisbon, Portugal on Friday 30 March 2007:

**Note:** Although transcript output is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the

session, but should not be treated as an authoritative record.

---

**Explanation:** The Board voted on a resolution that rejected the .xxx application, so a vote “yes” meant saying “no” to the application. This is an edited excerpt of the full meeting transcript, broken down according to each Board member and produced in an effort to provide easy access to the substantive discussion. [For the full transcript click here.](#)

[\(more...\)](#)

Posted in [ICANN](#) | [3 Comments](#) »

## [Board resolutions, Lisbon 2007](#)

Friday, March 30th, 2007

The following resolutions were passed by the ICANN Board on Friday 30 March 2007 in Lisbon.

---

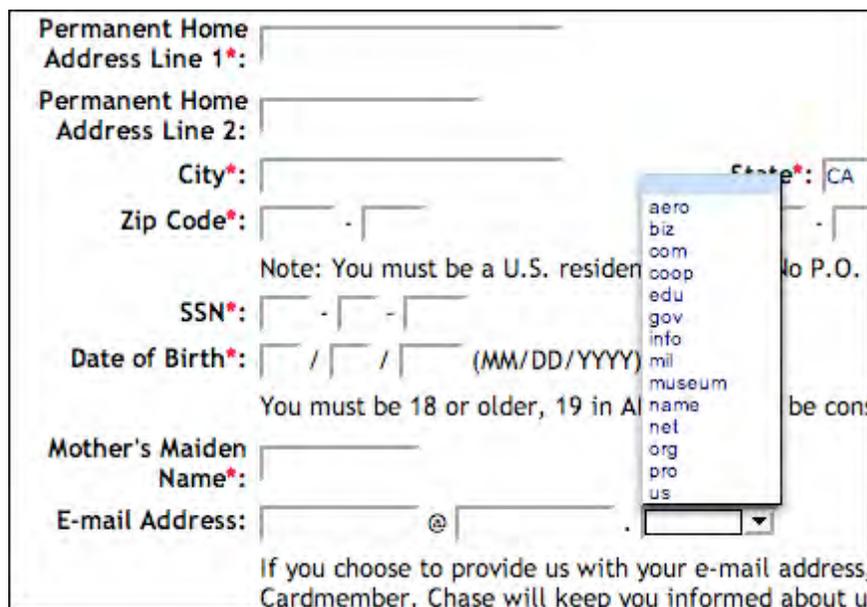
[\(more...\)](#)

Posted in [ICANN](#) | [No Comments](#) »

## [What's wrong with this picture?](#)

Wednesday, March 28th, 2007

Here is a screen shot from a bank's website. Do you see anything wrong with it?



The screenshot shows a web form with several input fields: "Permanent Home Address Line 1\*", "Permanent Home Address Line 2:", "City\*", "Zip Code\*", "SSN\*", "Date of Birth\*" (with a note "(MM/DD/YYYY)"), "Mother's Maiden Name\*", and "E-mail Address:". A dropdown menu is open over the "E-mail Address" field, displaying a list of domain extensions: "aero", "biz", "com", "coop", "edu", "gov", "info", "mil", "museum", "name", "net", "org", "pro", and "us". The "E-mail Address" field is partially filled with "name@". Below the form, there is a note: "If you choose to provide us with your e-mail address, Cardmember, Chase will keep you informed about u".

Of course, the answer is yes. This website is artificially constraining a wide variety of valid Internet users from entering their valid email address into the web form. Users of domains like **.travel**, **.jobs**, **.tv** or **.ca** would have a hard time entering their name into a form like this.

As a result of problems such as these, ICANN has been developing a [toolkit for application developers](#) so they can use more robust techniques for verifying the validity of domain names. The aim of the toolkit is

for software developers to be able to accurately test for valid top-level domains and ensure that the situation above does not occur.

Whilst it is not clear to me why a credit card application needs to be so structured, if they choose to do so, it makes sense that they do so in a way that will not disadvantage users of specific top-level domains.

Posted in [ICANN](#) | [7 Comments »](#)

## [Documentos en español...](#)

Wednesday, March 28th, 2007

Varios documentos que se están discutiendo esta semana en la [reunión de Lisboa](#) están disponibles en español. Por ejemplo:

- Una útil [descripción](#) de la organización de apoyo de nombres genéricos (GNSO) y el proceso de desarrollo de políticas.
- Un documento que describe las políticas en materia de [condiciones contractuales](#) para los gTLDs existentes.
- El [informe final](#) del Grupo de Trabajo de GNSO sobre los servicios del WHOIS.
- Una [versión resumida](#) del informe completo ([en inglés](#)) del Grupo de Trabajo de GNSO sobre la introducción de nuevos dominios genéricos de alto nivel.

Los documentos están disponibles desde el [wiki del ALAC](#), más específicamente en [esta sección](#). Asimismo, podrán encontrar [AQUI](#) una traducción al español de la presentación sobre el [Plan Operativo](#), que también se está discutiendo en Lisboa y que es sustento del presupuesto de ICANN.

Reconozco que las traducciones no son las mejores pero a la vez, creo que es un excelente intento por cubrir la demanda de la comunidad de que los documentos estén disponibles en español.

¡Saludos!

Pablo Hinojosa

Enlace Regional de ICANN para América Latina

Posted in [Español](#), [Languages](#), [Participation](#), [Global Partnerships](#), [Policy](#), [ICANN](#) | [7 Comments »](#)

## [University Outreach Event Tomorrow](#)

Wednesday, March 28th, 2007

In conjunction with the 28th International ICANN Meeting in Lisbon, Portugal, tomorrow (Thursday, 29 March 2007) ICANN will conduct a [special outreach event](#) at the University of Lisbon. The event is 14:30-17:00, Faculty of Sciences of the University of Lisbon (Faculdade de Ciências da Universidade de Lisboa) Quinta-freira, Auditorio 8.2.47. The event is intended for students and faculty, and will feature an introduction by Vint Cerf, Chairman of the ICANN Board of Directors.

Posted in [ICANN](#) | [No Comments »](#)

## [Des documents traduits... en français !](#)

Wednesday, March 28th, 2007

Certains documents qui sont discutés en ce moment même à la réunion de Lisbonne ont été traduits en français et [sont accessibles ici](#).

En espérant qu'ils vous seront utiles, merci de m'envoyer les commentaires et suggestions que vous auriez sur le contenu de ces documents et leur pertinence. Bonne lecture.

- [Whois](#)
- [Projet de gestion de l'organigramme des demandes de l'organisation d'internautes \(OI\) Nouveaux gTLDs](#)
- [Comment obtenir de l'aide pour régler un conflit avec votre registraire](#)
- [Resolution de la communaute des internautes concernant le "domain tasting" et la speculation abusive sur les noms de domaine et leurs consequences sur les internautes](#)
- [Projet de gestion de l'organigramme des demandes de l'organisation d'internautes \(OI\) — Presentation de l'organigramme de gestion des demandes des organisations d'internautes](#)

Posted in [Français](#), [Participation](#), [Policy](#), [ICANN](#) | [2 Comments](#) »

## [\*\*Kevin, Stop The Nonsense: Take the Logo Down and Give us the Data\*\*](#)

Wednesday, March 28th, 2007

To all affected by RegisterFly, I am very sorry for not having provided an update to the Blog before this. We have not been idle.

We are pursuing RegisterFly as hard as we can. The latest development is that ICANN's General Counsel, John Jeffrey, has sent a letter to Kevin Medina telling him his 'time is up'. Read [the letter](#) [pdf] for yourself but the key point is he should give ICANN accurate data and do it now. RegisterFly has twice now given us data. The first time it was insufficient. When we pointed that out and asked a second time - guess what? They sent us exactly the same data - insufficient only this time out of date. We need the data to allow a bulk transfer when they have their accreditation terminated.

Secondly, RegisterFly still has ICANN's logo on it's website even though we have demanded they take it down.

Kevin Medina is the CEO of RegisterFly.

He claims to be acting in the interests of registrants - his customers.

Every day ICANN hears from yet another registrant (another customer of yours, Kevin) saying they want to transfer away from RegisterFly but there are delays, calls that go unanswered, people put on hold without response etc, etc, etc.

So Kevin, here's the thing: why don't you REALLY act in the interests of registrants if you are serious. Stop mucking around with people's lives and livelihoods. You could allow ICANN to authorise a bulk transfer, today, now, this minute. You could take the ICANN logo down today, now, this minute.

You could stop all this RIGHT NOW....and you should.

We won't stop pursuing you under the Agreement Kevin. So get on with it.

Posted in [ICANN](#) | [167 Comments](#) »

## [\*\*What do you think?\*\*](#)

Monday, March 26th, 2007

Well, ICANN today introduced a new website with better navigation and new features.

The site has a new, more useable navigation system and an improved look and feel.

There's a button in the top navigation that allows people to understand our processes and the timelines more clearly. I hope all that means more certainty about the processes and people can more easily

understand how decisions get made and what stage of development a policy or program is at.

The improvement to the website comes in addition to a range of other things we are doing to inform, be more open and to engage in dialogue with the community. We used to do a lot of posting (and we still do) and not a lot of dialogue. I'd like to think that is changing.

[\(more...\)](#)

Posted in [ICANN](#) | [29 Comments](#) »

## [Some ICANN-related statistics](#)

Monday, March 26th, 2007

Here are some statistics from Alexa.com about ICANN and ICANN-related web sites (as of this moment). If you know of other web sites, dedicated primarily on ICANN, please, publish them here as comments.

Ranking	Website	Alexa ranking
1.	Icann.org	<a href="#">11,521</a>
2.	Circleid.com	<a href="#">83,386</a>
3.	Icannwatch.org	<a href="#">314,614</a>
4.	Blog.lextext.com/blog	<a href="#">543,676</a>
5.	Kierenmccarthy.co.uk	<a href="#">642,351</a>
6.	Cavebear.com/cbblog	<a href="#">1,180,448</a>
7.	Internetgovernance.org	<a href="#">3,349,369</a>

Posted in [ICANN](#) | [5 Comments](#) »

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- 

- You are currently browsing the [ICANN Blog](#) weblog archives for March, 2007.

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3.7.2 Blog Entries, Archive for Espanol  
<http://blog.icann.org/?cat=14>

# ICANN Blog

Internet Corporation for Assigned Names and Numbers

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## Archive for the 'Español' Category

### [.pa y .ni al detalle](#)

Tuesday, October 16th, 2007

Se presenta a continuación el tercer programa de audio (podcast), esta vez con los operadores de los ccTLDs .pa de Panamá y .ni de Nicaragua.

En este programa, ya no se hablará tanto de la historia de Internet en estos países sino de cuáles son los retos que enfrentan estos ccTLDs y los proyectos que tienen en curso y pensados a futuro.



En esta ocasión hablan Armando Jipsion y Edna Samudio por .pa y Marvin Castañeda por .ni.

- [Haz click aqui para escuchar el programa](#)

### **ENGLISH**

*This is the third audio podcast featuring ccTLD operators in Latin America. In this programme the ccTLD managers from .pa Panama and .ni Nicaragua talk about the challenges that their ccTLDs are facing and the projects they are implementing now and in the future.*

- [Click here to listen to the programme \[in Spanish\]](#)

[\(more...\)](#)

Posted in [Podcasts](#), [Languages](#), [Español](#), [Global Partnerships](#), [ICANN](#) | [4 Comments](#) »

### [La historia de Internet - la experiencia latinoamericana No.2](#)

Monday, July 23rd, 2007

### **Internet history - the Latin American experience**

Se presenta el segundo podcast sobre la historia de Internet, contada por las personas que ayudaron a desarrollar la red, entrevistadas por Pablo Hinojosa, enlace de ICANN para América Latina, quien pregunta a los administradores de los ccTLDs regionales cómo fue la primera conexión a Internet en sus países.



Photo by [Joi Ito](#)

*This is the second of a series of podcasts covering the history of the Internet as told by the people that helped build it. ICANN's regional relations manager for Latin America, Pablo Hinojosa, asks the managers of the region's top-level domains the story behind how they first set up the network in their country.*

En esta segunda parte, la historia la cuentan: Jorge Raúl Cabañas de Paraguay, Demi Getshko de Brasil, Patricio Poblete de Chile y Oscar Robles de México.

*In this second part, the story is told by: Paraguay's Jorge Raúl Cabañas; Brazil's Demi Getschko; Chile's Patricio Poblete; and Mexico's Oscar Robles.*

[\(more...\)](#)

Posted in [Podcasts](#), [Español](#), [Global Partnerships](#), [ICANN](#) | [7 Comments](#) »

## [Políticas de Traducción](#)

Wednesday, June 27th, 2007

La propuesta de [principios sobre transparencia y rendición de cuentas](#) incluye una [sección sobre traducción](#), la cual se discutirá durante la reunión de San Juan en junio de 2007.

Dichos principios de traducción presentan un marco amplio para traducir los documentos de ICANN, pero no llega a establecer soluciones prácticas. El propósito de esta nota es reconocer que la comunidad ha establecido la traducción de documentos como algo importante y que el siguiente paso es definir los pasos prácticos para que ICANN comience a trabajar en distintos idiomas.

[\(more...\)](#)

Posted in [Español](#), [Participation](#), [Global Partnerships](#), [Policy](#), [ICANN](#) | [No Comments](#) »

## [La historia de Internet - la experiencia latinoamericana No.1](#)

Saturday, June 23rd, 2007

## Internet history - the Latin American experience

Se presenta el primero de una serie de podcasts que cubren la historia de Internet, contada por las personas que ayudaron a desarrollar la red, entrevistadas por Pablo Hinojosa, enlace de ICANN para América Latina, quien pregunta a los administradores de los ccTLDs regionales cómo fue la primera conexión a Internet en sus países.



*In the first of a series of podcasts covering the history of the Internet as told by the people that helped build it, ICANN's regional relations manager for Latin America, Pablo Hinojosa, asks the managers of the region's top-level domains the story behind how they first set up the network in their country.*

En esta primera parte, la historia la cuentan: Rafael Ibarra de El Salvador, Edna Samudio de Panamá, Marvin Castañeda de Nicaragua y Clara Collado de República Dominicana.

*In this first part, the story is told by: El Salvador's Rafael Ibarra; Panama's Edna Samudio de Jaen; Nicaragua's Marvin Castañeda; and the Dominican Republic's Clara Collado.*

[\(more...\)](#)

Posted in [Podcasts](#), [Español](#), [Global Partnerships](#), [ICANN](#) | [4 Comments](#) »

### [Documentos en español...](#)

Wednesday, March 28th, 2007

Varios documentos que se están discutiendo esta semana en la [reunión de Lisboa](#) están disponibles en español. Por ejemplo:

- Una útil [descripción](#) de la organización de apoyo de nombres genéricos (GNSO) y el proceso de desarrollo de políticas.
- Un documento que describe las políticas en materia de [condiciones contractuales](#) para los gTLDs existentes.
- El [informe final](#) del Grupo de Trabajo de GNSO sobre los servicios del WHOIS.

- Una [versión resumida](#) del informe completo ([en inglés](#)) del Grupo de Trabajo de GNSO sobre la introducción de nuevos dominios genéricos de alto nivel.

Los documentos están disponibles desde el [wiki del ALAC](#), más específicamente en [esta sección](#). Asimismo, podrán encontrar [AQUI](#) una traducción al español de la presentación sobre el [Plan Operativo](#), que también se está discutiendo en Lisboa y que es sustento del presupuesto de ICANN. Reconozco que las traducciones no son las mejores pero a la vez, creo que es un excelente intento por cubrir la demanda de la comunidad de que los documentos estén disponibles en español. ¡Saludos!

Pablo Hinojosa  
Enlace Regional de ICANN para América Latina

Posted in [Español](#), [Languages](#), [Participation](#), [Global Partnerships](#), [Policy](#), [ICANN](#) | [7 Comments](#) »

## [Global Partnerships Team - Regional Liaisons](#)

Wednesday, February 14th, 2007



(Ver traducción al Español más abajo)

ICANN has launched a network of liaisons, each with a regional focus, to enhance ICANN's worldwide response and outreach capacity.

While the regional focus of the liaisons is primary, the network is sharing expertise along dimensions such as language, experience and skillsets.

The network is actively working with the community to achieve the strategic goal of enhancing both regional representation and responsiveness to the regions.

Picture was taken during the last team retreat in Brussels.

--  
(Español)

Equipo "Global Partnerships" - Enlaces Regionales

ICANN ha establecido una red de enlaces con un enfoque regional, a fin de mejorar su capacidad de respuesta y promover a ICANN de manera global.

Aunque el enfoque regional es importante, la red de enlaces no se limita al ámbito geográfico sino que comparte cualidades en cuanto a lenguaje, experiencia y habilidades.

Esta red trabaja muy de cerca con la comunidad para alcanzar la meta estratégica de mejorar la representación de ICANN a nivel mundial y hacer a la organización más responsiva frente a las demandas regionales.

La foto fue tomada durante la última reunión del equipo en Bruselas.

Posted in [Español](#), [Global Partnerships](#), [ICANN](#) | [No Comments](#) »

- 

- You are currently browsing the archives for the Español category.

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3.7.3 First post by VP of Corporate Affairs  
<http://blog.icann.org/?p=14>

# ICANN Blog

Internet Corporation for Assigned Names and Numbers

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« [ICANN Releases Annual Report for 2005-2006](#)  
[How global domains can cater for local preferences](#) »

## Thanks for the support and interest so far

January 24th, 2007 by Paul Levins

Hi. I just wanted to thank people for their support for the creation of this blog. I think this will be a useful way of being more accessible as an organisation and to be a little more responsive to questions and observations.

But this started with the [release of our first Annual Report](#). Being our first we would really value feedback on it. It's not perfect. We know that. But we hope to take comments on it for the future and thereby make it more relevant to you each year. So please do look at it and tell us what you think.

We are committed to being more transparent and accountable as an organisation and this blog is one part of that commitment. If you haven't noticed there are others things we are doing: a news alert service and weekly news letter that you can subscribe to; a new more expanded report of Board meetings that will give you an insight into the thinking and debates at a Board level (you can find the preliminary report at <http://www.icann.org/minutes/prelim-report-16jan07.htm>); and of course the annual report as well as our consultation on management operating principles for transparency and accountability which is at <http://www.icann.org/announcements/announcement-14dec06.htm>. So thanks again. I look forward to having ongoing conversations!

Paul Levins  
Executive Officer and Vice President, Corporate Affairs

This entry was posted on Wednesday, January 24th, 2007 at 7:29 pm and is filed under [ICANN](#). You can follow any responses to this entry through the [RSS 2.0](#) feed. You can [leave a response](#), or [trackback](#) from your own site.

[RSS feed](#) | [Trackback URI](#)

### **3 Comments »**

*Comment by [Javier Salinas](#)*  
2007-01-25 05:20:25

Paul.  
Some people are claiming for a multilingual blog.  
If you need some assistance, I'm offering part of my time for the spanish blog.  
Not to translate, you can see my that my English is not good, but yes to support the administrative and technical areas.  
Best regards

[Reply to this comment](#)

*Comment by [aspir8or](#)*

2007-01-25 06:22:09

Thanks for publishing the annual report. Just two problems. Firstly, the financial report is a series of scanned documents embedded in the pdf file and are completely unreadable at any resolution. Secondly, the “forum” is not what most people would class as a forum. It is simply an archive of emails, one of which would be classed as spam and which has been reproduced in its entirety including the html formatting. A bit of judicious editorial control would not be remiss there, although a proper forum with threads containing questions, opinions and answers, or in short, a proper interactive forum would be a good way of interacting with the wider community. Otherwise, the blog is a step in the right direction.

[Reply to this comment](#)

*Comment by [Paul Levins](#)*

2007-01-25 09:30:44

Thanks for the offer Javier. I will think about this. We are going to work very hard this year to improve our communication in different languages. Kieren McCarthy who is joining us as General manager Public Participation will play a lead role here. He starts 5 Feb so I will raise it with him when he joins.

Re the audit report - yes thanks - others had noticed that too. Sorry. It has been fixed so that you can now link to it and read it. Re the forum - yes I will attempt to do a better job of editing. Thanks

[Reply to this comment](#)

Name

E-mail

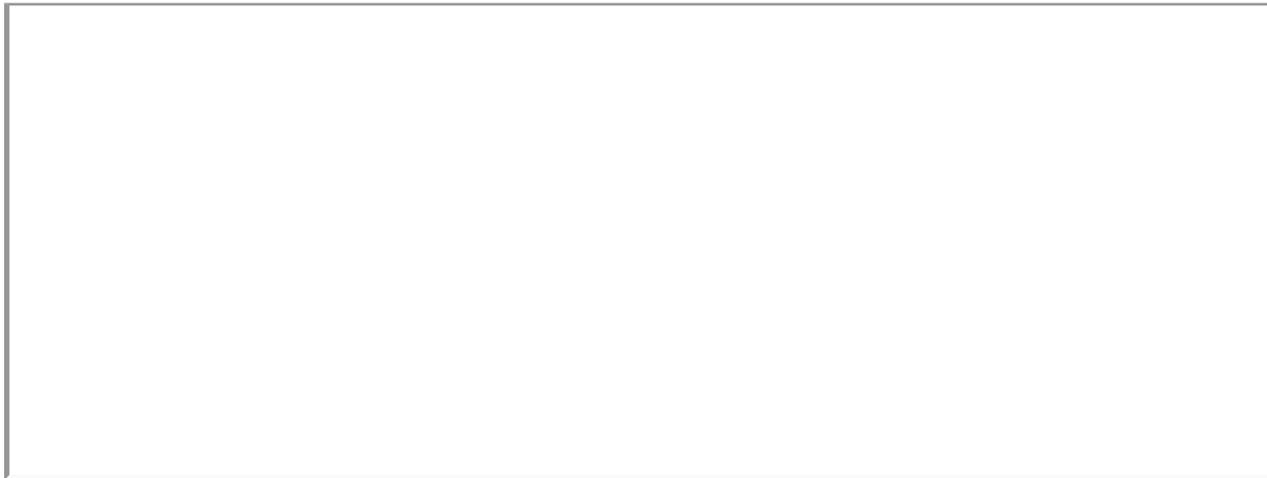
URI

Anti-spam word: (Required)\*

To prove you're a person (not a spam script), type the security word shown in the picture. Click on the picture to hear an audio file of the word.



Your Comment ([smaller size](#) | [larger size](#))



You may use `<a href="" title="">` `<abbr title="">` `<acronym title="">` `<b>` `<blockquote cite="">` `<code>` `<em>` `<i>` `<strike>` `<strong>` in your comment.

[Add comment](#)

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### 3.7.4 Comments Policy

[http://blog.icann.org/?page\\_id=49](http://blog.icann.org/?page_id=49)

# ICANN Blog

Internet Corporation for Assigned Names and Numbers

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## **Comment policy**

With a recent expansion in the number of comments the ICANN blog has been receiving, there have been a number of queries and complaints about individual comments not appearing.

As such we felt it would be helpful to state ICANN's policy on blog comments so the community is aware of the system in place.

### **Chat versus point**

First of all, we would like to note that the ICANN blog is not a messageboard and, if necessary, we will take steps to prevent it becoming one. There are tens of thousands of readily available messageboards on the Net and so we request people use one of them rather than carry out extensive back-and-forth chats on the ICANN blog.

The reason for this is simple: we hope to make the blog a method of fast, direct communication between ICANN and the Internet community. That task becomes increasingly difficult the more comments that are posted as people only have a limited amount of time each day to review what is happening on the blog.

If every comment raises a relevant and new point, all the better, but when comments turn into chats, the effect is that people switch off - to everyone's detriment.

### **Abuse**

Our policy is to delete any comment that merely vents a spleen or to which it is not possible to produce a useful response. We will do this without notification, or appeal, and we do so entirely without shame. If someone persists in sending abusive comments, we will block their IP address. The same holds true for threats - personal, organisational, legal or otherwise.

The reason why we have this zero tolerance policy is because we do not wish to impede any reasonable, questioning, critical, helpful or practical comments that the Internet community wishes to make in response to blog posts, and so will continue to maintain the bare minimum comment-approval process.

### **Libel, conjecture, nonsense**

Likewise, we will delete - without notice or appeal - blog posts that contain unsubstantiated claims, libellous accusations, or accusations of conspiracy. The ICANN blog will not deal in wild claims. We are a professional organisation and will remain entirely disinterested in anything that has no factual basis or useful, practical point.

### **Anonymity**

While we much prefer people to be honest about their identity, we recognise that there are occasional advantages to allowing anonymity in blog comments. As such, at this time, we do not require any form of registration for people to post comments.

However, that does not mean that we will tolerate people posing as others on the blog. And we will take a firmer line with a consistently unhelpful or critical poster if they choose to hide behind anonymity. The ICANN blog's ethos is to help raise and solve issues. Anything that strays into name-calling or criticism

for criticism's sake will simply be removed.

## Relevance

We would also like to stress that comments covering an entirely different topic to the actual blog post they are attached to are also frowned upon. If it is a mistake, we have no problem, but the ICANN blog is there to be a reasonable and helpful communication and interaction tool - not to lobby by the backdoor, or harangue staff over the same issue out of context.

## Spam software

One of the biggest problems in maintaining an open posting process is automated blog spam. The effect can be very significant, and the number will increase as the blog gains a higher profile. To make this manageable, we have introduced two spam filters.

One problem we have discovered is that if an individual posts several comments in a short period of time, the system flags them as a spammer and so removes their comments and puts all future comments from that individual either into the spam folder or moderation.

Having reviewed the system, we intend to keep it as it is for the moment because the advantages far outweigh the disadvantages. As stated above, we do not wish the ICANN blog to become a messageboard and so we see little need for people to post a large number of comments in a short period of time.

However, we will undertake frequent reviews of the spam folder to check that legitimate comments are not being wrongly removed. We should warn commenters however that sending comments complaining that their comments have been designated spam only increases the chances of them being recognised by the software as a spammer.

If in doubt, the best solution in every case is to be patient. If you have sent a comment that does not break any of the guidelines above, it will appear on the blog.

## But for the rest of it...

All that said, we will endeavour to respond to any comments that raise queries or questions and we strongly welcome useful and constructive feedback.

Thankyou,

*ICANN Staff*

- 

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### 3.8.1 Illustrative Table of ICANN Outreach and Training Events, Sept. 2006 – Dec.2007 on education

### 3.8.1 ICANN Outreach and Training Work, September 2006 – December 2007

This table is an illustration of the work of ICANN's Global and Strategic Partnerships team on global outreach and training initiatives during the period of the Joint Project Agreement so far. ICANN also does global outreach and training through its Chief of Technology, whose work is not captured here. This table is an illustration of these initiatives but is not exhaustive of all training and outreach events ICANN staff participated in.

Month and Year	Meeting / Event	Location	Training / Outreach
September-06	Internet Governance - Africa Region	Cairo, Egypt	Outreach
September-06	ALAC - LACRALO Event	Buenos Aires, Argentina	Outreach
September-06	IGF	Riga, Latvia	Outreach
September-06	ICANN Studienkreis Meeting	Prague, Czech Republic	Outreach
September-06	Meetings with stakeholders	Managua, Nicaragua	Outreach
September-06	Meetings with stakeholders	Amman, Jordan	Outreach
September-06	2nd Annual ICTFEST	Antigua and Barbuda	Outreach
September-06	European ALAC members meeting	Berlin, Germany	Outreach
October-06	Participate in a symposium on internationalized domain names	Stockholm, Athens	Outreach
October-06	ccTLD Workshop	Sofia, Bulgaria	Training
October-06	ICANN UNESCO Workshop on IDNs	Sofia, Bulgaria	Outreach
October-06	Meeting with Ministries	Rome, Italy	Outreach
October-06	Meeting w/ ccTLD registries as well as governments	Dubai-UAE, Manama-Bahrain, Amman-Jordan	Outreach
October-06	mate.ar Awards: Business outreach event in Latin America	Buenos airs, Argentina	Outreach
November-06	APTLD Meeting	Bangkok, Thailand	Outreach
November-06	African Development Forum V	Addis Ababa, Ethiopia	Outreach
November-06	Internet Governance Forum	Athens, Greece	Outreach
November-06	AfriNIC V	Mauritius	Outreach
November-06	Iberoamerican Independent Congress abt Domain Names and Internet Governance	Lima, Peru	Outreach
November-06	ALAC Outreach Session - ISOC Quebec	Montreal, Quebec	Outreach
November-06	RIPE NCC Meeting	Manama, Bahrain	Outreach
November-06	ccTLD Workshop - Emirates Internet Group	Dubai-UAE	Training
November-06	European Internet Forum	Brussels, Belgium	Outreach

### 3.8.1 ICANN Outreach and Training Work, September 2006 – December 2007 (cont)

Month and Year	Meeting / Event	Location	Training / Outreach
December-06	ITU Asia Telecom	Hong Kong	Outreach
December-06	IDEF Francophonie - ICT and legal regulations under Patronage of Presidents Hosni Mubarak and Jacques Chirac	Cairo, Egypt	Outreach
January-07	RIPE roundtable for governments and regulators	Amsterdam	Outreach
January-07	Pacific Islands Telecoms Association @ PTC	Honolulu, USA	Outreach
January-07	SANOG 9	Colombo, Sri Lanka	Outreach
January-07	IGF 1st 2007 Meeting	Geneva, Switzerland	Outreach
February-07	APRICOT 2007, APRALO and APNIC 23 Meeting	Bali, Indonesia	Outreach
March-07	Montevideo - Regional "operator's" meeting	Sao Paulo, Brazil	Outreach
March-07	EGENT - ICANN Meetings	Paris, France	Outreach
March-07	CENTR General Assembly	Prague, Czech Republic	Outreach
March-07	Meeting with ccTLD Ministry	Tirana, Albania	Outreach
April-07	The Russian National Security Council's conference "Patrolling vs. Controlling"	Moscow, Russia	Outreach
April-07	Club of Rome - Lecture on ICANN	Brussels, Belgium	Outreach
April-07	Middle East Network Operators Group Meeting	Bahrain	Outreach
April-07	Pacific Islands Telecoms Association Annual General Mtg	Papeete, French Polynesia	Outreach
May-07	Afngo, Aftld, Afrinic, Afren meetings	Abuja, Nigeria	Outreach
May-07	CODI V meetings	Addis Ababa	Outreach
April-07	ECLAC	Santiago, Chile	Outreach
April-07	MENOG 1	Bahrain	Outreach
April-07	International Chamber of Commerce Commission on e-business, IT 2 Telecoms	Paris, France	Outreach
April-07	Caribbean Telecommunications Union Ministerial	Anguilla	Outreach
April-07	Meetings with stakeholders	Doha, Qatar	Outreach
April-07	Meetings with ccTLDs on accountability Frameworks	Montserrat, Antigua, St. Kitts	Outreach

### 3.8.1 ICANN Outreach and Training Work, September 2006 – December 2007 (cont)

Month and Year	Meeting / Event	Location	Training / Outreach
May-07	Arab Knowledge and Management Society (AKMS) meeting	Amman, Jordan	Outreach
May-07	LACNIC's 10th Annual Meeting	Isla Margarita	Outreach
May-07	ISOC Italia	Milan, Italy	Outreach
May-07	Meetings with stakeholders	Monterrey, Nuevo Leon, Mexico	Outreach
May-07	Meetings with stakeholders	Bermuda, Dominica, Trinidad, Guyana	Outreach
May-07	AFTLD Trainings and meeting	Cairo, Egypt	Training
May-07	Internet Governance Forum	Geneva, Switzerland	Outreach
June-07	St. Petersburg Economic Forum	St. Petersburg, Russia	Outreach
June-07	1st ICANN outreach to the Micronesia sub-region	Micronesia sub-region	Outreach
June-07	APTLD Meeting	Dubai	Outreach
June-07	PacNOG 3 Conference	Rarotonga, Cook Islands	Outreach
July-07	Arab Ministerial Meeting	Damascus, Syria	Outreach
July-07	Workshop on Internet Exchange Points	San Salvador, El Salvador	Outreach
August-07	Meetings with stakeholders	Suva, Fiji	Outreach
August-07	PacINET2007, APTLD, Stake holder outreach	Honiara, Solomon Islands	Outreach
August-07	Registrar Outreach	Hong Kong	Outreach
August-07	Fourth Caribbean Internet Governance Forum	Curacao, Netherlands	Outreach
September-07	Internet Governance Forum	Geneva, Switzerland	Outreach
September-07	Stakeholder Outreach	La Paz, Bolivia - Bogota, Colombia	Outreach
September-07	CITEL Meeting	Mendoza, Argentina	Outreach
September-07	International Telecommunication Union, Study group on internationalized domain names	Geneva, Switzerland	Outreach
September-07	CTO Meeting - Caribbean Telecommunication Organization	Montego Bay, Jamaica	Outreach
October-07	AfriNIC Meeting	Durban, South Africa	Outreach
October-07	RIPE Meeting	Moscow, Russia	Outreach
October-07	Connect Africa Summit	Kigali, Rwanda	Outreach
October-07	International Chamber of Commerce	Dubai	Outreach

### 3.8.1 ICANN Outreach and Training Work, September 2006 – December 2007 (cont)

<b>Month and Year</b>	<b>Meeting / Event</b>	<b>Location</b>	<b>Training / Outreach</b>
November-07	2007 Caribbean Internet Forum	St. Lucia, Caribbean	Outreach
November-07	Internet Governance Forum	Rio de Janeiro, Brazil	Outreach
November-07	eLAC 2010 Plan Meeting	San Salvador, El Salvador	Outreach
November-07	ICANN Regional Gathering w/ TWNIC	Taipei, Taiwan	Outreach
November-07	Pacific Islands Telecoms Association	Sydney, Australia	Outreach
November-07	Talks with Ministers from Russia/CIS	Astana, Kazakhstan	Outreach
November-07	MENOG Meeting	Doha, Qatar	Outreach
November-07	ccTLD Training	Amman, Jordan	Training
December-07	GKIII - Global Knowledge Partnership Event GK3	Kuala Lumpur, Malaysia	Outreach

3.9.1 ICANN Information on WSIS and IGF  
<http://www.icann.org/wsis/wsis-igf.html>

## WSIS and IGF

### The World Summit on Information Society - WSIS

[Resolution 73](#) (Minneapolis, 1998) of the [International Telecommunication Union - ITU](#) - an organisation created in 1865, [United Nations](#) specialised agency since 1947 - resolved to instruct the ITU Secretary-General to place the question of the holding of a World Summit on the Information Society (WSIS).

In 2001, the ITU Council decided to hold the [World Summit on the Information Society](#) in two phases. The [first phase](#) took place in Geneva (Switzerland) from 10 to 12 December 2003. The [second phase](#) was held in Tunis (Tunisia) from 16 to 18 November 2005.

The [UN General Assembly Resolution 56/183](#) (21 December 2001) endorsed the holding of the World Summit on the Information Society (WSIS) in two phases. The Resolution further recommended that preparations for the Summit take place through an open-ended intergovernmental Preparatory Committee that would define the agenda of the Summit, decide on the modalities of the participation of other stakeholders in the Summit, and finalize both the draft Declaration of Principles and the draft Plan of Action. It invited the ITU to assume the leading managerial role in the Executive Secretariat of the Summit and invited Governments to participate actively in the preparatory process of the Summit and to be represented in the Summit at the highest possible level.

The outcome of the second phase of the WSIS together with the Tunis Commitment and the Tunis Agenda for the Information Society are available at: <http://www.itu.int/wsis/documents/index2.html>.

### ICANN and the WSIS

The WSIS Working Group was self-formed in 2004 by individuals involved in a variety of ICANN stakeholder groups to increase awareness and understanding of the United Nation's World Summit on the Information Society (WSIS) process and related issues that affect ICANN.

In the ICANN tradition of bottom-up, consensus-based, global participation, the WSIS Working Group has taken the initiative to organize workshops to:

1. Inform ICANN stakeholders and the broader community about recent developments and upcoming events related to WSIS and ICANN;
2. Foster a dialogue and mutual understanding of positions of different stakeholders on WSIS as it relates to ICANN and other issues of interest;
3. Raise awareness of the diverse interests, priorities and activities related to WSIS; and
4. Enhance stakeholder participation in WSIS as it relates to ICANN's activities.

ICANN WSIS workshops:

1. Rome, March 2004
2. Kuala Lumpur, July 2004
3. Cape Town, December 2004
4. Mar del Plata, April 2005
5. ICANN Forum on the Working Group on Internet Governance Report, 13 July 2005, Luxembourg
6. Vancouver, December 2005
7. [Wellington](#), March 2006
8. [Marrakech](#), June 2006

ICANN - WSIS working group members

- Vittorio Bertola & Izumi Aizu, member of the At-Large Advisory Committee
- Marilyn Cade, member of the Business Constituency
- Tony Holmes, member of the Internet Service & Connectivity Providers Constituency
- Jeff Neuman, NeuLevel, Inc., member of the gTLD Registries Constituency
- Peter Dengate Thrush, InternetNZ & Chris Disspain, member/Chair of the ccNSO
- Denise Michel & Theresa Swinehart, ICANN
- Axel Pawlik & Paul Wilson, Chair/member of the Regional Internet Registries
- Lucy Nichols, member of the Intellectual Property Constituency
- Ross Rader, member of the Registrars Constituency

## The Working Group on Internet Governance - WGIG

On November 11, 2004, the UN Secretary-General, Kofi Annan, announced the establishment of the [Working Group on Internet Governance](#). The Working Group task was to prepare the ground for a decision on this issue by the second phase of the World Summit on the Information Society, to be held in Tunis in November 2005.

The task of the Working Group was to organize an open dialogue on Internet governance, among all stakeholders, and to bring recommendations on this subject to the second phase of the Summit.

The two documents adopted by the Geneva Summit - the Declaration of Principles and the Plan of Action - asked the Working Group "to investigate and make proposals for action, as appropriate, on the governance of the Internet by 2005". The Group was requested to:

- develop a working definition of Internet governance;
- identify the public policy issues that are relevant to Internet governance;
- develop a common understanding of the respective roles and responsibilities of governments, international organizations and other forums, as well as the private sector and civil society from both developing and developed countries.

The Working Group on Internet Governance was chaired by Ambassador Nitin Desai, Special Adviser to the Secretary-General for the World Summit. It included 40 members from governments, private sector and civil society, representing all regions.

The final report of the WGIG as well as the background report were released in June 2005 and are available at the [WGIG website](#).

According to the WGIG report: "Internet governance is the development and application by Governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet."

## The Internet Governance Forum

One of the main outcomes of the second phase of the WSIS was the creation of a new forum for multi-stakeholder policy dialogue, the [Internet Governance Forum](#).

All the information regarding the [mandate of the IGF](#), the [IGF Advisory Group members](#), the [meetings](#) are available on the IGF website.

The [IGF first meeting](#) will be held in Athens from October 30 until November 2, 2006. The overall theme of the meeting will be "Internet Governance for Development". The agenda will be structured along the following broad themes:

- Openness - Freedom of expression, free flow of information, ideas and knowledge
- Security - Creating trust and confidence through collaboration
- Diversity - Promoting multilingualism and local content
- Access - Internet Connectivity: Policy and Cost Capacity-building will be a cross-cutting priority.

## Internet Governance Forum related links

ICANN is co-organising an event in Riga, Latvia, on October 4th , 2006.

[The Baltic Region and Eastern Europe International Seminar "The Internet and the post-WSIS environment: enhancing dialogue among the stakeholders"](#)

[Chair's Summary of the Seminar](#) (28K PDF)

ICANN at the Internet Governance Forum, Athens, Greece, 30 October - 2 November 2006 -- [Learn more](#)

3.9.2 November 2007 Announcement  
ICANN CEO Speaks at Opening of Internet  
Governance Forum  
<http://www.icann.org/announcements/announcement-12nov07.htm>

## ICANN CEO Speaks at Opening of Internet Governance Forum

Dr Paul Twomey says entire Internet community benefits from co-operation, co-ordination

*12 November 2007*

**RIO DE JANEIRO** : Dr Paul Twomey, President and CEO of the Internet Corporation for Assigned Names and Numbers, took part in today's opening session of the 2007 Internet Governance Forum in Rio de Janeiro, Brazil:

"The Internet Governance Forum brings together a diverse group of individuals in the aim of sharing knowledge and experience over and about this one global interoperable Internet," Dr Twomey said.

Dr Twomey said the Internet community should be proud of its global accomplishments of over one billion individuals online, trillions of dollars of business annually over a network of millions of computers communicating with one another across the globe, and the ability for individuals to communicate and interact with others unprecedented in human history.

"But with this extraordinary change also comes challenges. And that is what this Forum is about — bringing together people to talk, review, discuss and hopefully solve some of the issues that are before us," Dr Twomey added. "The agenda of this meeting captures them. Most important of course is access. Our discussions at the IGF will mean nothing to someone not able to get onto the network in the first place.

"ICANN like other Internet organizations is very committed to its multistakeholder and open way of doing business where any one from governments, the technical community, business and civil society can participate. We are very pleased that the IGF is also following this model," Dr Twomey added. "ICANN has a participator community of up to 20,000 people involved in our decision making process. I would like to issue a personal invitation to all the people here today to join that community and help its development and evolution."

Dr Twomey said he also looks forward to the discussion on the other IGF agenda themes of diversity, openness, security, and for this year's IGF, critical Internet resources.

"The Internet is the medium, the issues themselves represent many areas at many layers. We look forward to the discussions over the next days and the exchange of views where further cooperation, coordination, and collaboration can contribute to the Internet's increasing use for the billions of users not yet online," Dr Twomey said.

-30-

### **About ICANN:**

ICANN is responsible for the global coordination of the Internet's system of unique identifiers like domain names (like .org, .museum and country codes like .uk) and the addresses used in a variety of Internet protocols that help computers reach each other over the Internet. Careful management of these resources is vital to the Internet's operation, so ICANN's global stakeholders meet regularly to develop policies that ensure the Internet's ongoing security and stability. ICANN is an internationally organized, public benefit non-profit company. For more information please visit: [www.icann.org](http://www.icann.org).

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3.9.3 The Baltic Region and Eastern Europe International Seminar "The Internet and the post-WSIS environment: enhancing dialogue among the stakeholders"  
<http://www.eps.gov.lv/index.php?&258>



Secretariat of Special Assignments Minister  
for Electronic Government Affairs

14. January, 2008

< 2008 January >

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[Baltic Region and Eastern Europe International Seminar "The Internet and the post-WSIS environment: enhancing dialogue among the stakeholders", Riga, Latvia, October 4th, 2006](#)



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**Baltic Region and Eastern Europe International Seminar "The Internet and the post-WSIS environment: enhancing dialogue among the stakeholders", Riga, Latvia, October 4th, 2006**

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Secretariat



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[Invitation letter from Ina Guddele, Special Assignments Minister for Electronic Government Affairs of the Republic of Latvia and Paul Twomey, President/CEO of ICANN](#)

**Objectives:** To make all the stakeholders better aware and informed about the Internet governance process, Internet solutions and future development trends that will be discussed at the first meeting of the Internet Governance Forum (IGF) in Athens from 30th October until 2nd November 2006. This seminar will cover relevant aspects of World Summit on the Information Society (WSIS) follow up, the role of ICANN and other stakeholders, the challenges that the Internet is currently facing.

**Target group:** all the Internet Community stakeholders involved, including governmental and public administration institutions, technical community, representatives of EU institutions, regulatory authorities, ccTLD operators, businesses and representatives of NGOs.

**Further information on the seminar** can be found on <http://www.eps.gov.lv/> or [www.icann.org](http://www.icann.org).

**Venue:** Radisson SAS Daugava Hotel , Kugu Str. 24, Riga, Latvia.

**Attendance:** There is no seminar fee, but participants will have to cover their own travel and accommodation expenses. The number of participants is limited. For logistical and organisational reasons we would appreciate it if you could register before the September 27th by an on-line registration form available <http://www.eps.gov.lv/> or by sending out attached registration form by fax +371 7114727.

We kindly ask you to register as soon as possible. You will receive a confirmation about the registration by e-mail.

**Please, ensure that hotel reservations are made in good timing.** The Secretariat of Special Assignments Minister for Electronic Government Affairs of the Republic of Latvia has secured a number of rooms in the hotel where the seminar will be held - Radisson SAS Daugava Hotel. Please, complete the Hotel Reservation form attached or available online via <http://www.eps.gov.lv/>. However after the September 19th, reservation will be subject to availability.

**Venue of the Seminar: Radisson SAS Daugava Hotel**, Kugu Str. 24, Riga, LV-1048, Latvia.

We will be pleased to see you also at the reception hosted by the seminar organisers in the very 'heart' of the City of Riga –

restaurant „OTTO SCHWARZ" Hotel de Rome, Kalku Str. 28, on 3 October at 19:00 pm – 22:00 pm.

Yours sincerely,

**Ina Guddele**  
Special Assignments Minister  
for Electronic Government Affairs  
of the Republic of Latvia

**Paul Twomey**  
President/CEO of ICANN

[General information](#)

[Seminar Programme](#)

[Useful information about Latvia](#)

**Organisers:**



Internet Corporation for Assigned Names and Numbers (ICANN)



Secretariat of Special Assignments Minister for Electronic Government Affairs of Latvia

**Forum co-organisers and partners:**



Finland's EU Presidency



Lattelecom (Latvia)



Institute of Mathematics and Computer Science of Latvia



Ministry of Transport of the Republic of Latvia



Ministry of Foreign Affairs of the Republic of Latvia



Public Utilities Commission



Latvia Internet Association

3.9.4 Chair's Summary of Baltic Region  
and Eastern Europe International Seminar  
[http://www.icann.org/wsis/riga\\_04oct06\\_chair\\_summary.pdf](http://www.icann.org/wsis/riga_04oct06_chair_summary.pdf)

**Chair's Summary of the Seminar**  
**"The Internet and the post-WSIS environment: enhancing dialogue among the stakeholders"**  
**Riga, Latvia October 4, 2006**

The seminar "The Internet and the post-WSIS environment: enhancing dialogue among the stakeholders", co-organized by the Secretariat of the Special Assignments Minister for Electronic Government Affairs of the Republic of Latvia and the Internet Corporation for Assigned Names and Numbers (ICANN), and supported by the Finnish Presidency of the European Union, took place in Riga on October 4<sup>th</sup>, 2006. Over 100 participants, from more than 20 countries around the Baltic Sea and Eastern Europe, representing governments, country code domain registries, Internet Service Providers and end-users, gathered to discuss Internet Governance related matters. The Latvian Minister of Special Assignments for Electronic Government Affairs, Ms. Ina Gudele, addressed the participants with an opening presentation.

The seminar aimed at bringing together representatives of different stakeholder groups from countries active in the global debate on Internet Governance related issues with countries which have been "quasi-absent" from this debate in order to compare perspectives on the issue. The key objective of the seminar was to exchange views on ICANN related matters: IANA services for ccTLD operators, WHOIS, IDN, migration from IPv4 to IPv6 and network security as well as to encourage Eastern European countries to consider participation in relevant ICANN supporting organizations and advisory committees, including the Governmental Advisory Committee (GAC).

This multi-stakeholder seminar addressed a range of issues deriving from the World Summit on Information Society and should be seen as a sub-regional preparatory meeting to the Internet Governance Forum (IGF), which will take place in Athens from 30<sup>th</sup> October until 2<sup>nd</sup> November 2006. The seminar was structured into three substantive sessions: 1) discussion of the state of global Internet Governance; 2) presentation of ICANN's functions; 3) presentation of upcoming technical challenges.

The Riga seminar was the first international gathering after the signing of the Joint Project Agreement between ICANN and the US Department of Commerce. A promise to facilitate effective consideration by ICANN of GAC's advice on public policy aspects of technical coordination of the Internet DNS was welcomed. Speakers, including the Finnish Presidency of the European Union represented by Ambassador Yrjo Lansipuro, gave a positive preliminary evaluation of the terms of the new agreement. The Ambassador reiterated the specific nature of the Internet by stating that "The Internet is fundamentally different from anything else we have known before. That's why there are no ready-made models for its governance. Nor can we just invent a theoretical construction and set it up as a goal to be achieved. That's why we in Finland believe in step-by step evolution based on whatever firm ground we can find today under our feet". A discussion on the necessary regulatory framework highlighted the advantages of the Internet's self-regulatory nature, but indicated a need for soft regulations on certain issues.

ICANN Board member, Mr. Hagen Hultsch, gave a comprehensive overview of ICANN's activities and challenges in the technical management of the Domain Name System. It was complemented by a detailed presentation of the IANA (Internet Assigned Numbers Authority) function which is performed by ICANN. Different perspectives of engagement with ICANN and the local Internet community were given by Ms. Emily Taylor from Nominet, the .uk registry operator, Ms. Daiva Tamulioniene from .lt registry and Ms. Katrina Sataki from .lv registry.

Challenges regarding the introduction of international domain names, including in Cyrillic, were explained by Mr. Cary Karp, member of the ICANN IDN President Advisory Committee, and Mr. Kim Davies from ICANN. The security challenges of interconnected networks and possible courses of concerted actions were illustrated by Mr. Arkady Kremer from Russia. Mr. Christoffer Karsberg and Mr. Anders Rafting shared with participants the conclusions of a recent study regarding how to improve Internet security in Sweden.

The main conclusions of the discussions were the following:

- The preliminary assessment of the post-MoU arrangement between ICANN and the US Department of Commerce was positive as it creates the necessary conditions for increased transparency, accountability, multi-stakeholder participation, progress towards an international and independent structure, while, at the same time, ensuring the security and stability of Internet to the benefit of all.
- ICANN's outreach to different Internet stakeholders in Eastern Europe is supported by the WSIS call for continuous dialogue on Internet governance related issues and the approach should be continued in other locations around the world.
- Country code domain registries acknowledged added value in joining accountability framework agreements with ICANN and participating in ICANN's Country Code Name Supporting Organizations (ccNSO) in addition to participating in regional umbrella organizations of registry operators, like the Council of European National Top Level Domain Registries (CENTR).
- Internet providers are interested in the security and stability of the Internet, in its efficient functioning and in assuring a prompt response to emerging needs on the regional level.
- The introduction of internationalized domain names (IDN) will enormously benefit Internet users around the world, will build on the importance of developing local language content, and requires well-timed preparations at multiple levels.

All the presentations and the workshop materials are now available at: <http://www.eps.gov.lv/index.php?&258>

### 3.9.5 ICANN Participation in the IGF in Athens, Greece, November 2007

<http://www.icann.org/announcements/announcement-2-30oct06.htm>

## ICANN at the Internet Governance Forum, Athens, Greece, 30 October - 2 November 2006

30 October 2006

ICANN is co-hosting two workshops that will run in parallel to the [IGF main sessions](#).

### **Participation workshop**

*October 31 st, from 11:30 am till 1:00 pm  
Aphrodite C room, Divani Apollon Palace Hotel.*

*The workshop is co-hosted with ISOC.*

The purpose of the workshop is to discuss the importance of participating in the processes of key Internet organisations and mechanisms, to show how one can participate and, importantly, how to locally build the appropriate expertise and capacity to successfully contribute. Different perspectives on participation and engagement by different communities and stakeholders will be explored with an emphasis on encouraging a discussion of practical examples and key learnings for increasing participation, particularly from communities that are typically under-represented.

[More information](#)

### **Towards a global multilingual Internet: Avoiding the risk of fragmentation**

*October 31 st, from 3:30 pm till 7:00 pm  
Athina A room, Divani Apollon Palace Hotel*

*The workshop is co-hosted with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the National Telecommunication Regulatory Authority of Egypt (NTRA).*

The workshop is primarily intended to ensure that multilingualism is addressed from different angles and stakeholders' perspectives, with a certain regard to technical aspects like the continued development of application software to support access to localized content. A live demonstration of one of the most recent multilingual applications is also foreseen. ccTLD managers will also go through the topic highlighting the technical challenges with respective communities and languages.

[Workshop Report](#)

[More information](#)

[The World Summit on Information Society and the Internet Governance Forum](#)

3.10.1 ICANN Geographical Regions: Final Report by the ccNSO Regions Working Group for Submission to the ICANN Board, 24 September 2007

<http://ccnso.icann.org/workinggroups/ccnso-final-report-regions-wg-240907.pdf>

# **ICANN Geographical Regions**

**Final Report by the ccNSO Regions Working Group  
For Submission to the ICANN Board**

**24 September 2007**

**Working group members:**

David Archbold, (Chair), .ky  
Becky Burr, ccNSO Council Member  
David Chen, .tw  
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## Executive Summary

1. In 2000, by formal resolution, the ICANN Board directed the staff to assign countries to geographic regions on the basis of the United Nations Statistics Division's current classifications of "Countries or areas, codes and abbreviations," as revised 16 February 2000, and "Composition of macro geographic (continental) regions and component geographical regions," as revised 16 February 2000.<sup>1</sup> The resolution gave no authority for deviations from the UN classifications.
2. Nevertheless, the ICANN Bylaws define five regions, three of which (II, III and IV) are different from the UN classifications. They are:
  - I. Africa,
  - II. North America,
  - III. Latin America/Caribbean,
  - IV. Asia/Australia/Pacific and
  - V. Europe.

In addition, the concept that "persons from an area that is not a country should grouped together with the country of citizenship for that area" was extended so that the area or territory itself was similarly allocated to the region of the "mother country". Unfortunately, even the underlying "citizen rule" was incorrectly applied in some instances.

3. As a consequence, depending upon the measurement criteria one uses, either 17% or 40% of countries are allocated to different ICANN regions than those to which they are allocated by the UN Statistics Office.
4. Section 5 of the ICANN Bylaws states:

"The specific countries included in each Geographic Region shall be determined by the Board, and this Section shall be reviewed by the Board from time to time (but at least every three years) to determine whether any change is appropriate, taking account of the evolution of the Internet."
5. The second, three-yearly review was due to be carried out in 2006 but was deferred, possibly pending receipt of this report from the ccNSO.
6. Initially it was hoped that the ccNSO would be able to provide some firm recommendations to the ICANN Board for the realignment of ICANN's Geographic Regions. It quickly became apparent, however, that extensive consultation throughout the ICANN community would be necessary. It was considered that this would take considerably longer than the Board would be prepared to wait for initial input and that, in any event, better and more

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<sup>1</sup> <http://www.icann.org/minutes/minutes-16jul00.htm>

meaningful responses would be likely if the necessary work were sponsored by the Board itself. The goal of this report therefore is to explain the problems that exist with the current ICANN Geographical Regions and to urge the Board to establish a community-wide Working Group to take forward the work of the ccNSO and make recommendations to the Board on a revised regional structure.

7. The Report identifies the different uses that are made of ICANN's Geographic Regions by different ICANN communities, and also points out that different regional structure also exist within ICANN.
8. There is agreement within the ccNSO that the present Geographic Regions are flawed, and that there are therefore serious concerns about a number of representational issues. With respect to the possible adverse impact upon participation in ICANN, opinions fall into one of two differing camps. On the one hand, it is felt that participation is primarily dependent upon the degree of interest that individual ccTLD managers have in ICANN and that "tinkering" with the regional structure will make little difference. The second group feel that regional structure has a significant impact upon participation and that corrections are warranted for that reason alone. There is agreement, however, that improving active participation is an important issue. The disagreement is merely over whether or not the regional structure is a significant issue in that regard. It is noted that where a strong ccTLD managers' regional organization already exists there is less concern about the regional structure as a whole.
9. The report then details the work that the ccNSO has already taken to investigate this issue, and describes the interim action it has taken to alleviate immediate problems – specifically permitting overseas territories to self-select their ICANN region for ccNSO purposes only, and with the agreement of their respective governments.
10. The report concludes that the ICANN Board cannot simply maintain the status quo. It must either pass a resolution specifically authorizing the present deviations from the UN Statistics Regions, or it must adopt a revised regional structure. Because of their complexity, the ccNSO strongly recommends the appointment of a community-wide Working Group to further study these issues, to consult with all stakeholders and submit proposals to the Board. To assist with this work, the report concludes by examining some potential approaches that might be considered, and by providing examples of the sometimes contradictory views that have been expressed as part of the consultations it has held over the past several months.
11. To reach the position expressed in this report, the Working Group went through an extensive consultation process. Based on a questionnaire in July 2006, the need for re-assessment of the definition of ICANN's Geographic Regions was ascertained. To structure the discussion at the ICANN Lisbon

meeting, the WG produced a discussion paper. Based on the comments received on the paper, the WG produced a redraft for consultation. The consultation was conducted from 10 -28 May 2007. The input received resulted in a further draft containing revised recommendations. This paper was published for consultation from 20 June until 9 July, and was also the subject of discussions at the ICANN San Juan meeting. The final report of the WG was submitted to the ccNSO Council, including a draft for the paper to be submitted to the Board. At the request of the ccNSO Council, this paper for put up for consultation from 8 August until 28 August. No further comments were received.

## Background

### ***The Definition of ICANN's Geographic Regions***

12. In July 2000, at its meeting in Yokohama, the ICANN Board agreed<sup>2</sup> to adopt the regional structure defined by the United Nations Statistics Division in its "Composition of macro geographic (continental) regions, geographical sub-regions, and selected economic and other groupings<sup>3</sup>", following GAC advice that "ICANN should make reference to existing international norms for regional distribution of countries"<sup>4</sup>,
13. The treatment of persons from "areas that are not countries" raised some issues for the region-based selection of At Large Directors. It should be noted that the context of these discussions was the citizenship (as opposed to residency) of individual directors, rather than electoral constituencies or regional organisations. Staff responded that persons from "areas that are not countries" should be grouped together with the country of citizenship for that area. "*Thus, a resident of Guadeloupe (an overseas department of France located in the Caribbean) would be grouped with Europe rather than Latin America/Caribbean*"<sup>5</sup>.
14. By formal resolution, the ICANN Board then directed the staff to assign countries to geographic regions on the basis of the United Nations Statistics Division's current classifications of "Countries or areas, codes and abbreviations," as revised 16 February 2000, and "Composition of macro geographic (continental) regions and component geographical regions," as revised 16 February 2000.<sup>6</sup> The resolution gave no authority for deviations from the UN classifications.

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<sup>2</sup> <http://www.icann.org/minutes/minutes-16jul00.htm>

<sup>3</sup> <http://unstats.un.org/unsd/methods/m49/m49regin.htm>

<sup>4</sup> <http://www.icann.org/committees/gac/communique-14jul00.htm>

<sup>5</sup> <http://www.icann.org/minutes/minutes-16jul00.htm>

<sup>6</sup> <http://www.icann.org/minutes/minutes-16jul00.htm>

15. However, the ICANN Bylaws define five regions, three of which (II, III and IV) are different from the UN classifications. They are:

- I. Africa,
- II. North America,
- III. Latin America/Caribbean,
- IV. Asia/Australia/Pacific and
- V. Europe.

In addition, the concept that “persons from an area that is not a country should be grouped together with the country of citizenship for that area” was extended so that the area or territory itself was similarly allocated to the region of the “mother country”. Unfortunately, even the underlying “citizen rule” was incorrectly applied in some instances. For example, citizens of most British Overseas Territories are not automatically citizens of the United Kingdom, nor are citizens of American Samoa automatically citizens of the United States.

16. This decision was subsequently endorsed at the first 3 yearly review held in Montreal in June 2003<sup>7</sup>.

17. The current assignment of countries and territories to ICANN’s Geographic Regions can be viewed at <http://www.icann.org/montreal/geo-regions-topic.htm>.

### ***Other Regional Structures within ICANN***

18. Various alternative “regional structures” have been established within ICANN. These structures include the “regions” used by the ASO/NRO<sup>8</sup>, and the “regions” to which Regional Liaison Officers have been allocated by ICANN staff<sup>9</sup>.

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<sup>7</sup> <http://www.icann.org/minutes/minutes-26jun03.htm>

<sup>8</sup> The five “regions” used by the Regional Internet Registries are:

- AfriNIC – Africa
- APNIC – Asia and Pacific
- ARIN – Canada, the United States, and several islands in the Caribbean Sea and North Atlantic Ocean
- LACNIC – Latin America and parts of the Caribbean
- RIPE – Europe, Parts of Asia and the Middle East

See <http://aso.icann.org/rirs/index.html>

<sup>9</sup> The “regions” for which ICANN Regional Liaison Officers have so far been appointed are:

- Africa
- Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine & Uzbekistan

## ***The Purpose of Geographical Regions***

19. The ICANN Geographical Regions were originally created to ensure regional diversity in the make up of the ICANN Board, in particular, though the appointment of the At-Large directors.

20. ICANN's original (November 1998) Bylaws<sup>10</sup> stated:

“Section 6. INTERNATIONAL REPRESENTATION

In order to ensure broad international representation on the Board, no more than one-half (1/2) of the total number of At Large Directors serving at any given time shall be residents of any one Geographic Region, and no more than two (2) of the Directors nominated by each Supporting Organization shall be residents of any one Geographic Region. *As used herein, each of the following shall be a "Geographic Region": Europe; Asia/Australia/Pacific; Latin America/Caribbean Islands; Africa; North America.* The specific countries included in each Geographic Region shall be determined by the Board, and this Section shall be reviewed by the Board from time to time (but at least every three years) to determine whether any change is appropriate.”

21. By October 1999, the Bylaws<sup>11</sup> had been modified so that Geographical Regions also defined the electorate for At Large Directors and At Large Council. However, this use of Geographic Regions was dropped from the Bylaws<sup>12</sup> by July 2000, and the December 2002 Bylaws<sup>13</sup> introduced the present Board structure in which the At Large members were replaced by directors appointed by the Nominating Committee (NOMCOM). The following provisions of the current Bylaws with the geographic diversity of the ICANN Board:

“2. In carrying out its responsibilities to fill Seats 1 through 8, the Nominating Committee shall seek to ensure that the ICANN Board is composed of members who in the aggregate display diversity in geography, culture, skills, experience, and perspective, by applying the criteria set forth in Section 3 of this Article. At no time shall the Nominating Committee select a Director to fill any vacancy or expired term whose selection would cause the total number of Directors (not including the President) who are citizens of countries in any one Geographic Region (as defined in Section 5 of this Article) to exceed five; and the Nominating Committee shall ensure through its selections that at all times the Board includes at least one Director who is a citizen of a country in each ICANN Geographic Region.

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Australasia/Pacific  
Canada & the Caribbean  
Europe  
Middle East

See <http://www.icann.org/general/staff.html>

<sup>10</sup> <http://www.icann.org/general/archive-bylaws/bylaws-06nov98.htm>

<sup>11</sup> <http://www.icann.org/general/archive-bylaws/bylaws-29oct99.htm>

<sup>12</sup> <http://www.icann.org/general/archive-bylaws/bylaws-16jul00.htm>

<sup>13</sup> <http://www.icann.org/general/archive-bylaws/bylaws-15dec02.htm>

3. In carrying out their responsibilities to fill Seats 9 through 14, the Supporting Organizations shall seek to ensure that the ICANN Board is composed of members that in the aggregate display diversity in geography, culture, skills, experience, and perspective, by applying the criteria set forth in Section 3 of this Article. At any given time, no two Directors selected by a Supporting Organization shall be citizens of the same country or of countries located in the same Geographic Region.” and

**“Section 5. INTERNATIONAL REPRESENTATION**

In order to ensure broad international representation on the Board, the selection of Directors by the Nominating Committee and each Supporting Organization shall comply with all applicable diversity provisions of these Bylaws or of any Memorandum of Understanding referred to in these Bylaws concerning the Supporting Organization. One intent of these diversity provisions is to ensure that at all times each Geographic Region shall have at least one Director, and at all times no region shall have more than five Directors on the Board (not including the President). As used in these Bylaws, each of the following is considered to be a "Geographic Region": Europe; Asia/Australia/Pacific; Latin America/Caribbean islands; Africa; and North America. The specific countries included in each Geographic Region shall be determined by the Board, and this Section shall be reviewed by the Board from time to time (but at least every three years) to determine whether any change is appropriate, taking account of the evolution of the Internet.”

22. Over time, references in the Bylaws to ICANNs Geographic Regions have been expanded and are now included in the sections dealing with the GNSO, ALAC and ccNSO. However, the use to which the Geographic Regions are put varies from organisation to organisation. This is summarised in Table 1 below:

ICANN Board:	To ensure geographic diversity of the Board by making reference to the <u>citizenship</u> of individual Board members.
GNSO Council:	To ensure geographic diversity of the Council by making reference to the <u>citizenship</u> of individual Council members.
ALAC :	a. To ensure geographic diversity of the Committee by making reference to the <u>citizenship</u> of the five NOMCOM appointed members.
	b. Two members appointed by each RALO, where there is <u>one RALO per ICANN Geographic Region</u> .
	c. A RALO’s membership may include individuals who are citizens <u>or residents</u> of countries within the RALO’s Region.
	d. To ensure geographic diversity of the five ALAC appointments to NOMCOM by making reference to the <u>citizenship</u> of the nominees.
ccNSO	a. To define the constituencies for the nomination and election of Council Members by making reference to the <u>countries</u>

	within each Region.
	b. To “designate” regional organizations who may appoint observers to the ccNSO Council. Unlike RALOs, ccTLD regional organizations are not part of the ICANN organization, and have their own membership rules which may or may not be tied to ICANN’s Geographic Regions. Nevertheless, the ccNSO’s Bylaws imply that only one regional organization may be “designated” for each ICANN Region.

Table 1. The Use of Geographic Regions by Organisations and Committees

23. Thus in the case of the ICANN Board and GNSO Council the citizenship of individual members (or prospective members) is checked against the required distribution across Regions. The ALAC takes a similar approach, but also uses Regions to define the “catchment area” for each RALO. Only the ccNSO uses the Regions to define the constituencies for the election of Council Members. In addition, although ccTLD regional organizations are not organs of ICANN and can define their own membership criteria, the ccNSO designates only one such organization for each ICANN Region. It may be that different approaches could be used to improve each of these quite distinct uses of Geographic Regions.

## The Concerns

### ***Problems with current definition of the Geographic Regions***

24. The present ICANN Geographical Regions are not the same as those defined by the UN or other existing international norm for regional distribution of countries.
25. UN Statistics Division defines its five regions<sup>14</sup> as;
- I. Africa,
  - II. Americas (consisting of *Latin America & the Caribbean* and *Northern America*. To complicate matters, in Note b/ to its table, the UN Statistics Office states, “The continent of *North America (003)* comprises *Northern America (021)*, *Caribbean (029)* and *Central America (013)*. In other words, according to the UN, both the Caribbean and Central America may be considered to be part of *Latin America & the Caribbean* or *North America*, presumably depending upon context),
  - III. Asia,
  - IV. Europe and

<sup>14</sup> <http://unstats.un.org/unsd/methods/m49/m49regin.htm>

V. Oceania (consisting of Australia & New Zealand, Melanesia, Micronesia, and Polynesia).

26. The resulting differences between the UN Statistics Regions and ICANNs Regions are shown in Diagram 1 below<sup>15</sup>. Diagram 2 illustrates how the UN Statistics Regions had to be modified in order to obtain the ICANN Regions. The numbers in brackets represent the number of countries in each region.

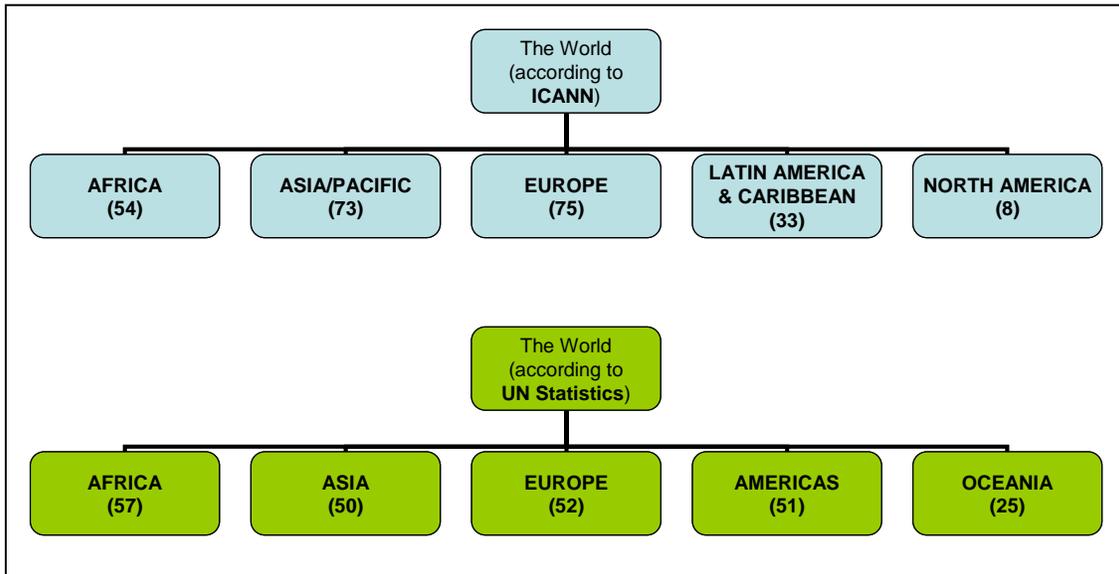


Diagram 1. Comparison between UN Statistics and ICANN Regions

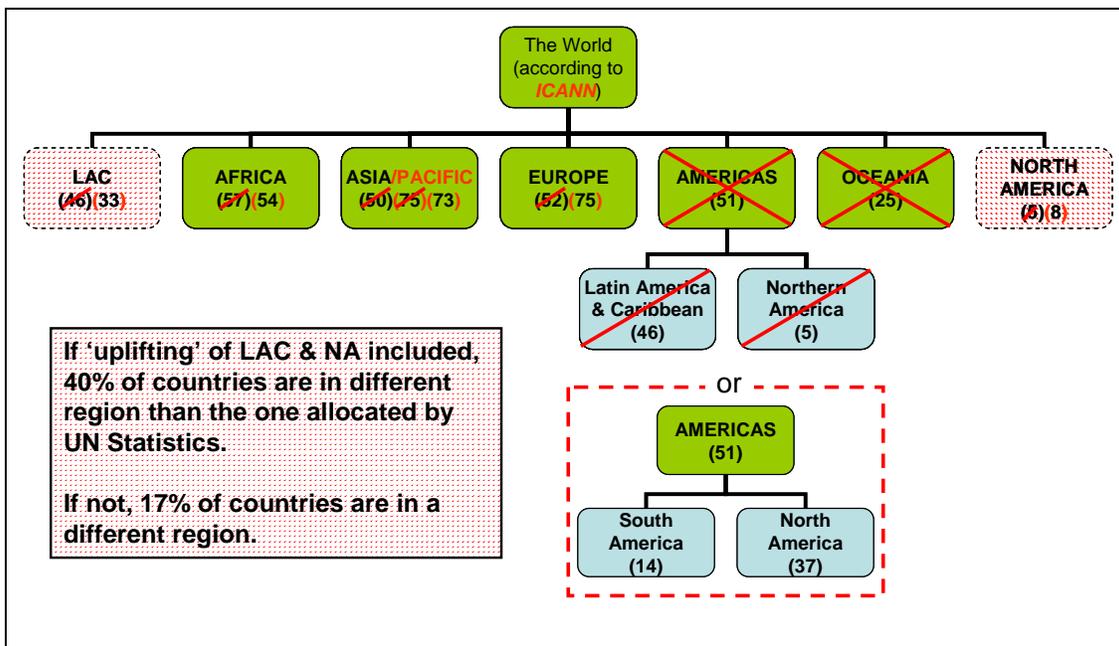


Diagram 2. Modifications to UN Statistics Regions to Obtain ICANN Regions

<sup>15</sup> An animated PowerPoint presentation showing the steps necessary to move from the UN Statistics Regions to the ICANN Regions is available for viewing on-line (no download required) at [http://www.icta.ky/ICANN/From\\_UN\\_to\\_ICANN.htm](http://www.icta.ky/ICANN/From_UN_to_ICANN.htm)

27. It may be that ICANN staff, as directed by the Board, was trying to squeeze the UN Statistics Division's country allocation into the predefined ICANN Regions. Nevertheless, by doing so, the Working Group is of the opinion they invalidated the Board's reason for adopting the UN allocation in the first place, i.e. to avoid being involved in assigning countries to regions by adopting some independently prepared and authoritative list for this purpose.

### ***Impact of the current definition***

28. In the opinion of the Working Group the current definition is not only confusing to the individual, it makes it more difficult – particularly for smaller countries with limited resources - to be actively engaged in different aspects of ICANN. There are more meetings to attend, different people to know and different structures to understand. For example, ccTLD managers in the Middle East are by definition part of ICANN's Asian, Australian, Pacific Region. At the same time, for the allocation of IP number resources, they rely on RIPE NCC, the Regional Internet Registry for Europe and the Middle East, and therefore are considered to be part of the European Region. If somebody from the Middle East were elected through the ccNSO to serve on its Council or the ICANN Board, he or she would be considered to originate from the Asian, Australian Pacific Region. If elected through the ASO to serve on the ASO EC or the ICANN Board that same person would take a seat for the European Region.
29. If the citizenship criterion is applied as well, the consequences become even more complex and confusing. For example, representatives from Caribbean Islands are depend for IP Number Resources on either LACNIC (Latin America) or ARIN (North America). For ASO matters they are assigned either to Latin American Region or the North American Region. For ccNSO, and Nom Com matters they are sometimes considered to be part of the European Region. It is instructive to note that the GAC does not operate under a regional structure.
30. A number of ccTLD managers and Internet communities are dissatisfied with the present ICANN regional structure as they believe it adversely impacts their representation and participation in ICANN as a whole, and the ccNSO in particular, as was presented during the ICANN Lisbon meeting (see: <http://www.icann.unrealgraphics.net/meetings/lisbon/presentation-ccnso-members-b-27mar07.pdf>)

### ***Representational Issues***

31. As a result of both internal debate within the Working Group and the public consultation amongst the ccNSO membership, it appears that there is

general consensus that the present regional structure results in representational difficulties such as:

- Within the ccNSO, candidates for Council must be nominated, seconded and voted in by Members from within their own region. In practical terms, in order to gain such support, a candidate must be able to attend either main ICANN meetings or Regional meetings on a regular basis, and probably has to have views and interests (with respect to ICANN) that are shared by his constituency. The geographical remoteness of, for example, some Overseas Territories from the region of their mother country, or even of countries at the extremities of a large Region, makes these preconditions to election unlikely.
  - Groups of countries that have strong affinity because of culture, language, political affiliation, etc, could find that their regional representative, elected by other interests, does not adequately represent their views.
  - Other ICANN organisations, such as the ALAC, whose elections are similarly based upon ICANN's Geographic Regions may be encountering similar issues.
32. As assignment of some of the ccTLD to a Geographic Region is based on citizenship, it is unclear if it is citizenship of the Sponsoring Organization, Administrative Contact or Technical Contact. If it is based on citizenship of the natural person who fulfils the role of Administrative or Technical Contact and this person is citizen of another country or territory then to which Region is he or she assigned? Secondly, it is unclear if citizenship as criterion should be extended to encompass legal persons as well.
33. The Bylaws on membership of the ccNSO seek to redress one consequence of the definition of Geographic Regions: "For purposes of this Article, managers of ccTLDs within a Geographic Region that are members of the ccNSO are referred to as ccNSO members "within" the Geographic Region, regardless of the physical location of the ccTLD manager." However, this provision only solves specific implications of the Geographic Regions as defined. Situations as described above, nor other effects associated with the citizenship criterion, are covered by aforementioned provision.

### ***Participation Issues***

34. Whilst there is general consensus about the need to resolve the representational issues stemming from the present definition of ICANN Geographic Regions, the same is not true with respect to its impact upon participation in ICANN. Indeed, opinions seem to fall within one of two opposed camps; those that believe that Regions are relevant only to representation and have nothing to do with participation, and those that consider participation to be the important issue with representation being only a minor problem.

35. The first group believes that the degree of participation by any country is a direct reflection of the degree of interest in ICANN held by the individuals involved. Some are of the view that many in the Internet community, including ccTLD managers, consider the matters discussed by ICANN in general and the ccNSO in particular to be irrelevant to their day-to-day operations. If they were interested, they would find a way to participate irrespective of the regional structure. Conversely, no “tinkering” with the regional structures will increase participation.
36. The alternative view is that participation is a concern for similar reasons to those for representation, but in this case, the reasons apply not just to ccTLD managers, but to entire local Internet communities. On the one hand, individuals from some jurisdictions can face unrealistic travel requirements, only to find little shared interest with members of the “home” Region or, on the other, could attend a nearby regional meeting in a foreign language and with no “official” recognition. Whilst the degree of individual interest is an important factor, a better organised, meaningful regional structure is more likely to motivate individuals to participate, and will better support other outreach initiatives.
37. During the consultations conducted by the Working Group, some respondents have pointed out that regional organisations such as CENTR, APTLD and LACTLD do not necessarily rely upon the ICANN regions definition as a basis for membership. This is true, and the openness of these organisations is noted. On the other hand, from the ICANN perspective, the Bylaws do appear to relate these regional organisations to ICANN regions.
38. For example, within the current ccNSO section of the Bylaws, Clause 2 of Section 3 states:

*“There shall also be one liaison to the ccNSO Council from each of the following organizations, to the extent they choose to appoint such a liaison: (a) the Governmental Advisory Committee; (b) the At-Large Advisory Committee; and (c) each of the Regional Organizations described in Section 5 of this Article. These liaisons shall not be members of or entitled to vote on the ccNSO Council, but otherwise shall be entitled to participate on equal footing with members of the ccNSO Council. ....”*

Section 5 (Regional Organisations) states:

*“The ccNSO Council may designate a Regional Organization for each ICANN Geographic Region, provided that the Regional Organization is open to full membership by all ccNSO members within the Geographic Region. ....”*

39. Regional Liaisons are not members of the Council and are not entitled to vote. This therefore is not a “representational” issue. Yet the ccNSO can

“designate” (whatever that means) only one regional organisation for each of ICANN’s Geographic Regions. It follows that ccNSO recognition and support will almost certainly be channelled to these “designated”, ICANN Regions – based local organisations.

40. It is not clear what would happen if, say, the Caribbean countries formed their own local ccTLD organisation. Under the present Bylaws, it is most unlikely that such an organisation would be “designated”. However, what would happen if membership of such an organisation were opened to all ccNSO members within the LAC Region? Even more complex, if a new local ccTLD organisation was formed by a grouping of ccTLD managers from two ICANN regions (e.g. the Arab States), would membership have to be open to all ccNSO members in one or both ICANN regions before ccNSO designation could be considered?
41. Although new local organisations are a real possibility, it is not being suggested that they are likely to open their membership to all ccNSO members within an existing ICANN region and so the ccNSO may never have to answer the above questions. On the other hand, the Bylaws do appear to make the assumption that one regional organisation maps directly to each ICANN Region when in reality this is not the case now and may be even less so in the future. It is difficult to see why such an assumption is necessary.
42. It is noted that where a strong regional ccTLD organisation already exists, members are less likely to see “participation” as an issue than in areas where there is no appropriate regional organisation (e.g. Caribbean, Pacific Islands, Middle East).
43. Despite the diverse views outlined above, the Working Group is unanimous in its view that increasing participation in the ccNSO by ccTLD managers should be a major concern for the ccNSO. The whole question of participation at all levels will be examined by a new ccNSO Working Group that was established during the San Juan meeting.

### **ccNSO Procedures and Decisions**

44. In case it is of assistance to the Board, the following section details the internal regions review undertaken by the ccNSO, and its resulting decisions.
45. The primary references to Geographic Regions within Article IX (Country-Code Names Supporting Organisation) of the Bylaws are:

#### **“Section 3. ccNSO COUNCIL**

1. The ccNSO Council shall consist of (a) three ccNSO Council members selected by the ccNSO members within each of ICANN's Geographic Regions in the manner described in Section 4(7) through (9) of this Article; (b) three ccNSO Council members selected by the

ICANN Nominating Committee; (c) liaisons as described in paragraph 2 of this Section; and (iv) observers as described in paragraph 3 of this Section.

2. There shall also be one liaison to the ccNSO Council from each of the following organizations, to the extent they choose to appoint such a liaison: (a) the Governmental Advisory Committee; (b) the At-Large Advisory Committee; and (c) each of the Regional Organizations described in Section 5 of this Article. These liaisons shall not be members of or entitled to vote on the ccNSO Council, but otherwise shall be entitled to participate on equal footing with members of the ccNSO Council. ....”

And

#### **“Section 4. MEMBERSHIP**

4. The Geographic Regions of ccTLDs shall be as described in Article VI, Section 5 of these Bylaws. For purposes of this Article, managers of ccTLDs within a Geographic Region that are members of the ccNSO are referred to as ccNSO members "within" the Geographic Region, regardless of the physical location of the ccTLD manager. In cases where the Geographic Region of a ccNSO member is unclear, the ccTLD member should self-select according to procedures adopted by the ccNSO Council.

46. The majority of ccTLD managers who responded to the ccNSO survey on Regions, conducted during the latter half of 2006, supported the concept of a regional structure that would maximise ground level participation and representation in the ccNSO. The ccNSO Regions Work Group was therefore tasked with examining what the ccNSO might do in addition to submitting this report to the Board.
47. The Working Group concluded that the possible courses of action were:
- (1) To do nothing.
  - (2) To start with a clean sheet of paper, and design a new regional structure that better meets the needs of the ccNSO.
  - (3) To make minor, short-term modifications to the existing regional structure so as to remove some of the more obvious anomalies (e.g. Overseas Territories).

#### **Option 1 – Do Nothing**

48. Doing nothing will not resolve any of the issues that have been raised by ccTLD managers. This option therefore was not recommended.

## **Option 2 – Design a New Structure**

49. An alternative option was to design a new regional structure for the ccNSO only, which was designed to maximise participation and representation, and was flexible enough to take into account the differences detailed above. However, undertaking such a task in advance of any action taken by ICANN as a whole was considered to be premature. It therefore was not recommended.

## **Option 3 – Minor, Short-term Modifications**

50. Although minor modifications to bring quick relief to some of the problem areas might be possible, or even desirable, in the short term, the underlying problems would remain and would undoubtedly come to the surface once more. The biggest concern was that the present regional structure has the effect of imposing a “one-size-fits-all” solution on large areas of the world and does not have the flexibility to take into account the language, cultural, political and economic differences that have a great impact upon work at the practical level.
51. Two such minor, short-term modifications were originally proposed for consideration. They were:
  - Option 3a.** Allowing a ccTLD within an area such as the Caribbean to choose whether it belongs to the LAC, NA or EU region for ccNSO purposes.
  - Option 3b.** Facilitating the creation of sub-regional or inter-regional groups.
52. Following consultation, it appeared that there was insufficient support to proceed with Option 3b as a short term measure in advance of any decision by ICANN. This option was therefore withdrawn. On the other hand, general support was received for Option 3a, and this is described more fully in the following paragraphs.
53. Concern about mis-allocation of some “overseas territories” had been raised and discussed at the past two ccNSO meetings at least. In some cases it was clear that, even under ICANN’s existing rules, errors in regional assignments have been made. Fairness suggested that such errors should be quickly corrected where it is within the ccNSO’s power to do so. Given that the ICANN Regions review may provide a permanent solution to this problem, a temporary solution could be implemented by specifying specific procedures for self-selection of a Region.
54. According to clause 4 of section 4 of the Bylaws:

*“In cases where the Geographic Region of a ccNSO member is unclear, the ccTLD member should self-select according to procedures adopted by the ccNSO Council.”*

55. This implies the ccNSO (Members and Council) is able to define a procedure for self-selection, which would alleviate some of the concerns for the ccNSO itself without having to go through the process of a Bylaw change. No changes in the rules for election to the ccNSO Council would be required. However, whatever procedure would be defined (and the finally agreed procedures are attached at Annex A), the underlying concern of lack of transparency for outsiders and newcomers to the ICANN environment as a result of the definition Geographical Regions will not be redressed.
56. An alternate view was that it was “dangerous” for the ccNSO to take unilateral action prior to a decision on regional structures being taken by the ICANN Board. It was also been pointed out that no elections to the ccNSO Council would take place for another 12 months (January 2008). Therefore there was no apparent need to take precipitous action. The counter argument was that it had already taken well over 12 months for the ccNSO to get to the present stage in its discussions. The full ICANN Regions Review could likely take much longer to reach conclusions and even longer to implement them. In any event, for the very small nations involved, the concern was not so much about representation (in practical terms, they too small to make any difference) but rather the feeling that their concerns were being ignored by the ICANN community and that “injustice” was being allowed to continue. This leads to disillusionment, and a lack of interest and participation.
57. The ccNSO has on balance decided to implement self-selection of those territories currently allocated to Geographic Regions by virtue of the “citizenship criteria”, using the procedures detailed at Annex A. This self-selection process will be for ccNSO purposes only, and is likely to be replaced once the ICANN review of Geographic Regions has been completed.
58. In addition, the ccNSO has appointed a new Working Group to examine means of increasing participation in ICANN’s activities, whether at Regional, ccNSO or ICANN level.

## **Conclusions and Recommendations**

59. The ccNSO has concluded that whilst the Board’s decision at Yokohama that it would be “*best to refer to some independently prepared and authoritative list*” for the purposes of allocating countries to regions, was a good one, the present allocation deviates significantly from the “authoritative list” that was purportedly selected. In fact, depending upon the measurement criteria one

uses, either 17% or 40% of countries are allocated to different ICANN regions than those to which they are allocated by the UN Statistics Office.

60. Because the Bylaws require a review of Geographical Regions every three years, and the last review was in 2003, it is believed that the ICANN Board does not have the option of “doing nothing”. The available options therefore appear to be:

- (1) To pass a Board resolution that properly authorises the *status quo* with respect to Geographical Regions.

Such a resolution is likely to be difficult to draft. It would either have to acknowledge that ICANN is creating its own definition of Geographical Regions, independent of any other international standard, or it would have to explain and explicitly authorise all deviations from the UN Statistics Office definition. Moreover, the present allocation of “areas that are not countries” is said to be based upon “citizenship” (albeit that it has been incorrectly applied in some instances), yet “citizenship” is an attribute of individuals, not areas.

- (2) To pass a Board resolution that authorises new or revised Geographical Regions. Because of the complexity of the issue and the potential impact upon constituencies other than the ccNSO, it is recommended that the ICANN Board appoint a Working Group to study the issue and make recommendations prior to the Board making its determination.

61. As noted in paragraph 21 above, an examination of the current Bylaws discloses that ICANN’s Geographic Regions are used in different ways by different ICANN constituencies. It might therefore be possible to consider different solutions for different uses of the Regional Structure.

62. For example, an alternative methodology for ccNSO Council elections might be to place no regional restrictions upon nominations or voting, but to appoint the three citizens of each Region that receive the most votes. A further condition might be that no two Council members could be citizens of the same country. Although such a procedure might bring the ccNSO more in line with other ICANN constituencies, it has not been considered by the membership as they would prefer to first see ICANN’s approach to these issues.

63. A underlying problem is that “citizenship” is one of the possible attributes of an “individual” (other examples are “residency” and “nationality”) that can be used to allocate the individual to a country. It is believed that the term “citizenship” was introduced into the Bylaws because the Board wish to make it clear that, when considering the appointment of an individual to the Board, it should be his “citizenship” rather than “residency” that should be

used when checking diversity requirements. This is perfectly fair. However, “citizenship” is not an attribute of a country or jurisdiction, and so It cannot properly be used to allocate a country to a region.

64. The obvious way to allocate countries to a Region is to follow without modification the allocations made by an independent third party, e.g. UN Statistics. The UN allocation is based purely on geographical location, and does not take political considerations into account. It would appear that this causes difficulties for some jurisdictions where their “overseas territories” are legally an integral part of the mother country. This, of course, begs the question of why, therefore, should such territories have a separate ccTLD?
65. The legal relationships between the various “overseas territories” and their respective mother countries vary enormously. It is a complex area which ICANN would do well to avoid. The two available options therefore appear to be (a) to ignore the political concerns and stick with the UN geographically-based allocations, or (b) to permit some means of self-selection for the territories involved.
66. On the other hand, the disadvantage of the UN Statistics model may be that it is purely geographical. One of ICANN’s core values is:

“4. Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.”

Why therefore should only geographic diversity be taken into account? Are functional and cultural diversity not important? Should language be taken into consideration, at least as far as regional organizations are concerned? These are questions that the Board may wish to consider at an early stage.

67. As noted previously, the Working Group has been unable to establish why the existing five ICANN regions were chosen. Consideration should at least be given to harmonizing the Regions with those of UN Statistics, which, with the exception of Oceania, gives a fairly even spread of number of countries per region, i.e.

<b>Region</b>	<b>Number of Countries</b>
Africa	57
Americas	51
Asia	50
Europe	52
Oceania	25

Table 1. UN Statistic Regions

68. Alternatively, consideration could be given to “uplifting” of one or other of the alternative sub-divisions of the Americas:

<b>Region</b>	<b>Number of Countries</b>
Africa	57
LAC	46
Northern America	5
Asia	50
Europe	52
Oceania	25

Table 2. “Uplifting” Americas Sub-Regions (Option 1)

<b>Region</b>	<b>Number of Countries</b>
Africa	57
South America	14
North America	37
Asia	50
Europe	52
Oceania	25

Table 3. “Uplifting” Americas Sub-Regions (Option 2)

69. Finally, the Working Group consulted with both ccNSO members and the general community. In addition, two presentations were made to the GAC and one to the ALAC. The main points from the feedback received, including some that are contradictory, are detailed below. It is hoped that these can assist a Working Group tasked by the Board to consider this matter in greater detail:

- The issue of regions may touch on things like national sovereignty and cultural identity, and it is therefore extremely important that the issue is treated with sensitivity and that broad consensus is sought for any recommendations (to the Board).
- While we agree that the present implementation of geographic diversity leaves something to be desired, we wholeheartedly support the principle itself.
- Currently the North American region has a very small number of members relative to the other regions and yet it still is guaranteed one director. While some may consider this appropriate, considering the sheer number

of Internet 'users' in the North American region, that isn't what this level of representation is about.

- Balance is a key issue. The current regions are skewed, perhaps especially in regards to ccTLDs.
- The present composition of the African Region should not be changed.
- It is vital that the GAC be closely involved in the Regions Review.
- The agreement of Governments should not be required in the ccNSO's interim self-selection process.
- The allocation of countries to regions should recognize the sovereignty and right of self-determination of states.
- Flexibility is key.
- Regional structures should take into account geography, culture, language, and economic ties. This may lead to an increase in the number of regions.

**Draft Procedures for the Self-Selection of ccNSO Regions  
Under the Provisions of Clause 4 of Section 4 of the ICANN  
Bylaws**

1. **Applicability.** These procedures are available only to those ccTLDs that:
  - a. are currently assigned to an ICANN Geographical Region on the basis of the citizenship criterion, and
  - b. are members of the ccNSO.
2. **Options.** The ccTLD may opt to join the ICANN Geographic Region with which the ccTLD Manager and the Government believe the country or territory has the closest geographic, language, cultural and economic ties.
3. **Procedure.** The ccTLD manager is to submit a request, which must include a letter of support from the ccTLD government, for consideration by the ccNSO Council.
4. **Limitations.** From the date that an application under these provisions has been approved by Council, no further applications from that ccTLD will be considered [for a minimum period of 5 years]. In the event the application has been approved by the Council the assignment to the ICANN Geographic Region only has affect with regard to matters relating to the ccNSO

3.10.2 ccNSO Council Meeting Minutes  
from Los Angeles, USA 31 October 2007  
[http://ccnso.icann.org/meetings/losangeles/  
ccnso-council-minutes-31oct07.pdf](http://ccnso.icann.org/meetings/losangeles/ccnso-council-minutes-31oct07.pdf)

## 24<sup>th</sup> Council Meeting Minutes

31<sup>st</sup> October 2007

### Attendees

Becky Burr  
Victor Ciza, .bi  
Lesley Cowley, .uk  
Keith Drazek, .us  
Mohamed El Bashir, .sd  
Chris Disspain, .au (Chair)  
Ondrej Filip, .cz  
Olivier Guillard, .fr  
Hiro Hotta, .jp  
Young-Eum Lee, .kr (phone)  
Slobodan Markovic  
Oscar Moreno, .pr  
Paulos Nyirenda, .mw  
Patricio Poblete, .cl  
Oscar Robles, .mx  
Dotty Sparks de Blanc, .vi

### Observers:

Bart Boswinkel, ICANN Staff  
Don Hollander, APTLD  
Gabriella Schitteck, ccNSO Secretariat  
Siavash Shahshahani, ALAC liaison  
Peter Van Roste, CENTR  
Margarita Valdes, LACTLD

### 1) Welcome to New Councillors

The Council welcomed two new Council members: *Oscar Moreno*, for the North American region and *Nashwa Abdelbaki*, NomCom appointee, who will take her seat after the meeting.

### 2) IDN ccPDP

The Chair tabled two resolutions relating to the IDN ccPDP. Firstly, the appointment of a Steering Committee and its members and secondly, the creation of an Issue Report.

#### 2.1) Appointment of Steering Committee

##### *Background*

At its meeting at 2 October 2007 the ccNSO Council requested an issues report on matters pertaining to the introduction of IDN ccPDP. The Council also adopted a resolution that a sub-committee of the Council, consisting of 5 members of the Council and its Chair will act as a steering group to liaise and assist the Issue Manager.

#### *Resolution*

24.01 IT WAS RESOLVED to appoint the following members of the Council to act as steering committee for the ccPDP:

Becky Burr (NA region)  
Ondrej Filip (EU region)  
Hiro Hotta (AP region)  
Paulos Nyirenda (AF region)  
Patricio Poblete (LAC region)

Chris Disspain (Chair of the ccNSO Council)

The resolution was passed unanimously.

## **2.2 Creation of Issue Report**

#### *Background*

At its meeting at 2 October 2007 the ccNSO Council requested an issues report on matters pertaining to the introduction of IDN ccPDP. At the same meeting the ccNSO Council appointed the Issue Manager. According to the ICANN by laws (Annex B section 2) the Council shall, in consultation with the Issue Manager, set the time within which the Issue Report needs to be available.

#### *Resolution*

24.02 IT WAS RESOLVED, that the Issue Manager in consultation with the Steering Committee, that a first draft of the Issue Report will be available no later than two weeks before the ICANN New Delhi meeting (February 2008).

The resolution was passed unanimously.

## **3) Resolutions on Proposing a Fast Track Approach**

The Chair introduced the next agenda item on the fast track approach and tabled a resolution on forming an Internationalised Domain Name Working Group.

#### *Background*

In initial discussions by the ccNSO members, other ccTLD managers and ICANN's Governmental Advisory Committee (GAC) a number of policy questions were identified and a "Questions and Issues Paper" was submitted to the ICANN Board of Directors (<http://www.icann.org/topics/idn/ccnso-gac-issues-report-on-idn-09jul07.pdf>). It became clear that the development of the required policy for IDN ccTLDs to resolve the issues raised was likely to take a minimum of 2 years. It also became clear that such a time frame was a major concern for a number of ccTLD managers who have expressed there is a pressing need for an IDN ccTLD in their territory. Because of this, the concept of a fast track approach began to be discussed. In those discussions it was thought that it **might** be possible to find a method to allow the introduction of a limited number of IDN ccTLDs while the overall policy was being developed.

Policies and procedures that may be relevant to the delegation of an IDN ccTLD under a fast track approach include:

- the IDNA protocol standards (<http://icann.org/announcements/announcement-2-11may07.htm>);
- RFC 3454 (<http://www.ietf.org/rfc/rfc3454.txt>);
- RFC 3490 (<http://www.ietf.org/rfc/rfc3490>);
- RFC 3491 (<http://www.ietf.org/rfc/rfc3491.txt>);
- RFC 3492 (<http://www.ietf.org/rfc/rfc3492.txt>);
- RFC 1591 and associated procedures for delegation of a country code top level domain (<http://www.isi.edu/in-notes/rfc1591.txt>)
- The GAC principles [http://gac.icann.org/web/home/ccTLD\\_Principles.rtf](http://gac.icann.org/web/home/ccTLD_Principles.rtf).

Following consideration of the “Questions and Issues Paper”, and statements of the GAC and ccTLD managers on a fast track approach the ICANN Board has requested the ccNSO to **explore** both an interim and an overall approach to IDN ccTLDs associated with the ISO 3166-1 two-letter codes and to recommend a course of action to the Board taking the technical limitations and requirements into consideration <http://www.icann.org/minutes/resolutions-29jun07.htm#m>.

At its meeting on 2 October 2007, the ccNSO Council launched a Policy Development Process (ccPDP) by requesting a PDP Issues Report and appointing an Issues Manager. This ccPDP has been launched to develop an overall approach, which includes finding solutions for the matters raised in the “Questions and Issues Paper”.

At its meeting on 2 October 2007, the ccNSO Council requested its chair and staff to prepare a draft charter for an IDN Working Group to be appointed by the Board and a background paper in preparation of the discussion on the fast track approach. The ccTLD managers present at the Los Angeles meeting discussed the drafts internally. The draft Charter was adjusted accordingly to reflect the outcome of the discussion.

At its meeting on 2 October the ccNSO Council endorsed the initiative of its Chair to ascertain the immediate need for IDN ccTLD in territories. The results of this survey were presented at the ccNSO meeting in Los Angeles.

#### *Resolution*

24.03 IT WAS RESOLVED to recommend to the ICANN Board that an Internationalised Domain Name Working Group be formed under the Proposed Charter for the IDN Working Group, 31 October 2007.

The resolution was passed unanimously.

#### **4) New gTLD Process / Resolution on Principles Relating to the Use of Names of Territories as Listed in ISO 3166-1 list as new gTLD**

The Chair tabled the proposed resolution recommending to the ICANN Board guidelines for the use of the names of territories as listed in the ISO 3166 list and their meaningful abbreviations as a gTLD in ASCII and non ASCII script. The resolution was to be put forward to the ICANN board for approval.

There was discussion on whether the proposed resolution correctly captured the outcome of the discussions held on the topic during the ccNSO meeting on the previous day.

*Slobodan Markovic* and *Paulos Nyirenda* expressed concern for the use of the wording “recognised languages”, as there seem to be no official list of such languages.

The Chair explained that the background for using the formulation is to avoid potential fights about what a language is. This would be something ICANN staff would have to deal with during the implementation process. He noted that the new gTLD policy had been formulated in a similar way, with references to, for example ‘public morals’ without providing a clear definition.

*Oscar Robles* expressed the view that making the ASCII and non-ASCII “meaningful abbreviation of a territory” it into a principle was problematic and may be better dealt with under the objection process.

It was, however, felt that there had been consensus in the room during the previous day’s discussions that this was what the ccTLD community wanted.

#### *Background*

At its meeting at the ICANN meeting in LA the participants of the ccNSO members meeting discussed the potential impact of the new gTLD. The discussion was focused on the potential use of the names of territories as listed in the ISO 3166 list and their meaningful abbreviations as a gTLD in ASCII and non ASCII script.

#### *Resolution*

24-04 IT WAS RESOLVED that the ccNSO Council recommends that the ICANN Board apply the following principles in the new gTLD process:

#### **Principle on meaningful representation of the name of a territory listed on the ISO 3166-1 in a non ASCII script.**

No name of a territory as listed in ISO 3166-1 or a meaningful abbreviation of it, whether represented in a non ASCII script or in any recognised language represented in that script, shall be available as a gTLD. This principle should be revisited once the IDN ccPDP Recommendation, if any, is adopted by the Board.

#### **Principle on meaningful representation of the name of a territory on the ISO 3166-1 list in ASCII.**

No name of a territory as listed in ISO 3166-1 or a meaningful abbreviation of it, whether represented in ASCII or in any recognised language, shall be available as a gTLD. This principle should be revisited once the IDN ccPDP Recommendation, if any, is adopted by the Board.

12 Councillors voted in favour.

Four abstentions were noted: Young-Eum Lee, Slobodan Markovic, Paulos Nyirenda and Oscar Robles.

### **5) Regions Self-selection Mechanism**

The Chair tabled two resolutions, which are an outcome from the Regions Working Group report.

The first resolution deals with the adoption of the recommendation from the Working Group to install a self-selection mechanism for those ccNSO members which today are assigned to a region based on the citizen criteria. The affected ccTLD manager should, together with their government, be able to define which region they would like to be designated to in the ccNSO framework.

The second resolution instructs the relevant ICANN staff to prepare an implementation process.

#### *Background*

At its meeting on 2 October the ccNSO Council adopted the final report of the Regions WG, with one member abstaining. According to the ICANN by laws section Article IX, clause 4 section 4 the ccNSO may adopt procedures for self selection for cases where the Geographic Region of a ccNSO member is unclear.

The WG on the ICANN Regions recommended that the ccNSO Council introduce a mechanism for self –selection for those ccTLD managers which are currently assigned to an Geographical Region on the basis of the “citizenship” criterion.

The recommendation of the WG is:

#### **Under the Provisions of Clause 4 of Section 4 of the ICANN Bylaws**

1. **Applicability.** These procedures are available only to those ccTLDs that:
  - a. are currently assigned to an ICANN Geographical Region on the basis of the citizenship criterion, and
  - b. are members of the ccNSO.
2. **Options.** The ccTLD may opt to join the ICANN Geographic Region with which the ccTLD Manager and the Government believe the country or territory has the closest geographic, language, cultural and economic ties.
3. **Procedure.** The ccTLD manager is to submit a request, which must include a letter of support from the ccTLD government, for consideration by the ccNSO Council.
4. **Limitations.** From the date that an application under these provisions has been approved by Council, no further applications from that ccTLD will be considered [for a minimum period of 5 years]. In the event the application has been approved by the Council the assignment to the ICANN Geographic Region only has affect with regard to matters relating to the ccNSO.

#### *Resolution 1*

24-05 IT WAS RESOLVED to adopt the recommendation of the WG on the ICANN Geographic Regions as stated above.

#### *Resolution 2*

24-06 IT WAS RESOLVED to request ICANN staff to propose mechanisms for implementation of the resolution by the next ICANN meeting in New Delhi, India.

15 Councillors voted in favour of the resolutions.  
*Olivier Guillard* abstained from both resolutions.

## **6) IANA Working Group Charter**

The Chair informed the meeting that the Chair of the IANA Working Group, *Olivier Guillard* has submitted an updated Working Group charter for the Council to consider.

Olivier Guillard indicated that this document was a consolidation of different documents adopted by the ccNSO to structure the IANA Working Group activity, including a membership protocol visible on the IANA Working Group web site. He also indicated that he felt that those documentations may no longer reflect the context and requirements of today's Working Group. The Council was therefore asked to review the scope and work items of the Working Group.

The Chair suggested passing a resolution, requesting the Working Group Chair to draft a relevant scope and work items for the Working Group by the New Delhi meeting.

*Lesley Cowley* suggested to amend the wording so that it reads "*the Working Group Chair is to report as soon as possible*" in order to speed up procedures.

### *Background*

Olivier Guillard, the chair of the IANA WG submitted an updated charter to be adopted by the ccNSO Council. This charter was drawn up from existing IANA WG documents. At the same time he requested a review of the scope and work items of the working group as the circumstances under which the IANA WG originally was created, have changed significantly since the IANA WG was constituted.

### *Resolution*

24-06 IT WAS RESOLVED to request the chair of the IANA WG to review the scope and work items of the WG with the working group members in close cooperation with relevant ICANN staff. The Working Group chair is requested to report to the Council as soon as possible, and propose a relevant scope and work items for the WG, if any. During this time the IANA WG is requested to undertake its activities under the current charter.

The resolution was passed unanimously.

## **7) DNSSEC Update**

The Chair reiterated his requests to the TECH Working group and the IANA Working Group for input on the issue.

*Lesley Cowley* asked for the IANA WG to speed up procedures with DNSSEC.

He also encouraged people to review the statement from RIPE on signing the root zone, in order to get a feeling for what the community thinks of the subject.

## **8) Anti-phishing**

The Chair noted that Anti-phishing seems to be a topic of broad interest for the community and therefore asked the Councillors whether an Anti-phishing Working Groups should be set up.

*Lesley Cowley* suggested that the ccNSO Secretariat launches a survey on the topic to find out what the community knows on the topic and expects from the ccNSO Secretariat.

*Becky Burr* supported the suggestion and wondered whether the survey also could include questions on legal limitations put upon the ccTLD operators.

The Chair pointed out that the ccNSO Secretariat will need to receive input in how to formulate the questions.

24-07 IT WAS RESOLVED that the ccNSO Secretariat starts drafting a survey on Anti-phishing.

## **9) ccNSO Working Group Guidelines**

The Councillors were informed that *Bart Boswinkel* is working on guidelines for ccNSO Working Groups. The guidelines will be presented to the Council for consideration as soon as possible.

## **10) Internal Procedures Update**

The Chair noted that guidelines for ccNSO Council Minutes are under development and will be sent out to the Council for consideration as soon as possible.

The meeting was then informed that the numbering of future council resolutions will undergo a formatting change. It was explained that they will now follow the numbering of the actual Council meetings.

*Lesley Cowley* suggested that a work plan should be developed. This was agreed and the Secretariat was requested to start work on a draft work plan for discussion at the meeting in Delhi.

## **11) New Membership Applications to the ccNSO**

The ccNSO received membership applications from Serbia (.rs) and China (.cn). The application details for both ccTLDs have been confirmed by IANA.

24-09 IT WAS RESOLVED to approve Serbia (.rs) as new ccNSO member.

24-09 IT WAS RESOLVED to approve China (.cn) as new ccNSO member.

The resolutions were passed unanimously and acclaimed by applause.

On behalf of the Chinese ccTLD manager, thanks to the ccNSO Chair and Council members were expressed and .cn declared their commitment to support and contribute to the work of the ccNSO.

*Paul Twomey* welcomed both ccTLDs to the ccNSO.

## **12) Call for Nominations for ccNSO Council Members**

The Chair noted that between the Los Angeles and the New Delhi meeting elections to the ccNSO Council need to be held.

### *Background*

The regular terms of the three ccNSO Council members selected by the ccNSO members within each ICANN Geographic Region shall be staggered so that one member's term begins in a year divisible by three, a second member's term begins in the first year following a year divisible by three, and the third member's term begins in the second year following a year divisible by three. Accordingly one candidate per "Geographic Region": Europe; Asia Pacific; Latin America/Caribbean islands; Africa; and North America has to step down, and there seat are open for election.

The ccNSO Council members who step down are:

Africa: Mohamed El Bashir

Asia/Pacific: Hiro Hotta

Europe: Ondrej Filip

Latin America: Eduardo Santoyo

North America: Dotty Sparks de Blanc

According to the ICANN bylaws (Section 4, Membership. paragraph 8):

"Any ccNSO member may nominate an individual to serve as a ccNSO Council member representing the ccNSO member's Geographic Region. Nominations must be seconded by another ccNSO member from the same Geographic Region. "

Each member can nominate one candidate for election to the ccNSO council and each member can second one candidate.

Candidates do not need to be resident in the region or a citizen of a country within the region in which they stand for election.

In order to nominate or second a candidate, a member must have been a member of the ccNSO by 31 October 2007.

### *Resolution*

24-10 IT WAS RESOLVED to request staff to send out a call for nominations no later than 14 November to fill the seats open for election. The period for nominations shall be open for 14 calendar days. In the event more than one candidate is nominated in a specific region, staff is requested to set up an election for the ccNSO members in that region.

The resolution was passed unanimously.

## **14) Thanks**

The Chair asked the Councillors to express their thanks to following persons:

*Bernard Turcotte* (retired ccNSO Councillor)  
*Charles Shaban* (retiring ccNSO Councillor)  
*Eberhard Lisse* (ccNSO Technical Working Group Chair)  
*Vint Cerf* (retiring ICANN Board Chair)

24-12 IT WAS RESOLVED to thank Bernard Turcotte and Charles Shaban for their work and service to the ccNSO Community during their time on the ccNSO Council.

24-13 IT WAS RESOLVED to thank Eberhard Lisse for his efforts in organising the ccNSO Tech Day which has now become a significant feature of ccNSO meetings.

24-14 IT WAS RESOLVED to thank Vint Cerf for his extraordinary commitment as Chair of the ICANN board and his outstanding efforts in guiding and serving the ICANN Community.

The resolutions were passed unanimously. .

## **15) AOB**

*Olivier Guillard* asked the Council whether it should examine IPv4 addresses, which are expected to be depleted by 2010.

The Chair suggested putting the topic into the ccNSO work plan.

*Patricio Poblete* asked when the ccTLD Community email list is planned to be launched.

The Chair explained that some work still needs to be done on the email software, however, this is expected to be completed within a few weeks.

## **16) Adjourn**

The Chairman then closed the meeting.

### 3.12.1 Table of Regional Registry/Registrar Gatherings 2005-2008

### 3.12.1 Table of Regional Registry/Registrar Gatherings 2005-2008

DATE & TYPE OF EVENT	REGION	LOCATION
17-18 February 2005 Registrar only event	European Region	Brussels, Belgium
24-26 May 2006, Registry/Registrar event	European Region	Barcelona, Spain
18-20 October 2006 Registry/Registrar event	Asian Region	Shanghai, China
29-31 January 2007 Registry/Registrar event	North American Region	Santa Monica, CA, USA
26-27 July 2007 Registry/Registrar event	Asian Region	Hong Kong, China
12-14 December 2007 Registry/Registrar event	Europe Region	Prague, Czech Republic
<b>Planned Registry / Registrar Gatherings (dates are tentative):</b>		
Spring 2008	North American Region	
Fall 2008	Asian Region	
Fall 2008	European Region	

3.12.2 Blog post by Stefan van Gelder on effectiveness of regional gatherings

(French)

<http://blog.icann.org/?p=257>

# ICANN Blog

Internet Corporation for Assigned Names and Numbers

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« [Cyber Security Is Everyone's Business Annual report released](#) »

## L'ICANN à la rencontre des registrars et des registres

December 14th, 2007 by Stephane Van Gelder

Je suis à Prague depuis deux jours, pour assister à la troisième réunion organisée par l'ICANN pour ses registrars européens. Ces réunions furent lancées en 2005 à l'initiative de Tina Dam, alors en charge des relations avec les registres (aujourd'hui, Tina supervise le programme IDN de l'ICANN), et Tim Cole, qui s'occupe des registrars. La première a eu lieu en Belgique, à Bruxelles.

Mais pourquoi ces réunions ? Certes, trois fois par an l'ICANN organise des réunions générales et l'ensemble des communautés qui travaillent ou sont en contact avec l'ICANN - dont les registrars - ont l'occasion de s'y rencontrer et d'y rencontrer l'ICANN. Mais Tina et Tim ont souhaité aller plus loin et renforcer le dialogue avec les registrars. Pour certains, il est plus facile de s'exprimer dans un cadre plus "intime". D'autres n'ont pas la possibilité de se rendre facilement aux réunions générales. Ainsi par le biais des réunions régionales, l'ICANN vient à eux pour aborder en direct les sujets et les points qui les intéressent plus particulièrement. Le souhait : permettre aux équipes de l'ICANN, de mieux connaître les registrars... et réciproquement.

Cette volonté d'aller vers la communauté des registrars dans le cadre de ces réunions régionales, ce que les Anglais appellent *outreach*, n'est bien entendu pas réservée aux seuls registrars européens. Deux autres zones géographiques ont déjà été couvertes, l'Asie et l'Amérique du Nord. En 2006, des réunions ont été organisées à Marina Del Rey (zone Amérique du Nord), Barcelone (zone Europe) et Shanghai (zone Asie). Cette année, deux réunions se sont tenues, une à Hong Kong, et celle de Prague. Pour 2008, deux réunions sont déjà prévues - en Asie et en Amérique du Nord - pour la première moitié de l'année, et une en Europe vers la fin de l'année. L'idée est d'assurer au minimum une réunion par an pour ces zones géographiques.

Le succès de ces réunions régionales va crescendo. 60 personnes ont assisté à celle de Prague - un chiffre qui n'avait jamais été atteint auparavant. Et en plus des deux jours dédiés au registrars, une journée a été organisée pour les registres. Craig Schwartz, qui a remplacé Tina Dam en 2006 et gère aujourd'hui les relations avec les registres, l'a animé. Le fait de combiner ainsi des ateliers pour les registres et pour les registrars permet également aux deux groupes de mieux se connaître et donc de mieux se comprendre et de mieux collaborer.

Le but final est bien entendu de mieux servir le client, celui qui enregistre un nom de domaine. Plus les différentes entités qui composent la chaîne d'enregistrement - l'ICANN, les registres, les registrars - fonctionnent bien ensemble, plus le client peut espérer obtenir le niveau et la qualité de service qu'il attend.

[Voir les posts en français du blog de l'ICANN.](#)

This entry was posted on Friday, December 14th, 2007 at 5:34 am and is filed under [Français](#). You can follow any responses to this entry through the [RSS 2.0](#) feed. You can [leave a response](#), or [trackback](#) from your own site.

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**4 Comments »**

*Comment by Philippe*  
2007-12-16 08:14:02

Il était temps que le blog Icann s'ouvre au français. Poursuivez cette excellente initiative.

[Reply to this comment](#)

*Comment by [SÜPER OYUNLAR](#)*  
2007-12-20 08:39:36

I don't know the french:(

[Reply to this comment](#)

*Comment by [热门榜-Hot Lists](#)*  
2007-12-22 04:02:45

What does this article describe? I see one word IDN, is it about international domain? some one help us to understand this article, thanks

[Reply to this comment](#)

*Comment by Philemon*  
2007-12-22 12:50:34

Stephane,

Merci pour cette information et surtout de cette analyse sur la nécessité de ces reunions regionales/europeen de l'ICANN. Si je comprends bien que c'est important pour l'ICANN de recontrer les registrars dans un cadre plus plus 'homogène', mais j'aimerais aussi savoir de quoi parlent-ils là bas, est ce que les resultats de ces rencontres sont mis aussi à la dispositions de la communautés si oui j'apprécierais qu'on m'indique où sont postés leurs rapports. Je suis africain, j'aimerais savoir aussi si l'ICANN organise aussi ce type de rencontre pour les registrars africains (ils ne sont que 3 pour les gTLD, uncertain nombre pour les ccTLD dont ceux encore 'entre les mains' des registrars basés en dehors du continent... je veux dire, que cette initiative que je comprends encore une fois, doit avoir des objectifs claires et ces experiences devront etre partagées aux autres zones geographiques au cas où la nécessité de ces rencontres s'averront utile.

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### 3.13.1 List of accredited registrars

<http://www.icann.org/registrars/accredited-list.html>



## ICANN-Accredited Registrars

ICANN currently accredits domain-name registrars for the following Top Level Domains:

- [.aero](#), (reserved for the global aviation community) sponsored by Societe Internationale de Telecommunications Aeronautiques SC (SITA)
- [.asia](#), (reserved for the Pan-Asia and Asia Pacific region) sponsored by DotAsia Organisation
- [.biz](#), (restricted to businesses), operated by NeuLevel
- [.cat](#), (reserved for the Catalan linguistic and cultural community), sponsored by Fundació puntCat.
- [.com](#), operated by Verisign Global Registry Services
- [.coop](#), (reserved for cooperatives) sponsored by Dot Cooperation LLC
- [.info](#), operated by Afilias Limited
- [.jobs](#), (reserved for the human resource management community) sponsored by EmployMedia LLC, operated by Afilias Limited
- [.mobi](#), (reserved for consumers and providers of mobile products and services) sponsored by mTLD Top Level Domain, Ltd.
- [.museum](#), (restricted to museums and related persons), sponsored by the Museum Domain Management Association (MuseDoma)

- [.name](#), (restricted to individuals), operated by Global Name Registry
- [.net](#), operated by Verisign Global Registry Services
- [.org](#), operated by Public Interest Registry
- [.pro](#), (restricted to licensed professionals) operated by RegistryPro
- [.travel](#), (reserved for entities whose primary area of activity is in the travel industry) sponsored by Tralliance Corporation.

The following companies have been accredited by ICANN to act as registrars in one or more TLDs:

Registrar Name	Country	Accredited TLDs
<a href="#">!!! \$0 Cost Domain and Hosting Services, Inc.</a>	United States	.com, .net, .org
<a href="#">! #1 Host America, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">! #1 Host Australia, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">! #1 Host Brazil, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">! #1 Host China, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">! #1 Host Germany, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">! #1 Host Israel, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">! #1 Host Japan, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">! #1 Host Korea, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro

<a href="#">! #1 Host Kuwait, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">! #1 Host Malaysia, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">! #1 Host United Kingdom, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">! #1Host Canada, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">! \$ ! Bid It Win It, Inc.</a>	United States	.com, .net
<a href="#">! AlohaNIC LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">!!! BB Bulk, Inc. dba My Name Now</a>	United States	.com, .net
<a href="#">!\$6.25 DOMAINS! Network, Inc. dba Esite Top Accredited Domain Registration and Ecommerce Solutions, Inc.</a>	United States	.biz, .com, .info, .net, .org
<a href="#"># 1 DotMobi Registrar, Inc.</a>	Malaysia	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">#1 Domain Names International, Inc. dba 1dni.com</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">#1 Internet Services International, Inc. dba 1ISI</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">\$ PPC Marketing LLC</a>	United States	.com, .info, .net, .org
<a href="#">\$\$\$ Private Label Internet Service Kiosk, Inc. (dba "PLISK.com")</a>	United States	.com, .net
<a href="#">000domains, LLC</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">007Names, Inc.</a>	United States	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">0101 Internet, Inc.</a>	Hong Kong	.asia, .biz, .com, .info, .name, .net, .org, .pro

<a href="#">1 Domain Source dba Domain One Source</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">1 More Name, LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">1&amp;1 Internet AG</a>	Germany	.biz, .cat, .com, .info, .mobi, .name, .net, .org
<a href="#">1-877NameBid.com LLC, d/b/a</a>	United States	.biz, .com, .info, .name, .net, .org
<a href="#">12 Register B.V.</a>	Netherlands	.biz, .com, .info, .mobi, .name, .net, .org
<a href="#">123 Registration, Inc.</a>	United States	.biz, .com, .info, .jobs, .name, .net, .org, .pro
<a href="#">123domainrenewals, LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">1800-website, LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">1API GmbH</a>	Germany	.asia, .biz, .com, .info, .jobs, .name, .net, .org, .pro, .travel
<a href="#">1st Registrar, Inc.</a>	Latvia	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">1st-for-domain-names, LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">1stDomain LLC</a>	United States	.biz, .com, .info, .name, .net, .org
<a href="#">2003300 Ontario Inc. dba GetDomainsIWant.ca Internet Services Corp.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">2030138 Ontario Inc. dba NamesBeyond.com and dba GoodLuckDomain.com</a>	United States	.aero, .asia, .biz, .com, .coop, .info, .jobs, .mobi, .name, .net, .org, .pro, .travel
<a href="#">21Company, Inc. dba 21-domain.com</a>	Japan	.asia, .biz, .com, .info, .name, .net, .org, .pro

<a href="#">24x7domains, LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">3349608 Canada Inc. dba GetYourDotInfo.com Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">35 Technology Co., Ltd.</a>	China, People's Republic of	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">3597245 Canada Inc. dba Nic-Name Internet Service Corp.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">3684458 Canada Inc. dba Quark.ca Internet Services Corporation</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">4Domains, Inc.</a>	United States	.biz, .com, .info, .net, .org
<a href="#">6230644 Canada Inc. dba Megabyte.ca Internet Services</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">8068 Registrar, Inc.</a>	United States	.com, .net
<a href="#">89AM Web Services, Inc.</a>	United States	.com, .net
<a href="#">89Dian Registrar, Inc.</a>	United States	.com, .net
<a href="#">995discountdomains, LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">A Mountain Domains, Inc.</a>	United States	.com, .net
<a href="#">A Rite Tern, LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">A Technology Company, Inc.</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">A. W. B. Trading, Inc.</a>	United States	.com, .net
<a href="#">AAAQ.COM, Inc.</a>	Canada	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">AB CONNECT</a>	France	.biz, .com, .info, .net, .org
<a href="#">AB NameISP</a>	Sweden	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro

<a href="#">Abacus America, Inc. d/b/a Names4ever</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Abdomainations.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">About Domain Dot Com Solutions Pvt. Ltd. d/b/a www.aboutdomain.com</a>	Malaysia	.biz, .com, .info, .net, .org
<a href="#">Above, Inc.</a>	Australia	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Abstract Names, Inc.</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org
<a href="#">ABSYSTEMS INC dba yournamemonkey.com</a>	Philippines	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Abu-Ghazaleh Intellectual Property dba TAGIdomains.com</a>	Jordan	.biz, .com, .info, .name, .net, .org
<a href="#">Ace of Domains, Inc.</a>	United States	.com, .net, .org
<a href="#">Active 24 AS</a>	Norway	.biz, .cat, .com, .info, .mobi, .name, .net, .org, .pro, .travel
<a href="#">Active Insider, Inc.</a>	United States	.com, .mobi, .net
<a href="#">Active Registrar, Inc.</a>	Singapore	.biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Add2Net Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Address Creation, LLC</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Addressontheweb, LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Adomainofyourown.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">AdoptADomain.net Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org

<a href="#">Advanced Internet Technologies, Inc. (AIT)</a>	United States	.biz, .com, .info, .name, .net, .org
<a href="#">Advantage Interactive Ltd.</a>	United Kingdom	.biz, .com, .info, .net, .org
<a href="#">Affinity Internet Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Affordable Computer Solutions, Inc. DBA Afforda.com and DBA TravelRegistrar.com</a>	United States	.biz, .com, .info, .net, .org, .travel
<a href="#">AFRIREGISTER S.A.</a>	Burundi	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Afterdark Domains, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">AfterGen, Inc. dba JumpingDot</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Afternic, Inc. dba Afternic.com</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Aim High!, Inc.</a>	United States	.biz, .com, .info, .net, .org, .pro
<a href="#">AirNames.com Inc.</a>	Canada	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Alantron BLTD.</a>	Turkey	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Alfena, LLC</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Alibaba (China) Technology Co., Ltd.</a>	China, People's Republic of	.com, .net
<a href="#">Alice's Registry, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Allaccessdomains, LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Alldomains, LLC</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Allearthdomains.com LLC</a>	United States	.biz, .com, .info, .net, .org

<a href="#">Allindomains, LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Allworldnames.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">America Online, Inc.</a>	United States	.com, .net, .org
<a href="#">Annulet Incorporated</a>	United States	.com, .net, .org
<a href="#">Answerable.com (I) Pvt Ltd</a>	India	.asia, .biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Anytime Sites, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">AO Domains, Incorporated</a>	United States	.com, .net
<a href="#">Arab Internet Names, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Arctic Names, Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Arsys Internet, S.L. dba NICLINE.COM</a>	Spain	.biz, .cat, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Aruba SpA</a>	Italy	.biz, .com, .info, .name, .net, .org
<a href="#">Asadal, Inc.</a>	Korea, Republic of	.asia, .biz, .com, .info, .net, .org
<a href="#">Ascio Technologies, Inc. - Denmark</a>	Denmark	.aero, .asia, .biz, .cat, .com, .info, .jobs, .mobi, .name, .net, .org, .pro, .travel
<a href="#">AsiaDomains, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">AtlanticFriendNames.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Atlas Advanced Internet Solutions Ltd. dba Atlas Internet</a>	United Kingdom	.biz, .info, .org
<a href="#">Atomicdomainnames.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Atozdomainsmarket, LLC</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org, .pro

<a href="#">ATXDOMAINS Inc.</a>	Canada	.com, .net
<a href="#">AusRegistry Group Pty Ltd</a>	Australia	.biz, .com, .info, .name, .net, .org
<a href="#">Aust Domains International Pty Ltd dba Aust Domains, Inc.</a>	Australia	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Australian Style Pty Ltd dba auCLUB</a>	Australia	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Austriadomains, LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Austriandomains, LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">AvailableDomains.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">AvidDomains.com, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">AW Registry, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Az.pl, Inc.</a>	Poland	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Backslap Domains, Inc.</a>	United States	.com, .net
<a href="#">Backup.ca Corporation</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Baronofdomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Basic Fusion, Inc.</a>	United States	.biz, .com, .info, .net, .org
<a href="#">BatDomains.com Inc.</a>	Canada	.biz, .com, .info, .net, .org
<a href="#">BB Online UK Limited</a>	United Kingdom	.asia, .biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Bearsdomain, LLC</a>	United States	.com, .net
<a href="#">Beartrapdomains.com LLC</a>	United States	.biz, .com, .info, .net, .org

<a href="#">Beijing Innovative Linkage Technology Ltd. dba dns.com.cn</a>	China, People's Republic of	.biz, .com, .info, .mobi, .net, .org
<a href="#">Belgiumdomains, LLC</a>	United States	.com, .net, .org
<a href="#">Belmontdomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">BeMyDomain.net, Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Best Bulk Register, Inc.</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Best Registration Services, Inc. dba BestRegistrar.com</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Best Site Names, Inc.</a>	United States	.com, .net
<a href="#">Betterthanaveragedomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Bidfordomainnames, LLC</a>	United States	.com, .net
<a href="#">Big Domain Shop, Inc.</a>	United States	.com, .net
<a href="#">Big House Services, Inc.</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Biglizarddomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">BigNamesDomain.com Inc</a>	Canada	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Bindrop LLC</a>	United States	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Bizcn.com, Inc.</a>	China, People's Republic of	.biz, .com, .info, .mobi, .net, .org
<a href="#">Black Ice Domains, Inc.</a>	United States	.com, .net
<a href="#">Blisternet, Incorporated</a>	United States	.com, .net, .org
<a href="#">Blog.com - Digital Communications, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Blue Razor Domains, Inc.</a>	United States	.asia, .biz, .com, .info, .jobs, .mobi, .name, .net, .org

<a href="#">Bottle Domains, Inc.</a>	Australia	.asia, .biz, .com, .info, .name, .net, .org, .pro
<a href="#">BP Holdings Group, Inc. dba IS.COM</a>	United States	.biz, .com, .info, .name, .net, .org
<a href="#">BRANDON GRAY INTERNET SERVICES INC. (dba "NameJuice.com")</a>	Canada	.biz, .com, .info, .net, .org
<a href="#">British Telecommunications (BT plc)</a>	United Kingdom	.biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Broadspire Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">BullRunDomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Burnsidedomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">CADiware AG</a>	Switzerland	.biz, .com, .info, .name, .net, .org
<a href="#">Capitaldomains, LLC</a>	United States	.com, .net
<a href="#">Capitoldomains, LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">CareerBuilder, LLC dba CareerBuilder.com</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">CAT, Inc. dba Namezero.com</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Catalog.com</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Central Registrar, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Cheapies.com Inc.</a>	Canada	.biz, .com, .info, .net, .org
<a href="#">Chinesedomains, LLC</a>	United States	.com, .net
<a href="#">Chocolatecovereddomains,LLC</a>	United States	.com, .net
<a href="#">Claimedomains, LLC</a>	United States	.com, .net
<a href="#">ClassDomainNames.com Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .name,

		.net, .org, .pro
<a href="#">Click Registrar, Inc.</a>	United States	.com, .mobi, .net
<a href="#">Cocosislandsdomains, LLC</a>	United States	.com, .net
<a href="#">CodyCorp.com Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Colorado Names Domains, Inc.</a>	United States	.com, .net
<a href="#">Colossal Names, Inc.</a>	United States	.com, .mobi, .net
<a href="#">Columbiadomains, LLC</a>	United States	.com, .net
<a href="#">Columbianames.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Commerce Island, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Compana LLC</a>	United States	.com, .net
<a href="#">Compuglobalhypermega.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Condomainium.com Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Cool Ocean, Inc.</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org
<a href="#">CoolHandle Hosting, LLC</a>	United States	.com, .net, .org
<a href="#">Coolhosting.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">CORE Internet Council of Registrars</a>	Switzerland	.aero, .asia, .biz, .com, .coop, .info, .jobs, .mobi, .name, .net, .org, .pro, .travel
<a href="#">Cotton Water, Inc.</a>	United States	.com, .mobi, .net
<a href="#">CPS-Datensysteme GmbH</a>	Germany	.aero, .asia, .biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Crazy8Domains.com Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org

<a href="#">Crisp Names, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Cronon AG Berlin, Niederlassung Regensburg</a>	Germany	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Crystal Coal, Inc.</a>	United States	.com, .mobi, .net
<a href="#">CSC Corporate Domains, Inc.</a>	United States	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">CSIRegistry.com Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">CSL Computer Service Langenbach GmbH d/b/a joker.com</a>	Germany	.asia, .biz, .com, .info, .name, .net, .org, .pro
<a href="#">Curious Net, Inc.</a>	United States	.com, .net
<a href="#">CVO.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Cydentity, Inc. dba Cypack.com</a>	Korea, Republic of	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Dagnabit, Incorporated</a>	United States	.com, .net, .org
<a href="#">Dattatec.com belonging to Veronica P. Irazoqui</a>	Argentina	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">DBMS, Incorporated</a>	United States	.asia, .biz, .com, .info, .name, .net, .org, .pro
<a href="#">Decentdomains, LLC</a>	United States	.com, .net
<a href="#">Department-of-domains, LLC</a>	United States	.com, .net
<a href="#">Deschutesdomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Deutschdomains, LLC</a>	United States	.com, .net
<a href="#">Deutsche Telekom AG</a>	Germany	.biz, .com, .info, .mobi, .name, .net, .org
<a href="#">DevStart, Inc.</a>	United States	.biz, .com, .info, .net, .org

<a href="#">Diggitydot, LLC</a>	United States	.com, .net
<a href="#">Digirati Inform?tica Servi?os e Telecommunica??es LTDA dba Hostnet.com</a>	Brazil	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Dinahosting s.l.</a>	Spain	.biz, .cat, .com, .info, .mobi, .name, .net, .org
<a href="#">Directi Internet Solutions d/b/a PublicDomainRegistry.Com</a>	India	.asia, .biz, .com, .info, .jobs, .mobi, .name, .net, .org, .pro, .travel
<a href="#">Discount Domains Ltd.</a>	United Kingdom	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Discount Registry, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Discountdomainservices, LLC</a>	United States	.com, .net
<a href="#">Distribute.IT Pty Ltd</a>	Australia	.asia, .biz, .com, .info, .mobi, .name, .net, .org
<a href="#">DNGLOBE LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">DNS Village, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">DNS:NET Internet Service GmbH</a>	Germany	.biz, .com, .info, .net, .org
<a href="#">documentdata Anstalt</a>	Liechtenstein	.asia, .biz, .com, .mobi, .name, .net, .org
<a href="#">Domain Band, Inc.</a>	United States	.com, .net
<a href="#">Domain Contender, LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domain Directors Pty Ltd.</a>	Australia	.asia, .biz, .com, .info, .name, .net, .org, .pro
<a href="#">Domain Jamboree, LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Domain Jingles, Inc.</a>	Canada	.biz, .com, .info, .name, .net, .org, .pro

<a href="#">Domain Mantra, Inc.</a>	United States	.com, .net
<a href="#">Domain Name Sales Corp.</a>	Virgin Islands (British)	.com, .net
<a href="#">Domain Pro, LLC</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Domain Registration Services, Inc. dba dotEarth.com</a>	United States	.biz, .com, .info, .mobi, .net, .org
<a href="#">Domain Rouge, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Domain The Net Technologies Ltd.</a>	Israel	.asia, .biz, .com, .info, .jobs, .mobi, .name, .net, .org, .pro
<a href="#">Domain-A-Go-Go, LLC</a>	United States	.com, .net
<a href="#">Domain-It!, Inc.</a>	United States	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">DomainAllies.com, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Domainamania.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domainarmada.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domainator.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">DomainAuthority.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Domainbulkregistration, LLC</a>	United States	.com, .net
<a href="#">Domainbullies.LLC</a>	United States	.com, .net
<a href="#">Domainbusinessnames, LLC</a>	United States	.com, .net
<a href="#">DomainBuzz.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Domaincamping, LLC</a>	United States	.com, .net
<a href="#">DomainCannon.com LLC</a>	United States	.biz, .com, .info, .net, .org

<a href="#">Domaincapitan.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">DomainCentral.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">DomainCentre.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Domainclip Domains, Inc.</a>	Canada	.biz, .com, .info, .mobi, .net, .org
<a href="#">Domaincomesaround.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domaindoorman, LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Domaineered.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Domainestic.com Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">DomainEvent.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Domainfighter.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Domaingazelle.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domaingrabber.ca Inc.</a>	Canada	.biz, .com, .info, .mobi, .net, .org
<a href="#">Domainhawks.net LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">DomainHeadz.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">DomainHip.com Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Domainhostingweb, LLC</a>	United States	.com, .net
<a href="#">Domainhysteria.com LLC</a>	United States	.biz, .com, .info, .name, .net, .org
<a href="#">Domainiac.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro

<a href="#">DomainIdeas.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Domaininfo AB, aka domaininfo.com</a>	Sweden	.asia, .biz, .com, .info, .jobs, .mobi, .name, .net, .org, .pro
<a href="#">Domaininternetname, LLC</a>	United States	.com, .net
<a href="#">Domaininthebasket.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domaininthehole.com LLC</a>	United States	.biz, .com, .info, .name, .net, .org
<a href="#">Domainjungle.net LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domainlink.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">DomainLuminary.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">DomainMall.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">DomainMania.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">DomainMarketPlace.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Domainnamebidder, LLC</a>	United States	.com, .net
<a href="#">Domainnamelookup, LLC</a>	United States	.com, .net
<a href="#">DomainNetwork.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Domaininnovations, Incorporated</a>	United States	.com, .net, .org
<a href="#">Domainos.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">DomainParadise.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">DomainParkBlock.com LLC</a>	United States	.biz, .com, .info, .net, .org

<a href="#">DomainPeople, Inc.</a>	Canada	.asia, .biz, .com, .info, .jobs, .mobi, .name, .net, .org, .pro
<a href="#">DomainPlaza.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Domainraker.net LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">DomainRegistry.com Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Domainreign.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Domainroyale.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domains Only, Inc.</a>	United States	.biz, .com, .info, .jobs, .mobi, .net, .org, .travel
<a href="#">Domains2be.com Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Domains2Go.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Domains2Register.com Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .pro
<a href="#">Domains4u.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">DomainSails.net LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domainsalsa.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domainsareforever.net LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">DomainsAtCost Corporation</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Domainscape.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Domainscostless.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro

<a href="#">Domainscout.com Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">DomainsFirst.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">DomainsForMe.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Domainsinthebag.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domainsofcourse.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domainsoftheday.net LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domainsoftheworld.net LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domainsofvalue.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domainsouffle.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domainsoverboard.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domainsovereigns.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">DomainSprouts.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domainstream.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">DomainStreet.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Domainstreetdirect.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Domainsurgeon.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">DomainSystems, Inc. dba DomainsSystems.com</a>	United States	.com, .net, .org
<a href="#">Domaintimemachine.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">DomainUtopia.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">DomainVentures.ca Internet Services Corporation</a>	Canada	.biz, .com, .info, .mobi, .net, .org
<a href="#">Domainyeti.com LLC</a>	United States	.biz, .com, .info, .net, .org

<a href="#">Domainz Limited</a>	New Zealand	.biz, .com, .info, .net, .org
<a href="#">Domeneshop AS dba domainnameshop.com</a>	Norway	.asia, .biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Domerati, Inc.</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org
<a href="#">DomReg Ltd. d/b/a LIBRIS.COM</a>	Russian Federation	.biz, .com, .info, .net, .org
<a href="#">Domus Enterprises LLC dba DOMUS</a>	United States	.com, .net
<a href="#">Dontaskwhy.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Dootall, Inc.</a>	Netherlands	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">DotAlliance Inc.</a>	Canada	.aero, .asia, .biz, .cat, .com, .info, .jobs, .mobi, .name, .net, .org, .pro
<a href="#">DotArai Co., Ltd.</a>	Thailand	.asia, .biz, .com, .info, .net, .org
<a href="#">Dotname Korea Corp.</a>	Korea, Republic of	.asia, .biz, .com, .info, .name, .net, .org, .pro
<a href="#">Dotregistrar, LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">DotSpeedy LLC dba dotspeedy.com</a>	United States	.biz, .com, .info, .name, .net, .org
<a href="#">Dotster, Inc.</a>	United States	.asia, .biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Dotted Ventures, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">DropExtra.com, Inc.</a>	Canada	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">DropFall.com Inc.</a>	Canada	.biz, .com, .info, .name, .net, .org, .pro

<a href="#">DropHub.com, Inc.</a>	Canada	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">DropJump.com Inc.</a>	Canada	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">DropLabel.com, Inc.</a>	Canada	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">DropLimited.com, Inc.</a>	Canada	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">DropNation.com, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Dropoutlet, Incorporated</a>	United States	.com, .net, .org
<a href="#">DropSave.com, Inc.</a>	Canada	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">DropWalk.com, Inc.</a>	Canada	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">DropWeek.com, Inc.</a>	Canada	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">DSTR Acquisition PA I, LLC dba DomainBank.com</a>	United States	.aero, .asia, .biz, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro
<a href="#">DuckBilledDomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Dynamic Dolphin, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Dynamic Network Services, Inc.</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">DynaNames.com Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Easyspace Limited</a>	United Kingdom	.asia, .biz, .com, .info, .jobs, .name, .net, .org, .pro, .travel

<a href="#">eBrandSecure, LLC</a>	United States	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">ELB Group Inc</a>	France	.asia, .biz, .com, .info, .jobs, .mobi, .name, .net, .org, .pro
<a href="#">Emily Names Domains, Inc.</a>	United States	.com, .net
<a href="#">Enameco, LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">EnCirca, Inc.</a>	United States	.aero, .biz, .cat, .com, .info, .jobs, .mobi, .name, .net, .org, .pro, .travel
<a href="#">Enetica Pty Ltd</a>	Australia	.com, .net, .org
<a href="#">EnetRegistry, Inc.</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Enom Corporate, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Enom GMP Services, Inc.</a>	United States	.com, .gov, .info, .name, .net, .org, .pro
<a href="#">eNom World, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">eNom, Inc.</a>	United States	.asia, .biz, .com, .info, .jobs, .mobi, .name, .net, .org, .pro
<a href="#">Enom1, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Enom2, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Enom3, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom371, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom373, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro

<a href="#">enom375, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom377, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom379, Incorporated</a>	United States	.biz, .com, .info, .name, .org, .pro
<a href="#">enom381, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom383, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom385, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom387, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom389, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom391, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom393, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom395, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom397, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom399, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Enom4, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom403, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro

<a href="#">enom405, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom407, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom409, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom411, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom413, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom415, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom417, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom419, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom421, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom423, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom425, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom427, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom429, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom431, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom433, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro

<a href="#">enom435, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom437, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom439, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom441, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom443, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom445, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom447, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom449, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom451, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom453, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom455, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom457, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom459, Incorporated</a>	United States	.biz, .com, .info, .name, .org, .pro
<a href="#">enom461, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom463, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro

<a href="#">enom465.com, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom467, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">enom469, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Enom5, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Enoma1, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">EnomAte, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">EnomAU, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">eNombre Corporation</a>	United States	.com, .net, .org
<a href="#">EnomEU, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Enomfor, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">EnomMX, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Enomnz, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">eNomsky, Inc.</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">EnomTen, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">EnomToo, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro

<a href="#">EnomV, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">EnomX, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Entertainment Names, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">EntertheDomain.com, Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Entorno Digital, S.A.</a>	Spain	.asia, .biz, .cat, .com, .info, .mobi, .net, .org
<a href="#">EPAG Domainservices GmbH</a>	Germany	.aero, .asia, .biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Esoftwiz Inc.</a>	Canada	.biz, .com, .net
<a href="#">EstDomains, Inc.</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">EUNameFlood.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">EunamesOregon.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">EuroDNS S.A.</a>	Luxembourg	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Europe Domains LLC</a>	United States	.com, .info, .net, .org
<a href="#">European NIC Inc.</a>	Germany	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">EuropeanConnectiononline.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">EurotrashNames.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">EUTurbo.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Ever Ready Names, Inc.</a>	United States	.com, .net
<a href="#">Everyones Internet, Ltd. dba resellone.net</a>	United States	.biz, .com, .info, .name, .net, .org, .pro

<a href="#">Experian Services Corp.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Experinom Inc.</a>	Canada	.com, .net
<a href="#">Extend Names, Inc.</a>	United States	.com, .net
<a href="#">Extra Threads Corporation</a>	United States	.com, .net
<a href="#">ExtremeDomains.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Extremely Wild</a>	United States	.com, .net
<a href="#">ezHosting.ca Internet Services Corporation</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">FabDomains.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Fabulous.com Pty Ltd</a>	Australia	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">FarStar Domains, Inc.</a>	United States	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">FastDomain Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Fenominal, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Fiducia LLC, Latvijas Parstavnieciba</a>	Latvia	.biz, .com, .info, .net, .org
<a href="#">Find Good Domains, Inc.</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org
<a href="#">FindUAName.com LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">FindYouADomain.com LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">FindYouAName.com LLC</a>	United States	.com, .info, .name, .net, .org, .pro

<a href="#">Firstserver, Inc.</a>	Japan	.asia, .biz, .com, .coop, .info, .mobi, .name, .net, .org
<a href="#">Flancrestdomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Flatme Networks, Inc.</a>	United States	.com, .net
<a href="#">France Telecom</a>	France	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Freeparking Domain Registrars, Inc.</a>	United Kingdom	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">French Connexion dba Domaine.fr</a>	France	.aero, .asia, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, .travel
<a href="#">Freshbreweddomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">FrontStreetDomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Funpeas Media Ventures, LLC dba DomainProcessor.com</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Fushi Tarazu, Incorporated</a>	United States	.com, .mobi, .net, .org
<a href="#">Gabia, Inc.</a>	Korea, Republic of	.asia, .biz, .com, .info, .name, .net, .org
<a href="#">Gal Communication (CommuniGal) Ltd.</a>	Israel	.asia, .biz, .com, .info, .jobs, .mobi, .name, .net, .org, .pro, .travel
<a href="#">Galcomm, Inc.</a>	Israel	.biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Game For Names, Inc.</a>	United States	.com, .net
<a href="#">Gandi SAS</a>	France	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">GateKeeperDomains.net LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Gee Whiz Domains, Inc.</a>	United States	.com, .net
<a href="#">General Names, Inc.</a>	United States	.com, .net

<a href="#">Genuine Names, Inc.</a>	United States	.com, .net
<a href="#">Get Cheapest Domains, Inc.</a>	United States	.com, .mobi, .net
<a href="#">Get Real Names, Inc.</a>	United States	.com, .net
<a href="#">Get SLD, Inc.</a>	United States	.com, .net
<a href="#">GetYourDotCom.com Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">GetYourDotNet.com Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">GKG.NET, INC.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Global Names Online, Inc.</a>	United States	.com, .net
<a href="#">Globe Hosting, Inc.</a>	Romania	.biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Globedom Datenkommunikations GmbH, d/b/a Globedom</a>	Austria	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com</a>	Japan	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Go Australia Domains, Inc.</a>	United States	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Go Canada Domains, Inc.</a>	United States	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Go China Domains, Inc.</a>	United States	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Go France Domains, Inc.</a>	United States	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Go Full House, Inc.</a>	United States	.com, .net
<a href="#">Go Italy Domains, Inc.</a>	United States	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro

<a href="#">GoDaddy.com, Inc.</a>	United States	.asia, .biz, .com, .info, .jobs, .mobi, .name, .net, .org
<a href="#">Godomaingo.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">GoNames.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Good Luck Internet Services PVT, LTD.</a>	India	.asia, .biz, .com, .coop, .info, .name, .net, .org, .pro, .travel
<a href="#">Google, Inc</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">GoServeYourDomain.com LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">GotNames.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Gozerdomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">GPDOMAINS Inc.</a>	Canada	.com, .net
<a href="#">Gr8T Names, inc.</a>	United States	.com, .net
<a href="#">Grabton.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Gradeadomainnames.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Ground Internet, Inc.</a>	Turkey	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Group NBT plc aka NetNames</a>	United Kingdom	.asia, .biz, .com, .info, .jobs, .mobi, .name, .net, .org, .pro, .travel
<a href="#">Gunga Galunga, Incorporated</a>	United States	.com, .mobi, .net
<a href="#">H. J. Linnen Associates Ltd.</a>	Canada	.com, .net, .org
<a href="#">HANGANG Systems, Inc. dba Doregi.com</a>	Korea, Republic of	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Haveaname, LLC</a>	United States	.biz, .com, .info, .net, .org

<a href="#">Hawthornedomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Heavydomains.net LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Hetzner Online AG</a>	Germany	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">HiChina Web Solutions (Hong Kong) Limited</a>	China, People's Republic of	.asia, .biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Hipsearch.com Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Hostalia USA, Inc.</a>	Spain	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Hosting.com, Inc.</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Hostlane, Inc</a>	United States	.com, .net
<a href="#">Hostmaster.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">http.net Internet GmbH</a>	Germany	.biz, .com, .info, .net, .org
<a href="#">Humeia Corporation</a>	Japan	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">HyperStreet.com, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">I.D.R Internet Domain Registry LTD.</a>	Israel	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">IBI.Net, Inc.</a>	Korea, Republic of	.asia, .biz, .com, .info, .name, .net, .org, .pro
<a href="#">iCrossing, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">ID Genesis</a>	United States	.com, .net
<a href="#">IDNDOMAINS Inc.</a>	Canada	.com, .net
<a href="#">Ignitela,LLC</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org, .pro

<a href="#">IHS Telekom, Inc.</a>	Turkey	.biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Imminentdomains.net LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Imperial Registrations, Inc.</a>	United States	.asia, .biz, .com, .info, .name, .net, .org, .pro
<a href="#">In2net Network Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Inames Co., Ltd.</a>	Korea, Republic of	.asia, .biz, .com, .info, .jobs, .mobi, .name, .net, .org, .pro, .travel
<a href="#">Indirection Identity Corporation</a>	United States	.com, .net
<a href="#">Indomco dba Indom</a>	France	.asia, .biz, .com, .info, .name, .net, .org, .pro
<a href="#">Initials Online Limited</a>	France	.biz, .com, .info, .name, .net, .org
<a href="#">InnerWise, Inc. d/b/a ItsYourDomain.com</a>	Canada	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">INSTANTNAMES LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Instinct Solutions, Inc.</a>	United States	.com, .mobi, .net
<a href="#">Inter China Network Software (Beijing) Co., Ltd. (aka 3721)</a>	China, People's Republic of	.biz, .com, .info, .net, .org
<a href="#">Intercosmos Media Group, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Interdomain S.A.</a>	Spain	.biz, .cat, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Interdominios, Inc.</a>	Spain	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Interlakenames.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Interlink Co., Ltd.</a>	Japan	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro

<a href="#">Intermedia.NET, Inc.</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Internet Group do Brasil S.A.</a>	Brazil	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Internet Internal Affairs Corporation</a>	United States	.com, .net
<a href="#">Internet Invest, Ltd. dba Imena.ua</a>	Ukraine	.biz, .com, .info, .mobi, .net, .org
<a href="#">Internet Service Registrar, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Internet Solutions (Pty) Ltd.</a>	South Africa	.biz, .com, .net, .org
<a href="#">Internet Viennaweb Service GmbH</a>	Austria	.com, .info, .net, .org
<a href="#">Internet.bs Corp.</a>	Bahamas	.biz, .com, .info, .name, .net, .org
<a href="#">Internetters Limited</a>	United Kingdom	.asia, .biz, .com, .info, .name, .net, .org, .pro
<a href="#">InterNetWire Communications GmbH</a>	Germany	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">InvisibleDomains.com Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">IP Mirror Pte Ltd dba IP MIRROR</a>	Singapore	.asia, .biz, .com, .info, .jobs, .mobi, .name, .net, .org, .travel
<a href="#">IPNIC, Inc</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">IPXcess Dotcom Sdn Bhd</a>	Malaysia	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Iron Mountain Intellectual Property Management, Inc.</a>	United States	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">IServeYourDomain.com LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">ISPREG LTD</a>	Russian Federation	.biz, .com, .info, .name, .net, .org, .pro

<a href="#">ITpan.com Inc.</a>	Canada	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Jaz Domain Names Ltd.</a>	Canada	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Jetpack Domains, Inc.</a>	United States	.com, .net
<a href="#">JJH Investments, L.L.C.</a>	United States	.com, .net
<a href="#">Jumbo Name, Inc.</a>	United States	.com, .net
<a href="#">Kaunas University of Technology, Information Technology Development Institute dba Domreg.lt</a>	Lithuania	.com, .info, .net, .org
<a href="#">Key Registrar, Inc.</a>	United States	.com, .net
<a href="#">Key-Systems GmbH</a>	Germany	.aero, .asia, .biz, .com, .info, .jobs, .mobi, .name, .net, .org, .pro, .travel
<a href="#">Kheweul.com SA</a>	Senegal	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Kingdomains, Incorporated</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Klaatudomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">KomPlex.Net GmbH</a>	Germany	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Kookycondundrum.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">KuwaitNET General Trading Co.</a>	Kuwait	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Ladas Domains LLC</a>	United States	.asia, .biz, .com, .info, .name, .net, .org
<a href="#">Lakeodomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Lazy Dog Domains, Inc.</a>	United States	.com, .net
<a href="#">Le Grand Nom, Inc.</a>	United States	.com, .net

<a href="#">Lead Networks Domains Pvt. Ltd.</a>	India	.com, .net
<a href="#">Ledl.net GmbH dba: Domaintechnik.at</a>	Austria	.com, .info, .net, .org
<a href="#">Locaweb Ltda. dba LocaWeb</a>	Brazil	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">LuckyDomains.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">M. G. Infocom Pvt. Ltd. doing business as MindGenies</a>	India	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Magic Friday, Inc.</a>	United States	.com, .net
<a href="#">Maindomain.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Marcaria.com International, Inc.</a>	United States	.asia, .biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Mark Barker, Incorporated</a>	United States	.com, .net
<a href="#">MarkMonitor Inc.</a>	United States	.asia, .biz, .cat, .com, .info, .jobs, .mobi, .name, .net, .org, .pro, .travel
<a href="#">Masterofmydomains.net LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Matchnames.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Maxim Internet, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Melbourne IT Ltd</a>	Australia	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro, .travel
<a href="#">Microbreweddomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Microsoft Corporation</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Mister Name</a>	France	.biz, .com, .info, .name, .net, .org, .pro

<a href="#">MISTERNIC LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Mobile Name Services, Inc.</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Mobliline USA, Inc. dba domainbonus.com</a>	Israel	.biz, .com, .info, .mobi, .name, .net, .org
<a href="#">MojoNIC, L.L.C. dba MojoNIC.com</a>	United States	.com, .net
<a href="#">Moniker Online Services LLC</a>	United States	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Mouzz Interactive, Inc.</a>	United Arab Emirates	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Mvppdomainnames.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">MyDomain, Inc.</a>	United States	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">MyNameOnline.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Mypreciousdomain.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Name Intelligence, Inc.</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Name Nelly Corporation</a>	United States	.com, .mobi, .net
<a href="#">Name Perfections, Inc.</a>	United States	.com, .net
<a href="#">Name Share, Inc.??</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Name Thread Corporation</a>	United States	.com, .net
<a href="#">Name To Fame, Inc.</a>	United States	.com, .net
<a href="#">Name.com LLC</a>	United States	.aero, .asia, .biz, .com, .info, .jobs, .mobi, .name, .net, .org, .pro, .travel
<a href="#">Name.net LLC</a>	United States	.biz, .com, .info, .jobs, .mobi, .name, .net, .org, .pro

<a href="#">Namearsenal.com LLC</a>	United States	.biz, .com, .info, .name, .net, .org
<a href="#">Namebay</a>	Monaco	.aero, .asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro, .travel
<a href="#">NameCheap, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Namecroc.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Nameemperor.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Namefinger.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">NameGame.ca Internet Services Corporation</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Namehouse, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Namejumper.com, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">NameKing.com Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Namepanther.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">NameQueen.com, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Names Bond, Inc.</a>	United States	.com, .net
<a href="#">Names Real, Inc.</a>	United States	.com, .net
<a href="#">Namesalacarte.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Namescape.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">NameScout Corp.</a>	Barbados	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro, .travel
<a href="#">NameSecure L.L.C.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Nameshield, Inc.</a>	France	.asia, .biz, .com, .info, .net, .org

<a href="#">NameStream.com, Inc.</a>	United States	.com, .net, .org
<a href="#">Nametellers.com, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">NameTorrent.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Nameview Inc.</a>	Canada	.com, .net, .org
<a href="#">Namevolcano.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Namewhite.com, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Naming Associate, Inc.</a>	United States	.com, .net
<a href="#">Naming Web, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Naugus Limited LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Need Servers, Inc.</a>	United States	.com, .net
<a href="#">NEEN.IT Inc., d/b/a namesprit.com</a>	Italy	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">NeoNIC OY</a>	Finland	.biz, .com, .info, .net, .org
<a href="#">Nerd Names Corporation</a>	United States	.com, .net
<a href="#">Net 4 India Limited</a>	India	.asia, .biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Net Juggler, Inc.</a>	United States	.com, .net
<a href="#">Net Searchers International Ltd.</a>	United States	.asia, .biz, .com, .info, .name, .net, .org, .pro
<a href="#">Net-Chinese Co., Ltd.</a>	Taiwan	.asia, .biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Netdorm, Inc. dba DnsExit.com</a>	United States	.biz, .com, .info, .name, .net, .org
<a href="#">NetEarth One Inc. d/b/a NetEarth</a>	United States	.biz, .com, .info, .name, .net, .org,

		.pro
<a href="#">Netestate, LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Netfirms, Inc.</a>	Canada	.asia, .biz, .com, .info, .name, .net, .org, .pro
<a href="#">Netheadz.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Netlynx Inc.</a>	India	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Netpia.com, Inc.</a>	Korea, Republic of	.asia, .biz, .com, .info, .name, .net, .org, .pro
<a href="#">NetraCorp LLC dba Global Internet</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">NetRegistry Pty Ltd.</a>	Australia	.com, .net, .org
<a href="#">Nettica Domains, Inc.</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org
<a href="#">NetTuner Corp. dba Webmasters.com</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Network Savior, Inc.</a>	United States	.com, .net
<a href="#">Network Solutions, LLC</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">NEUDOMAIN LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">New Dream Network, LLC dba DreamHost Web Hosting</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">NGI Spa</a>	Italy	.com, .net, .org
<a href="#">NIC1, Inc</a>	Netherlands	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Nicco Ltd.</a>	Russian Federation	.biz, .com, .info, .net, .org

<a href="#">NICREG LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Nictrade Internet Identity Provider AB</a>	Sweden	.asia, .biz, .com, .info, .name, .net, .org
<a href="#">Nihao Communications, Inc.</a>	United States	.com, .net
<a href="#">Nitin Corporation dba Misk.com</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Niuedomains, LLC</a>	United States	.com, .net
<a href="#">NJ Tech Solutions Inc. dba Expertsrs.com</a>	Canada	.com, .net, .org
<a href="#">Nom d'un Net ! Sarl</a>	France	.biz, .com, .info, .net, .org
<a href="#">Nom Infinitum, Incorporated</a>	United States	.com, .mobi, .net
<a href="#">Nom-ig Ltd. dba COM LAUDE</a>	United Kingdom	.asia, .biz, .com, .info, .name, .net, .org, .pro
<a href="#">Nomer Registro de Dominio e Hospedagem de sites Ltda DBA Nomer.com.br</a>	Brazil	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Nominalia Internet S.L.</a>	Spain	.aero, .biz, .cat, .com, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, .travel
<a href="#">Nordnet</a>	France	.asia, .biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Nordreg AB</a>	Sweden	.biz, .com, .info, .net, .org
<a href="#">Notablenames.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">NotSoFamousNames.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Octopusdomains.net LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Oil Change Domains, Inc.</a>	United States	.com, .net
<a href="#">OldTownDomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">OldWorldAliases.com LLC</a>	United States	.biz, .com, .info, .net, .org

<a href="#">Omnis Network, LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Online SAS</a>	France	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">OnlineNIC, Inc.</a>	China, People's Republic of	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">OOO "Russian Registrar"</a>	Russian Federation	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Open System Ltd.</a>	Brazil	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">OPENNAME LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">OregonEU.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">OregonURLs.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">OVH</a>	France	.asia, .biz, .cat, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Own Identity, Inc.</a>	Italy	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Pacnames Ltd</a>	New Zealand	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">pair Networks, Inc.d/b/a pairNIC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Paknic (Private) Limited</a>	Pakistan	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Parava Networks, Inc. dba 10-Domains.com</a>	United States	.biz, .com, .info, .net, .org
<a href="#">PDXPrivateNames.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">PearlNamingService.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Pitchback Domains, Inc.</a>	United States	.com, .net

<a href="#">Planet Online Corp.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">PlanetDomain Pty Ltd</a>	Australia	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Plan?te Marseille SARL dba MailClub</a>	France	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Platinum Registrar, Inc.</a>	United States	.com, .mobi, .net
<a href="#">PocketDomain.com Inc.</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Pointag Technologies, Inc.</a>	United States	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">PopularDomains.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">PortlandNames.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">PostalDomains, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Power Brand Center LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Power Brand Solutions LLC</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Power Carrier, Inc.</a>	United States	.com, .net
<a href="#">Power Namers, Inc.</a>	United States	.com, .net
<a href="#">Premiername.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Premium Registrations Sweden AB</a>	Sweden	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">PriceDomain.ca Internet Services Corporation</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org, .pro

<a href="#">PrimeDomain.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">PrimeRegistrar.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">PrivacyPost, Inc</a>	United States	.com, .net
<a href="#">Private Domains, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Protondomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">PSI Japan</a>	Japan	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">PSI-USA, Inc.</a>	Germany	.aero, .asia, .biz, .cat, .com, .info, .jobs, .mobi, .name, .net, .org, .pro, .travel
<a href="#">QuantumPages Technologies Pvt. Ltd. d/b/a OwnRegistrar.com</a>	India	.asia, .biz, .com, .info, .jobs, .mobi, .name, .net, .org, .pro, .travel
<a href="#">R. Lee Chambers Company LLC d/b/a DomainsToBeSeen.com</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">R.B. Data Net LTD</a>	Israel	.biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Rainydaydomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">RallyDomains.com Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Randomain.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Ranger Registration (Madeira) LLC</a>	Portugal	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Rebel.com Corp.</a>	Canada	.asia, .biz, .com, .info, .mobi, .name, .net, .org
<a href="#">Red Register, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro

<a href="#">Redomainer Internet Services Corporation</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Reg2C.com Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Register Fox, Inc.</a>	United States	.com, .mobi, .net
<a href="#">Register Names, LLC</a>	United States	.biz, .com, .info, .mobi, .net, .org
<a href="#">Register.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Register.com, Inc.</a>	United States	.asia, .biz, .com, .info, .jobs, .mobi, .name, .net, .org, .pro, .travel
<a href="#">REGISTER.IT SPA</a>	Italy	.asia, .biz, .com, .info, .mobi, .name, .net, .org, .pro
<a href="#">Register365, Inc.</a>	Ireland	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">RegisterMyDomains.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Registerone.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Registration Technologies, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org
<a href="#">Regnow.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Regtime Ltd.</a>	Russian Federation	.aero, .asia, .biz, .com, .info, .jobs, .mobi, .name, .net, .org, .pro, .travel
<a href="#">Relevad Corporation</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Rerun Domains, Inc.</a>	United States	.com, .net
<a href="#">Reseller Services, Inc. dba ResellServ.com</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">ResellerSRS Inc dba ResellerSRS.com</a>	United States	.asia, .com, .net, .org

<a href="#">Retail Domains, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">RJG Ventures, L. L. C.</a>	United States	.com, .net
<a href="#">rockenstein AG</a>	Germany	.biz, .com, .info, .name, .net, .org
<a href="#">Romel Corporation</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">SafeNames Ltd.</a>	United Kingdom	
<a href="#">Samjung Data Service Co., Ltd</a>	Korea, Republic of	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Sammamishdomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">Samoandomains, LLC</a>	United States	.com, .net
<a href="#">Santiamdomains.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">SaveMoreNames.com Inc.</a>	United States	.com, .net
<a href="#">Savethename.com LLC</a>	United States	.biz, .com, .info, .net, .org
<a href="#">SBNames Ltd</a>	Russian Federation	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">SBSNames, Incorporated</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">SchuechterNet Ltd, dba 800Name.com</a>	Germany	.biz, .com, .mobi, .name, .net, .org, .pro
<a href="#">ScoopDomain.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">SearchName.ca Inc.</a>	Canada	.asia, .biz, .com, .info, .mobi, .net, .org
<a href="#">Searchnresq, Inc.</a>	United States	.biz, .com, .info, .name, .net, .org, .pro
<a href="#">Secura GmbH</a>	Germany	.aero, .asia, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, .travel

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4.1.1 Advisory SAC 018, Accommodating  
IP Version 6 Address Resource Records for  
the Root of the Domain Name System  
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# Accommodating IP Version 6 Address Resource Records for the Root of the Domain Name System



A Joint Report from the ICANN  
Security and Stability Advisory and  
Root Server System Advisory Committees

SAC018 2007

Version 1.0

## **About the Security and Stability Advisory Committee**

The Security and Stability Advisory Committee (SSAC) is an advisory committee to the Internet Corporation for Assigned Names and Numbers (ICANN). The Committee's purpose is to offer independent advice to the ICANN board, the ICANN staff and the various ICANN supporting organizations, councils and committees as well as to the technical community at large on matters relating to the security and integrity of the Internet's naming and address allocation systems. The Committee has no official authority to regulate, enforce or adjudicate. Those functions belong to others. The advice offered by the Committee should be evaluated on its merits, not on the status of the Committee or its members.

## **About the Root Server System Advisory Committee**

The Root Server System Advisory Committee (RSSAC) is an advisory committee to ICANN. The Committee's purpose to advise the Board about the operation of the root name servers of the domain name system. Specifically, the committee provides advice on the operational requirements of root name servers, including host hardware capacities, operating systems and name server software versions, network connectivity and physical environment. The Committee also examines and advises on the security aspects of the root name server system, and reviews the number, location, and distribution of root name servers considering the total system performance, robustness, and reliability.

## **About this Report**

This report was prepared by the SSAC Fellow, Dave Piscitello, under the direction of the joint committees and represents output from the committees as a whole. The Appendix contains the current list of members and contributors to this report.

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## Executive Summary

This Report considers the issues related to the inclusion of the IPv6 addresses for the root level of the DNS. IPv6 addresses are already included for Top Level Domain Name Servers in the root zone file, and the operators of a number of root name servers have assigned IPv6 addresses to their servers. These addresses are not included in the root hints file and the root zone at this time. Thus IPv6 addresses of root name servers are not returned in responses to DNS queries sent by recursive name servers.

To enable name resolution, resolvers are pre-configured with the addresses of at least one root name server. Commonly called "hints", recursive name servers initially rely on these addresses to provide recursive name service. Many recursive name servers also perform a bootstrap process called *priming*. Priming ensures that a recursive name server always starts operation with the most up-to-date list of root name servers.

The User Datagram Protocol (UDP) serves as the transport for priming messages. RFC 1035, Domain Names Implementation and Specification, specifies a 512 byte maximum UDP-encapsulated DNS message size. Adding the IPv6 address information for more than two root name servers to the root hints file and to the root zone will increase the size of the DNS priming response so that it exceeds this maximum. Ultimately, when all 13 root name servers assign IPv6 addresses, the priming response will increase in size to 811 bytes. This imposes additional conditions for the successful completion of a priming exchange that do not exist today:

- Intermediate systems that are situated between recursive name servers and root name servers must be able to process DNS messages containing IPv6 addresses.
- Resolvers must use DNS Extensions to notify root name servers that they are able to process DNS response messages larger than the 512 byte maximum UDP-encapsulated DNS message size specified in RFC 1035.
- Intermediate systems must be configured to forward UDP-encapsulated DNS responses that exceed the 512 byte maximum DNS message size specified in RFC 1035.

In this report, the ICANN Root Server System Advisory and Security and Stability Advisory Committees examine the problems that might arise if IP Version 6 (IPv6) host address resource records of root name servers were added to the root hints and root zone file for the DNS. We describe and report the results of testing performed by committee members and the community at large, including recursive name server operators as well as commercial vendors of security systems and DNS name server products, to determine the extent to which these problems are likely to be encountered. The test results figure prominently in the recommendations we propose to ICANN and IANA.

We conclude the Report with a roadmap the community can follow to assure that the inclusion of AAAA records in the root hints file and DNS priming responses from root name servers has minimum impact and maximum benefit.



# 1. Introduction

Many TLD name servers have IP version 6 (IPv6) addresses and provide domain name service for IPv6 today. A number of root name server operators have assigned IPv6 addresses to their systems as well. To date, however, the IPv6 addresses of root name servers are not included in the IANA-maintained root hints and root zone files. A lack of a clear understanding of how the inclusion of these addresses might affect name service has to date prevented IANA from including these addresses in two critical root-level resources: the root hints file and the root zone. As a result, root name servers do not return IPv6 addresses of root name servers in response to DNS queries they receive from recursive name servers.

In this report, the ICANN Root Server System Advisory and Security and Stability Advisory Committees examine the problems that might arise if IPv6 host address resource records of root name servers were added to the root hints and root zone files for the DNS. We report the results of testing performed by committee members and the community at large to determine the extent to which these problems are likely to be encountered. The test results figure prominently in the recommendations we propose to ICANN and IANA. We conclude the report with a recommended course of action for ICANN and IANA to include IPv6 addresses of root name servers in the root level of the DNS.

The report is organized as follows:

**Section 2** describes how adding IPv6 addresses at the root of the DNS affects the root hints file and the priming exchange

**Section 3** considers the strengths, weaknesses and issues of the alternatives proposed in Section 2.

In **Section 4**, SSAC and RSSAC present their findings.

In **Section 5**, SSAC and RSSAC provide a roadmap the community can follow to assure that the inclusion of IPv6 address records in the root hints file and DNS priming responses from root name servers has minimum impact and maximum benefit.

This report discusses the operation of the DNS in considerable technical detail. Appendix A provides background material covering the terminology, nomenclature, and operation of the Domain Name System. In particular, this appendix provides detailed descriptions of the composition, use and administration of the root hints and root zone files, and of DNS protocol exchanges between root name servers and recursive name servers that are essential to assuring accurate name resolution. Readers who are unfamiliar with these concepts are strongly encouraged to read Appendix A and complementing Appendices before proceeding to Section 2.

## 2. Inclusion of IPv6 addresses at the Root of the DNS

In this section, we describe how adding IPv6 addresses at the root of the DNS affects the root hints file and the priming exchange.

### ***Adding AAAA Records to Root Hints***

A recursive name server's iterative resolver must know the IP address of at least one root name server to function properly. Commonly, name server software provides sufficient configuration information during installation to assure that a host connected to the Internet can query a root name server by including a *hints* file. The IANA maintains the authoritative root hints file.

The existing procedures for publishing root hints need not be changed to add AAAA addresses of root name servers in the files published at <ftp://ftp.internic.net/domain/>.

When the root hints file is changed, it is expected that all resolvers and name servers will use one of the update methods identified in Appendix A in the section entitled *Updating and Maintaining Root Hints Files*.

### ***Adding AAAA Records to Priming Exchange***

Before adding AAAA records to the priming exchange, we consider ways to avoid or minimize the impact or adverse affects such changes may have on deployed systems:

- For performance and resiliency purposes, it is desirable that root name servers continue to include the A records for all thirteen root name servers.
- Root name servers should return the same DNS priming response irrespective of which IP transport is used (v4 or v6).
- Situations where a large DNS response message forces root name servers to mark the message as truncated and thereby cause a resolver to resend the priming query using TCP should be avoided. Root name servers should not be burdened with the additional processing associated with establishing TCP connections for priming exchanges.

Thus, the committees considered the following options:

- 1) Include as many AAAA records of root name server addresses as will fit into the Additional Section of a UDP-encapsulated DNS message of 512 bytes in priming responses. Each AAAA record will occupy 28 bytes in the Additional section. Thus a DNS Priming Response would be composed in the following manner:

<b>DNS Priming Response Message (IPv4 and IPv6)</b>	<b># Bytes</b>
Required Headers: <ul style="list-style-type: none"> <li>Transaction ID, Flags, Questions, Answer RR count, Authority RR count, Additional RR count</li> </ul>	12
Query <ul style="list-style-type: none"> <li>Name ".", Type NS, Class INET</li> </ul>	5
Answers: <ul style="list-style-type: none"> <li>First answer contains name, type, class, TTL and Data length (value 20), plus the Fully Qualified Domain Name (FQDN) of a root name server (e.g., H.ROOT-SERVERS.NET)</li> </ul>	31
<ul style="list-style-type: none"> <li>Second through 13<sup>th</sup> answers contain name, type, class, TTL and Data length (value 4), plus the label of a root name server (e.g., G, F, E...)</li> </ul>	180
Additional Records <ul style="list-style-type: none"> <li>Each of the 13 A records in the Additional section contains name, type, class, TTL and Data length (value 4) and an 4-byte IPv4 address and occupies 16 bytes (13 records times 16 bytes per record equals 208 bytes)</li> </ul>	208
Additional Records <ul style="list-style-type: none"> <li>Two AAAA records in the Additional section contain name, type, class, TTL and Data length (value 16) and a 16-byte IPv6 address and occupies 28 bytes (2 records times 28 bytes per record equals 56 bytes)</li> </ul>	56
<b>Total length</b>	<b>492</b>

- 2) Plan for the eventual inclusion of AAAA records of all thirteen root name servers in the Additional Section of priming response messages. Again, each AAAA record is 28 bytes. An options (type OPT) section of 11 bytes must be present to indicate that EDNS0 has been offered by the querying name server. The DNS Priming Response is thus composed in the following manner:

<b>DNS Priming Response Message (IPv4 and IPv6)</b>	<b># Bytes</b>
Required Headers: <ul style="list-style-type: none"> <li>Transaction ID, Flags, Questions, Answer RR count, Authority RR count, Additional RR count</li> </ul>	12
Query <ul style="list-style-type: none"> <li>Name ".", Type NS, Class INET</li> </ul>	5
Answers: <ul style="list-style-type: none"> <li>First answer contains name, type, class, TTL and Data length (value 20), plus the Fully Qualified Domain Name (FQDN) of a root name server (e.g., H.ROOT-SERVERS.NET)</li> </ul>	31
<ul style="list-style-type: none"> <li>Second through 13<sup>th</sup> answers contain name, type, class, TTL and Data length (value 4), plus the label of a root name server (e.g., G, F, E...)</li> </ul>	180
Additional Records <ul style="list-style-type: none"> <li>Each of the 13 A records in the Additional section contains name, type, class, TTL and Data length (value 4) and an 4-byte IPv4 address and occupies 16 bytes (13 records x 16 bytes/record)</li> </ul>	208
Additional Records <ul style="list-style-type: none"> <li>13 AAAA records in the Additional section contain name, type, class, TTL and Data length (value 16) and a 16-byte IPv6 address and occupies 28 bytes (13 records x 28 bytes/record)</li> </ul>	364
EDNSO Option (OPT)	11
<b>Total length</b>	<b>811</b>

### 3. Discussion

In this section, SSAC and RSSAC consider the strengths, weaknesses and issues of each alternative proposed in Section 2, *Inclusion of IPv6 addresses at the Root of the DNS*.

#### **Root Name Server Considerations**

Under alternative (1), root name servers return sufficient AAAA information in a DNS priming response message to bootstrap IPv6 name service. The advantage to this alternative is that implementations that have not yet implemented EDNS0 will continue to operate without the possibility of DNS response message truncation, providing they are able to process DNS response messages containing AAAA records correctly.

Alternative (1) has certain disadvantages:

- The priming response only identifies two of thirteen root name servers and thus provides minimal resiliency for all users who need to prime name servers with IPv6 addresses.
- Two of the thirteen root name servers to be included in the DNS priming response would need to be chosen.

Alternative (2) has no such disadvantages. Root name servers can eventually include the A and AAAA records of all root name servers that are currently assigned IPv6 addresses. Since this is the desired end state, this Report will focus on the issues in achieving this objective.

Currently, root name servers use the BIND 8, BIND 9, and NSD name server software packages. Root name servers currently running BIND 9 and NSD can be configured to build a DNS priming response message as illustrated for alternative (2). BIND version 8 composes the Additional section in a slightly different manner. Specifically, BIND 8 will return an A record of a root name server, followed by an AAAA record of that same name server. Simply put, the DNS priming response returned by a BIND 8 implementation would return more AAAA records than a BIND 9 or NSD implementation and fewer A records but a sufficient number of both to allow the bootstrapping of IPv4 and IPv6 name service to complete.

#### **Resolver Considerations**

In this section, we consider several issues related to choosing alternative (2).

*Is EDNS0 support among resolvers in production networks prevalent enough to choose a priming response alternative that cannot fit within the maximum DNS message size specified in RFC 1035?*

The priming response exceeds the maximum DNS message size recommended in RFC 1035 when more than two type AAAA resource records are added to the Additional section. To achieve the desired end condition of having all root name servers return the A and AAAA records of all root name servers in the priming response message,

- 1) Resolvers must be able to process DNS priming message responses containing AAAA records and must be able to reassemble IP packets.
- 2) Resolvers that do not support EDNS0 and resolvers that support EDNS0 but advertise a receive buffer of less than 811 bytes should use whatever AAAA information root name servers return to bootstrap IPv6 name service. See Appendix A, *DNS Message Composition and Size Considerations*.
- 3) Resolvers that support EDNS0 should advertise a receive buffer of at least 800 bytes. (Note: data collected by RIPE-NCC suggest that 99% of EDNS0-capable resolver installations advertise 1024 or larger receive buffers, See Table 2 and Figure 2 of [1]).
- 4) Resolvers should retry the priming response without advertising EDNS0 if they do not receive a DNS response message within a timeout period.
- 5) If resolvers do not receive a priming response message, they use whatever "hints" they have.

To approximate the potential impact, members of the committee informally tested several resolver implementations by composing and issuing Type NS queries to Top Level Domains that currently return A and AAAA records. In this case, the queries used the EDNS0 option to advertise a buffer size of 4096 bytes. The sizes of the responses ranged from 521 bytes to 730 bytes. We observed that resolvers provided with popular operating systems (Windows Server 2000/2003, Mac OSX, various Linux builds including Fedora and Red Hat) are able to process UDP-encapsulated DNS response messages that are longer than 512 bytes.

*Will the presence of AAAA records in the DNS priming response adversely affect resolver implementations used today in IPv4-only production networks?*

For resolvers, three adverse conditions may result from this action:

1. A resolver that is not IPv6-aware may not operate correctly when it receives a priming response that contains AAAA records from a root name server.
2. A resolver that is not IPv6-aware may ignore AAAA records in a priming response but otherwise behave properly.
3. A resolver that is IPv6-aware but has not been configured to use IPv6 will ignore priming messages containing AAAA records but otherwise process a priming response correctly.

To approximate the potential impact, members of the committee informally tested several resolver implementations by composing and issuing type NS queries that currently return A and AAAA records of TLD name servers (UA, FR, JP). The size of the response messages ranged from 208 to 439 bytes. From the results, we observe that resolvers provided with commonly used operating systems (Windows Server 2000/2003, Mac OSX, various Linux builds including Fedora and Red Hat) are able to process DNS priming responses, and use and cache the AAAA records. [Note: we assume that the same logic used to process a type NS response is used to process a priming response.]

*Is the sequencing of records in the Additional data in the DNS priming response important? Specifically, is it necessary to put all Type A records before any Type AAAA records in the Additional section of the priming response?*

Members of the joint committees speculate that some DNS implementations may be sensitive to the order that Type A and AAAA records are encoded in the Additional Section; specifically, some implementations may expect Type A resource records to be encoded immediately following the Answers Section (as illustrated in Section 2, *Inclusion of IPv6 addresses at the Root of the DNS*). It seems appropriate to accommodate for this possibility by specifying that all Additional records containing Type A resource records precede Additional records containing Type AAAA resource records.

The informal tests of resolver implementations imitate part of the resolver bootstrap process. These informal tests were valuable, but the committees sought broader and more formal testing from DNS server vendors, developers and the user community at large. These are described in the following section.

## **Testing Iterative Resolvers for AAAA and EDNS0 Support**

The complete name server bootstrap process must be tested to verify that changes at the root level of DNS service do not adversely affect production name service. Tests must verify that an implementation:

- Use the root name server information in the DNS response message without failing when it is configured with a hints file containing type AAAA resource records.
- Perform the priming exchange over UDP, which involves sending a DNS query for type NS for the root (".") to one or more of the root name servers identified in the local copy of the hints file.
- Process the UDP-encapsulated DNS response message from a root name server.
- Use the information in DNS response message to perform iterative name resolution.

Ideally, the test response contains type A and AAAA resource records of the authoritative root name servers and is larger than the 512-byte maximum UDP DNS message size specified in RFC 1035. Several root name server operators have volunteered to operate test name servers for this exercise. These servers have been configured to be authoritative for "test" root and root-servers.net zones that contain both type A and AAAA resource records for the authoritative root name servers.

RSSAC and SSAC have solicited Internet community participation to test whether iterative resolvers can be configured with a hints file containing both type A and AAAA resource records and also whether iterative resolvers are able to process priming responses containing IPv6 (AAAA) resource records and priming responses greater than 512 bytes (See SAC017, [12]). The results reported to the ICANN SSAC Fellow when this report was published are reproduced in Appendix D.

The results indicate that "modern day" (post 2000) DNS products used as recursive name servers are able to bootstrap when AAAA resource records are present in the root hints or equivalent configuration data and that these name servers will function properly if they receive a priming response greater than 512 bytes containing AAAA resource records. We conclude that very few recursive name servers used in production today will be adversely affected by the inclusion of IPv6 addresses for root name servers in the root hints and root zone files.

### ***Intermediate System Considerations***

Anecdotal reports suggest that certain intermediate devices used in production networks (e.g., security systems such as an Internet firewall) inspect DNS messages for security purposes may be adversely affected by the inclusion of AAAA records in the DNS priming response messages. Again, three adverse conditions may result from this action:

1. The security system is not IPv6-aware and by default blocks DNS messages that contain resource records that do not conform to RFC 1034/1035.
2. The security system is IPv6-aware but the default configuration setting of the system is to block DNS messages that contain resource records that do not strictly conform to RFC 1034/1035.
3. The security policy enforced by an organization currently blocks DNS messages that contain resource records that do not conform to RFC 1034/1035.

To better understand these situations, first consider the behavior of a security system, e.g., an Internet firewall or software firewall executing on a host that has not implemented IPv6. When this security system receives an IPv6 datagram used to transport a priming message over an Ethernet segment, it will inspect the EtherType field of Ethernet header, extract the value encoded (for IPv6, 0x86DD), and compare this value against the set of "allowed EtherTypes" in its security policy database. Since IPv6 is not implemented, it is classified as unwanted traffic, so the security system will discard this packet.

Now consider an application layer gateway that is implemented or configured to enforce a policy that only allows RFC 1035 compliant DNS protocol elements. The application layer gateway will inspect the Additional Section in the expanded DNS priming request, parse and process type A resource records as "allowed" but it will reject a DNS priming response if it encounters AAAA records because these are "not defined" in RFC 1035 and thus treated as potentially malicious (hostile).

We thus consider the following issues with respect to choosing alternative (2).

*Will the presence of AAAA records in the DNS priming response influence the way intermediate devices enforce security policy on DNS messages?*

Using the same tests performed against TLD name servers that return AAAA records, members of the committee were able to demonstrate that DNS response messages containing AAAA records will pass through a number of commercial firewalls that are commonly used by large organizations and commonly interposed between an organization's internal name servers and external name servers (e.g., TLD and root name servers).

*Is EDNS0 support among intermediate systems in production networks prevalent enough to choose a priming response alternative that cannot fit within the maximum DNS message size specified in RFC 1035?*

Some intermediate systems and application layer gateways may not support EDNS0 extension mechanisms or may be configured to reject DNS messages containing the OPT parameter resolvers use to indicate they are capable of receiving UDP-encapsulated messages larger than 512 bytes. Other intermediate systems may be capable of processing EDNS0 extension mechanisms but may have been configured to block them. For some systems, this may be the default behavior, as in the case of the Cisco PIX version 6.2.5 and earlier. In some cases, organizations may have configured a security policy at a firewall to protect against attacks that use large DNS responses as a means to exploit vulnerabilities in certain name server implementations [3].

Members of the committee informally tested intermediate (security) systems by composing and issuing Type NS queries to Top Level Domains that currently return A and AAAA records from hosts behind the security system. In this case, the queries used the EDNS0 option to advertise a buffer size of 4096 bytes. The sizes of the responses ranged from 521 bytes to 730 bytes. Members of the committee were able to demonstrate that a number of commercial firewalls will allow UDP-encapsulated DNS responses larger than 512 bytes to pass unless a security policy is specifically configured to block such traffic. These informal tests were again valuable, but the committees sought broader and more formal testing from DNS server vendors, developers and the user community at large. These are described in the following section.

## **Testing Firewalls for IPv6 and EDNS0 Support**

Any party, vendor or user, can test the action an intermediate system takes when it encounters type AAAA resource records by composing and issuing Type NS queries that currently return A and AAAA records of certain TLD name servers (e.g., UA, FR, JP, and HK). By advertising a receive buffer of at least 811 bytes, any party can also test the action an intermediate system takes when it receives a UDP-encapsulated DNS response message larger than 512 bytes by composing from TLD name servers such as FR and HK. These tests are sufficient to verify that an intermediate system implementation and policy configuration will allow priming response messages to pass without modification or interference.

RRSAC and SSAC have solicited Internet community participation to test how intermediate systems react when DNS response messages contain AAAA RRs and when UDP-encapsulated DNS response messages are greater than 512 bytes (See SAC016, [4]). The results reported to the ICANN SSAC Fellow when this report was published are reproduced in Appendix E

## ***IP Reassembly and Security Policy Issues***

The issue we consider here is related to EDNS0 support and the use of DNS messages larger than 512 bytes. All implementations and intermediate systems ought to be capable of reassembling IP packets that have been fragmented in transit [5]; however, security administrators may configure security systems to intentionally block DNS messages that exceed 512 octets to thwart forms of DDoS attacks that make use of IP fragmentation.

SSAC Advisory SAC008 does in fact recommend that TLD name servers block IP packets carrying UDP messages exceeding the standard 512 bytes, with the caveat that "TLD name server operators should recognize that future protocol extensions and enhancements may result in changes to this filtering rule" [6]. One possible change is for TLD operators to allow UDP-encapsulated DNS response messages exceeding 512 bytes from root name servers only (e.g., a list of trusted IP addresses). While these addresses could be used in spoofing attacks, the amplification factor is not quite the same as it would be if TLD operators removed the filter entirely.

## 4. Findings

The SSAC and RSSAC offer the following findings for consideration:

1. Adding IPv6 addresses at the root of the DNS affects the root hints file and the priming exchange.
2. The existing procedures for publishing root hints need not be changed to add AAAA addresses of root name servers in the files made available at <ftp://ftp.internic.net/domain/>, however making a version of root hints that includes AAAA records for the root name servers configured with IPv6 addresses may be appropriate.
3. DNS implementations used by all thirteen root name server operators are capable of including IPv6 records.
4. Changes to include IPv6 addresses affect the DNS priming response in two respects:
  - a. Adding IPv6 addresses adds a resource record type (AAAA) that many implementations have never seen returned in a DNS priming response.
  - b. No more than two (2) AAAA resource records can be included in the response if the overall message size is to fit within the 512 byte maximum UDP-encapsulated DNS message size specified by RFC 1035.
  - c. A DNS priming response containing the names, type A records and type AAAA records for all thirteen root name servers will result in a response message of 811 bytes. Resolvers that use EDNS0 and advertise a receive buffer of at least 811 bytes will receive the entirety of the message. Resolvers that use EDNS0 but advertise a receive buffer less than 800 bytes and resolvers that do not use EDNS0 will receive DNS response message containing an *abbreviated* Additional section which will contain at least two type AAAA records (see *Root Name Server Considerations* in Section 3).
5. Testing conducted by members of the committee and the community at large indicate that:
  - a. Resolvers commonly used in production networks today are able to process IPv6 address records returned in response to type NS queries by TLD name servers without incident.
  - b. Intermediate systems commonly used in production networks today allow DNS messages containing IPv6 addresses to pass without incident (either as a default

- policy or by user configuration).
- c. Resolvers commonly used in production networks today are EDNS0 capable. Statistics from RIPE suggest that the majority of these resolver installations advertise receive buffers greater than the 811 bytes that root name servers would require to return a DNS priming response message containing the IPv4 and IPv6 address records for all 13 root name servers.
  - d. Many intermediate systems commonly used in production networks today allow UDP-encapsulated DNS messages that exceed 512 bytes to pass without incident. Some systems block longer messages by default. Other systems are intentionally configured to block such messages to protect against IP-level fragmentation attacks. ICANN and IANA should give the community ample time to test security policy configuration at intermediate systems before making changes to the root hints and root zone file that would increase the size of UDP-encapsulated DNS response messages beyond 512 bytes.

On the basis of the above findings, the committees conclude that changing the DNS priming response to include IPv6 address records will have minimal impact on name server implementations and intermediate systems used in production networks.

Additional study and testing is encouraged to continue to assess the impact of including AAAA records in the DNS priming response. Testing should be part of an overall strategy or "road map" for deployment that would ultimately result in the inclusion of the names, type A records and type AAAA records for all thirteen root name servers in the priming response. Root name server operators should continue to offer a public test facility for a reasonable time frame that can be used by product implementers as well as DNS, network, and security administrators to verify that their name service will not be interrupted on the cutover date.

Providing advanced notice of this change in a variety of venues – ICANN and supporting organization web sites, trade publications, and other technology news venues and forums – is an important element of the overall strategy. Advanced notice will give sufficient time to test well in advance of the date when root name servers will begin returning a "full" priming response.

## 5. Recommendations

ICANN SSAC and RRSAC recommend that type AAAA records for all root name servers so addressed should be included in the root hints and root zone files and that they be returned in priming responses from root name servers as soon as practically possible. The committees jointly conclude that the most expedient way to proceed is for ICANN, IANA and the root name server operators to coordinate a phased deployment.

1. ICANN and IANA should provide advanced public notice and identify a date on which DNS priming responses from root name servers will include names, type A records and type AAAA.
2. ICANN should continue to solicit testing and report how recursive name server and intermediate system implementations behave when they receive the larger priming response to the community at large. Currently SAC 016 [4] and SAC 017 [2] serve this purpose. These documents should continue to identify software, versions, and (where appropriate) special configuration settings that will permit systems to behave correctly when root hints and DNS priming responses contain AAAA addresses and when the priming response exceeds the RFC 1035 maximum message size.
3. After the specified date, IANA should publish a root hints file containing all thirteen A resource records of root name servers plus the AAAA resource records of all root name servers so addressed at <ftp://ftp.internic.net/domain/>. On the specified date, IANA should add the AAAA records for the root name servers so addressed to the root and root-servers.net zones. Once all root name servers load these updated zones, DNS priming responses will return names, type A records for all root name servers, and type AAAA records for root name servers that are assigned IPv6 addresses.
4. IANA should add AAAA resource records for other root name servers *as they are assigned* and in accordance with existing update policy and practice so that ultimately, the priming response will return both A and AAAA resource records for all thirteen root name servers.

## Appendix A. Background Information

### *The Domain Name System*

The Internet Domain Name Service ([7, 8] is modeled as a distributed database, organized as a tree structure. In the structure, each node in the name space and all its descendents are called a **domain**. A domain is thus a subtree of the Internet name space. Domains have names. Each domain is named after its topmost node, and each descendent (node) of a domain has a **label** assigned or registered within the domain. A node's **domain name** is the list of the labels on the path from the node to the root of the tree. The labels of sibling nodes must be unique.

There is a single, authoritative **root** for the DNS and it is commonly referred to as "dot" or "." Labels assigned to nodes directly subordinate to the root identify Top Level Domains (TLDs). The registration of labels within TLDs is delegated to Registry operators. Organizations and individuals who register labels within TLDs are called domain name **registrants**.

The label relationships between the root, TLD operators, and domain name registrants who register second level labels within TLDs is depicted in Figure A-1:

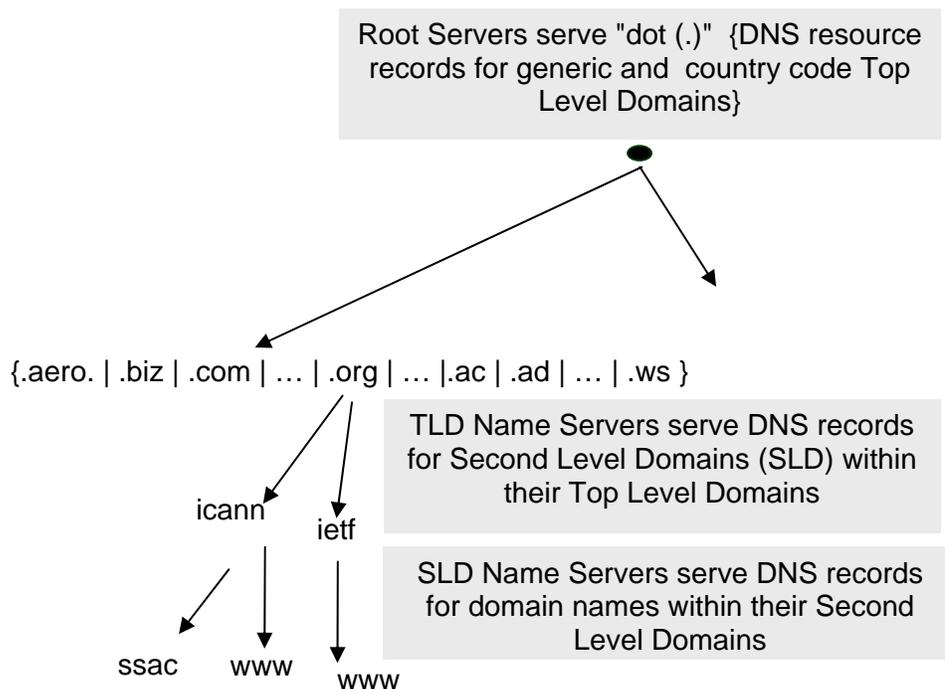


Figure A-1. Label Relationships in the Domain Name System

Domain name records are commonly stored in master files distributed throughout the Internet. Master files are hosted on **name servers**. Name servers are key components of the DNS. They store complete information for some part of the domain tree over which they have administrative control. In particular, name servers that host the complete

database or **zone** for a particular sub-tree of the domain space are said to be **authoritative** for that sub-tree.

## Root Name Servers

The **root name servers** host a critically important master file. The **root zone file** contains authoritative data for the top most level of the DNS. The root zone file contains several classes of resource records, as illustrated in Table 1-1. (Note: the symbol ✂ is used to indicate that some data have been trimmed from the example.)

```

;File start: 15052
✂
. IN SOA A.ROOT-SERVERS.NET. NSTLD.VERISIGN-GRS.COM.
(
    2005100205 ;serial
    1800 ;refresh 30 min
    900 ;retry every 15 min
    604800 ;expire 1 week
    86400 ;minimum of a day
)
$TTL 518400
. NS A.ROOT-SERVERS.NET.
. NS B.ROOT-SERVERS.NET.
. NS C.ROOT-SERVERS.NET.
✂
. NS L.ROOT-SERVERS.NET.
. NS M.ROOT-SERVERS.NET.

A.ROOT-SERVERS.NET. A 198.41.0.4
B.ROOT-SERVERS.NET. A 192.228.79.201
C.ROOT-SERVERS.NET. A 192.33.4.12
✂
L.ROOT-SERVERS.NET. A 198.32.64.12
M.ROOT-SERVERS.NET. A 202.12.27.33
✂

$TTL 172800
✂
JE. NS NSO.JA.NET.
✂
SE. NS A.NS.SE.
SE. NS B.NS.SE.
✂
BIZ. NS G.GTLD.BIZ.
✂
INFO. NS TLD1.ULTRADNS.NET.
✂
JOBS. NS M3.NSTLD.COM.
JOBS. NS H3.NSTLD.COM.
A.NS.SE. A 192.36.144.107
A.NS.SE. AAAA 2001:698:9:301:0:0:0:53
✂
MUNNARI.OZ.AU. A 128.250.1.21
MUNNARI.OZ.AU. A 128.250.22.2
✂
NSO.JA.NET. A 128.86.1.20
NSO.JA.NET. A 193.63.94.20
NSO.JA.NET. AAAA 2001:630:0:8:0:0:0:14
NSO.JA.NET. AAAA 2001:630:0:9:0:0:0:14

```

### Start of Authority information

**Root name server names.** By convention, the 13 authoritative root name servers are assigned a single alphabetic character label (A through M) in the domain root-servers.net.

**Root name server IP addresses.** Each root name server has a record listing the IPv4 address used to query it. Several root name servers support IPv6 *but these addresses are not yet included in the root zone file.*

**Name records for the Top Level Domain name servers** (gTLDs, ccTLDs). Each TLD identifies at least two name servers that host its zone file.

### TLD name server IP addresses.

TLD name servers may have multiple IPv4 and multiple IPv6 addresses.

Figure A-2. Label Relationships in the Domain Name System

## Resolver and Name Servers

A **resolver** asks questions about domain names, e.g., it queries the DNS. In the client-server model used by many Internet applications, the resolver is the DNS client. Typically, a user application determines the IP address associated with a domain name by issuing a (remote) procedure call to a name resolution process called a **stub resolver**. A second type of DNS client, the **iterative resolver**, is typically an element of a recursive name server. Both stub and iterative resolvers direct queries to **name servers**, which provide the server element of DNS.

Authoritative name servers answer queries using the zone data over which they exercise authority. A **recursive name server** performs name server and iterative resolver functions, as follows. When a recursive name server receives a DNS query from a user application that it cannot answer using DNS information at hand, the iterative resolver composes a DNS query message requesting the address record associated with the domain name and forwards the request to a root name server. If the root name server knows the answer, it returns the requested information in a DNS response message. If the root name server does not know the answer, it provides the resolver with the names and addresses of the top level domain name servers in which the queried domain name is registered. This is called a **referral**. The recursive name server will then query one of the TLD name servers serving the top level domain of the name being resolved. If the TLD name server knows the answer, it returns the requested information. If it does not, the TLD name server provides the recursive name server with the names and addresses of the second level domain name servers. The process continues (iterates) until the name is resolved or determined not to exist. Figure A-3 illustrates the role of a recursive name server.

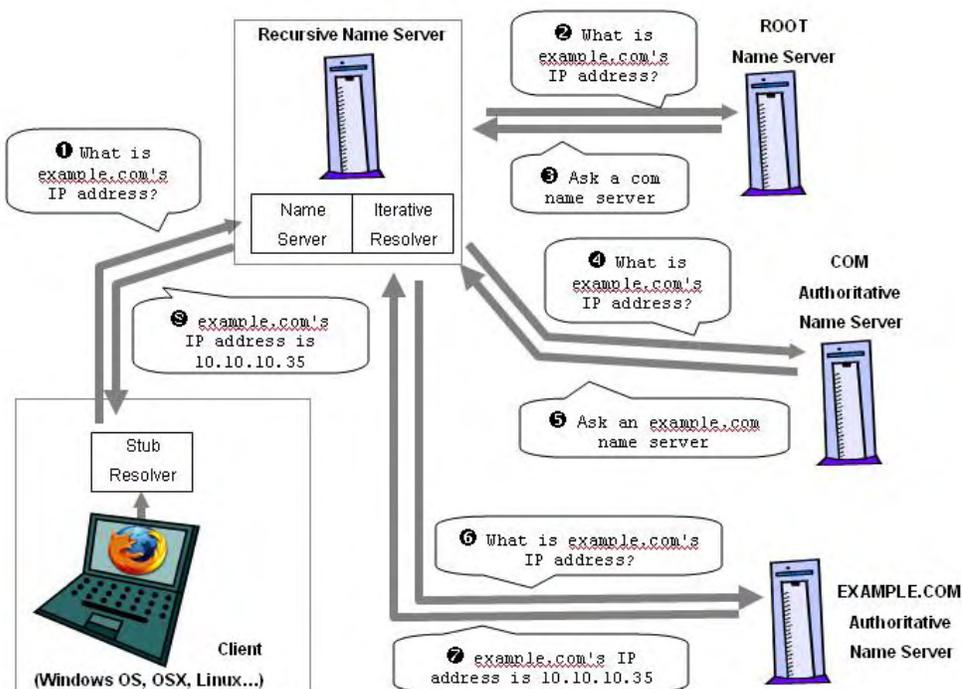


Figure A-3. Name Resolution via a Recursive Name Server

In practice, a resolver on a client host is configured to query (local) recursive name servers that *cache* DNS response information for frequently queried domain names. When caching is used and a recursive name server receives a domain name resolution request from a resolver, the recursive name server examines its cache to determine if the requested name information has already been stored locally *before* it iterates the request as described earlier. If the information is locally available, the recursive name server immediately returns a response to the requesting resolver (and does not query the root name servers).

Caching implies that not every query is referred to a root name server, but caching depends on referrals from the root. Caching is important, however, because it reduces DNS traffic and message processing loads on root as well as TLD name servers.

Cached information is not authoritative, but the DNS uses timeouts to purge potentially stale information. As DNS Security (DNSSEC, [9]) becomes more widely deployed, a resolver will be able to verify the integrity of DNS data returned in a DNS response message irrespective of the name server it has queried.

## ***DNS Traffic and Intermediate Systems***

In practice, the communication paths between client hosts, name servers, and root name servers comprise many types of intermediate systems. While many of these perform network level routing and switching operations, others may inspect or process application traffic for a variety of (security) policy enforcement purposes. Such systems include network and application firewalls, in-line intrusion prevention systems, and application layer gateways, also known as security proxies. Many such intermediate devices process and inspect DNS messages for security purposes, e.g., to ensure proper protocol behavior and to detect and block:

- malformed or maliciously composed messages that can be used to probe for and exploit vulnerabilities in specific DNS implementations
- traffic flooding attacks (e.g., DNS DDoS amplification attacks [6])
- traffic that violates a security policy; for example, an organization may wish to control DNS traffic by
  - Destination and source IP address,
  - Query type (e.g., to prevent zone transfers), and
  - Protocol operation type.
  - Protocol composition (e.g., to block DNS messages exceeding the maximum message size specified in RFC 1035)

It is also worthwhile to note that host intrusion detection software may be installed on name servers. Such security software may process and inspect DNS messages for security purposes as well, and may detect and block traffic in the same manner as intermediate devices.

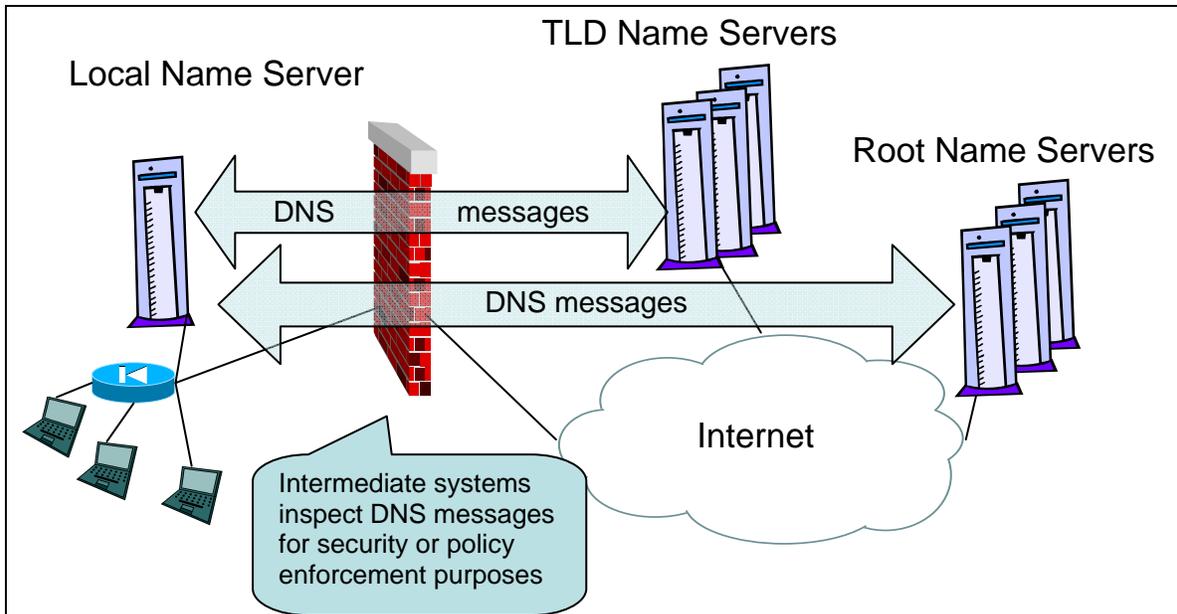


Figure A-5: Communications Paths between Name Servers (conceptual)

## The Root Hints File

A recursive name server's iterative resolver must know the IP address of at least one root name server to function properly. Commonly, name server software provides sufficient configuration information during installation to assure that a host connected to the Internet can query a root name server by including a *hints* file. (Note: Some implementations, including BIND version 9, include root hints in the binary distribution. Such implementations may use a hints file if one is present.)

The hints file contains the name of one or more root name servers and the IP address(es) assigned to the root name server(s). For example, the `cache.dns` file in the folder `C:\winnt\System32\DNS` contains the root hints information for the DNS service of Microsoft Windows Server 2003 [10]. For the BIND DNS server, LINUX and BSD distributions include root hints information in a file typically in the directory `/var/named`. The file name varies across distributions but is commonly one of `named.cache`, `named.root`, or `db.cache`.

## Creation and Maintenance of the Root Hints File

By convention, root name server domain names are assigned single letter labels within the domain `ROOT-SERVERS.NET`; specifically, the root name servers are assigned third-level labels A through M. Root name server operators [11] are responsible for assigning IP addresses to root name servers. Only thirteen root named server names can serve the root zone. The number thirteen was imposed as an upper limit to allow a specific DNS message response called the *priming response* to fit within the maximum DNS message size specified in RFC 1035. Note that the number thirteen relates to the number of domain names assigned to root name servers. In several cases, a single root server name represents multiple actual name servers using a technique called anycast addressing, where one IP address can be bound to many geographically diverse network endpoints.

All the root name servers have IPv4 addresses. Some root name server operators have assigned IPv6 addresses as well. These addresses do not yet appear in the root hints file.

Root name server operators are responsible for notifying IANA when they add or change the addresses of the name servers they administer. The IANA maintains the authoritative root hints file. Changes to root hints information are made at the explicit request of root name server operators and are reflected in root hints by mutual agreement between ICANN and the U.S. Department of Commerce.

The root hints are published at `ftp://ftp.internic.net/domain/` [12] under the popular names `named.cache`, `named.root`, and `db.cache` to facilitate this method. VeriSign, the company that hosts the `ftp.internic.net` server, hashes and signs these files for integrity protection and authentication purposes using PGP encryption software (the signature files can be found at `ftp://ftp.internic.net/domain/`, as well), thus automated methods can be used with some confidence by programming to verify both the hash and digital signature prior to replacing the local file. The root hints file is reproduced in Appendix C.

### ***Maintaining Accurate Root Hints Information***

Iterative resolvers must have accurate information about root name servers to operate properly. Maintaining the accuracy of root hints information on a resolver or a recursive name server has two dimensions. The first – maintaining the accuracy of any pre-configured information regarding the names and IP addresses of root name servers – is a configuration matter. The second – verifying the accuracy of pre- or statically configured root hints information – is a bootstrap procedure performed by many resolvers when name service is initialized (or according to a pre-defined time interval) and involves a DNS protocol exchange called **priming**. Strictly speaking, recursive name servers are not required to perform a priming exchange, but the practice is very common and is thus worth discussing.

### **Updating and Maintaining Root Hints Files**

Historically, name server administrators were responsible for updating root hints information on their respective servers. Today, administrators continue to perform this in several ways:

- 1) **Manual process.** An administrator can manually replace the local copy of the root hints file with one he downloads from `ftp://ftp.internic.net/domain/`.
- 2) **Scripted process.** An administrator can schedule a program to periodically check the accuracy of the local copy of the root hints file [13]. If the local copy is incorrect, the program can automatically replace it with one it can download from `ftp://ftp.internic.net/domain/`.
- 3) **Commercial OS vendor updates.** Administrators can rely on software updates by commercial vendors to update root hints files. Microsoft, for example, updates

the `cache.dns` file in a service pack distribution [14].

- 4) **DNS software updates.** A new installation or an upgrade of existing DNS software obtained from the vendor will often include the `root.hints` file current when the distribution was packaged [15].

## ***DNS Priming Exchange***

Name server administrators perform the actions described in the previous section to keep static configuration current. Since there are margins for error in all the common practices described above, many resolver implementations attempt to verify the root hints information at hand. This verification process is called a priming exchange.

The priming exchange makes use of standard DNS query and response messages. A DNS query may be represented as a 3-tuple of {QNAME, QTYPE, QCLASS}. QNAME is the domain name about which we are interested in obtaining information: for the priming query, this is ".", meaning the root. QTYPE specifies the type of resource record we seek, e.g., a name server resource record (NS). QCLASS specifies the class of resource record, typically IN.

The priming query is for (QNAME=".", QTYPE="NS", QCLASS="IN"). The answer contains NS records in the authority section and the corresponding A records in the additional section. All DNS messages share a common format, as follows:

Header Section	Protocol parameters
Question Section	The question or query from the client (what is being asked)
Answer Section	Resource records that answer the question
Authority Section	Resource records identifying the domain authority
Additional Section	Resource records containing additional information that complement the answer, these are answer-dependent

A name server begins the priming exchange by sending a **DNS query message for a resource record of type NS** to one or more of the root name servers identified in the root hints file.

## DNS Priming Query

In the case of the priming exchange, the name queried is "." and the class is "IN". Figure A-6 provides a screen snapshot of how a packet capture utility would decode and display the priming exchange, and thus illustrates the exact composition of the priming query as hosts transmit it today:

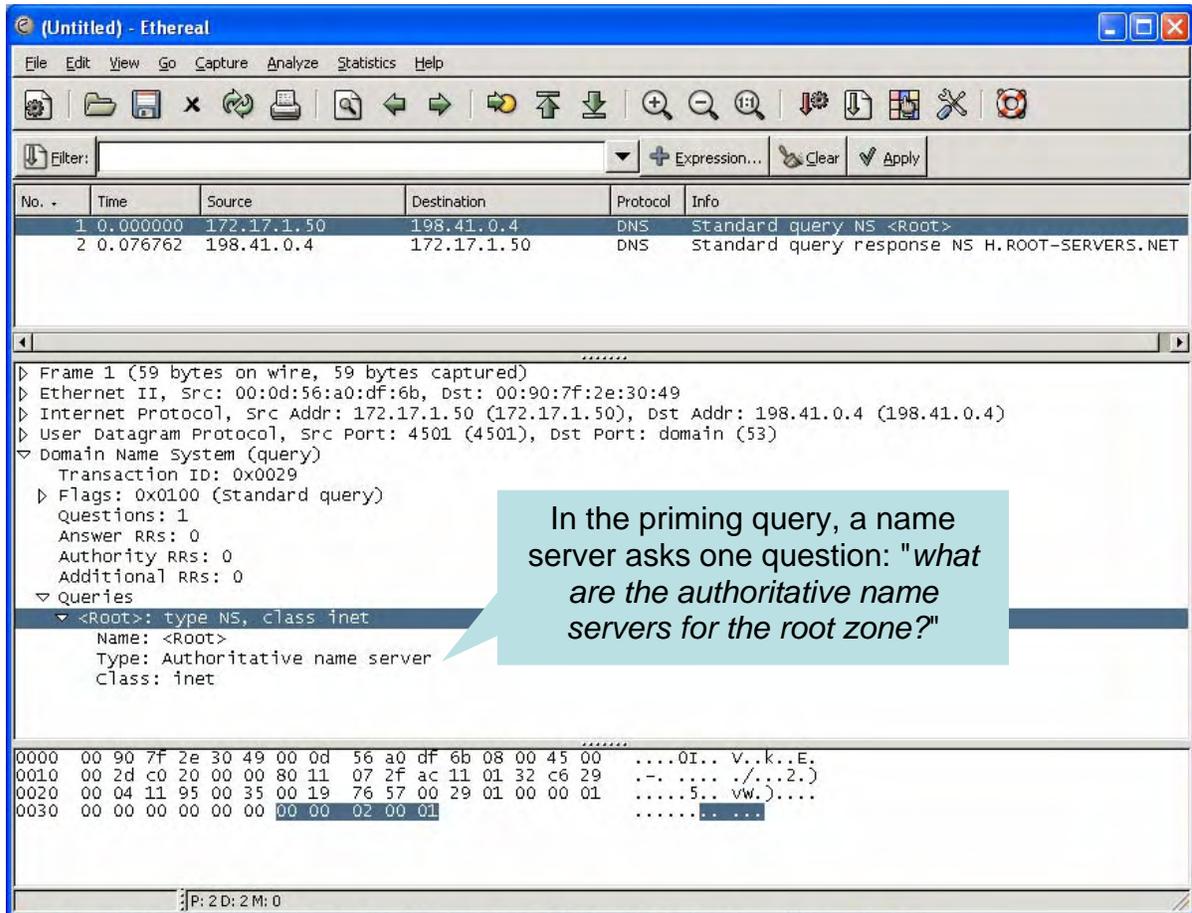


Figure A-6. DNS Priming Query

The priming query is sent to at least one root name server. Commercial and open source operating systems and name server resolver implementations behave differently with respect to which and how many root name servers they will query during this bootstrap process [13, 15]. A name server administrator can also influence this behavior using scripts or by modifying the default configuration of name service on a host he administers.

If the DNS priming exchange fails to complete, name servers will use locally available "hints" information.

## DNS Priming Response

A root name server responds to the DNS priming query message (type NS) with a response message listing the **NS resource records for the root**. The priming response message conveys important information in the Answers and Additional Sections.

### The Answer Section

The **Answer** Section contains the name, type, class, and TTL (time to live) of all the root name servers. Figure A-7 illustrates the DNS priming response message with the Answer section expanded for closer examination:

**Additional RRS: 13**

- Queries
- Answers
  - <Root>: type NS, class inet, ns E.ROOT-SERVERS.NET
    - Name: <Root>
    - Type: Authoritative name server
    - Class: inet
    - Time to live: 6 days
    - Data length: 20
    - Name server: E.ROOT-SERVERS.NET
  - <Root>: type NS, class inet, ns D.ROOT-SERVERS.NET
    - Name: <Root>
    - Type: Authoritative name server
    - Class: inet
    - Time to live: 6 days
    - Data length: 4
    - Name server: D.ROOT-SERVERS.NET
  - <Root>: type NS, class inet, ns A.ROOT-SERVERS.NET
  - <Root>: type NS, class inet, ns H.ROOT-SERVERS.NET
  - <Root>: type NS, class inet, ns C.ROOT-SERVERS.NET
  - <Root>: type NS, class inet, ns G.ROOT-SERVERS.NET
  - <Root>: type NS, class inet, ns F.ROOT-SERVERS.NET
  - <Root>: type NS, class inet, ns B.ROOT-SERVERS.NET
  - <Root>: type NS, class inet, ns I.ROOT-SERVERS.NET

In the priming response, the root name server queried returns the NS records for all 13 root name servers in the Answer Section

The first answer record contains a Fully Qualified Domain Name (31 bytes); the remaining twelve only contain the 3<sup>rd</sup> level single letter label (15 bytes)

Figure A-7. DNS Priming Response (Answers expanded)

A root name server returns a fully qualified domain name in the first NS resource record, which occupies 31 bytes of the message. To conserve space, the root name server only returns the third level label in the second through thirteenth NS resource records in the Answer Section of the priming responses (using name compression, only four bytes are required instead of the twenty required for the fully qualified domain name). Each compressed NS resource record occupies 15 bytes of the message.

## Additional Section

In addition to the Answer section, the DNS priming response message will contain data in the **Additional Section**. Each record in the Additional Section provides the name, type, class, TTL, and IPv4 address (resource record type A) of a root name server identified in the Answer Section:

Figure A-8 illustrates the DNS priming response message with the Additional Section expanded for closer examination:

The screenshot shows the Wireshark interface for a DNS priming exchange. The packet list pane at the top shows four packets:

No.	Time	Source	Destination	Protocol	Info
13	15.643058	172.17.1.50	172.17.0.7	DNS	Standard query A a.root-servers.net
14	15.645427	172.17.0.7	172.17.1.50	DNS	Standard query response A 198.41.0.4
15	15.652738	172.17.1.50	198.41.0.4	DNS	Standard query NS <Root>
16	15.730541	198.41.0.4	172.17.1.50	DNS	Standard query response NS H.ROOT-SERVERS.

The packet details pane for packet 16 is expanded to show the Domain Name System (response) section. The 'Additional records' section is expanded to show 13 root name servers:

- H.ROOT-SERVERS.NET: type A, class inet, addr 128.63.2.53
- C.ROOT-SERVERS.NET: type A, class inet, addr 192.33.4.12
- G.ROOT-SERVERS.NET: type A, class inet, addr 192.112.36.4
- F.ROOT-SERVERS.NET: type A, class inet, addr 192.5.5.241
- B.ROOT-SERVERS.NET: type A, class inet, addr 192.228.79.201
- J.ROOT-SERVERS.NET: type A, class inet, addr 192.58.128.30
- K.ROOT-SERVERS.NET: type A, class inet, addr 193.0.14.129
- L.ROOT-SERVERS.NET: type A, class inet, addr 198.32.64.12
- M.ROOT-SERVERS.NET: type A, class inet, addr 202.12.27.33
- I.ROOT-SERVERS.NET: type A, class inet, addr 192.36.148.17
- E.ROOT-SERVERS.NET: type A, class inet, addr 192.203.230.10
- D.ROOT-SERVERS.NET: type A, class inet, addr 128.8.10.90
- A.ROOT-SERVERS.NET: type A, class inet, addr 198.41.0.4

A callout box points to the 'Additional records' section with the text: "In the priming response, a root name server returns the IPv4 (Type A) records of all 13 root name servers in the *Additional Section*".

**Figure A-8. DNS Priming Response (Additional Records expanded)**

The DNS priming response message illustrated in both Figures A-7 and A-8 only returns IPv4 addresses of root name servers.

## DNS Priming Response Message Size

A DNS priming response message is encapsulated in a UDP datagram that is transmitted in an IP datagram having a total length of 464 bytes. Subtracting the IPv4 and UDP headers (20 bytes and 8 bytes, respectively), the length of the DNS message (e.g., the UDP payload) is 436 bytes, allocated as illustrated in Table A-1:

DNS Priming Response Message (IPv4 only)	# Bytes
Required Headers: <ul style="list-style-type: none"><li>Transaction ID, Flags, Questions, Answer RR count, Authority RR count, Additional RR count</li></ul>	12
Query <ul style="list-style-type: none"><li>Name "." Type NS, Class INET</li></ul>	5
Answers: <ul style="list-style-type: none"><li>First answer contains name, type, class, time-to-live (TTL) and Data length (value 20), plus the Fully Qualified Domain Name (FQDN) of a root name server (e.g., H.ROOT-SERVERS.NET)</li><li>Second through 13<sup>th</sup> answers contain only name, type, class, TTL and Data length (value 4) plus the Relative Domain Name (RDN) of a root name server (e.g., the single letter G, F, E...) and occupy 15 bytes (Thus, we have 12 answers and each is 15 bytes long).</li></ul>	31  180
Additional: <ul style="list-style-type: none"><li>Each of the 13 A records in the Additional contains name, type, class, TTL and Data length (value 4) and an 4-byte IPv4 address and occupies 16 bytes (13 records times 16 bytes per record equals 208 bytes)</li></ul>	208
Total length	436 bytes

**Table A-1 DNS Priming Response Message (IPv4 only)**

Note that root name servers use *name compression* in the DNS protocol to reduce the number of bytes required to return the domain names of all 13 root name servers. This allows the overall length of the DNS priming response message to fit within the 512 byte maximum UDP-encapsulated DNS message size specified in RFC 1035, and assures that a UDP-encapsulated response will not be fragmented over any link that supports the default IP maximum datagram size of 576 bytes (see RFC 879, [16]).

## IPv6 Addressing

IPv6 addresses are 128 bits long and, like IPv4 addresses, are assigned to network interfaces of Internet hosts [17, 18]. IPv6 addresses are represented as eight groups of sixteen bits. Each group of sixteen bits is represented as four hexadecimal digits, separated by colons, e.g., FEDC:BA98:7654:3210:FEDC:BA98:7654:3210. For readability, leading zeroes in any subfield may be omitted, thus, writing 1080:0:0:0:8:800:200C:417A is equivalent to writing the IPv6 address as 1080:0000:0000:0000:0008:0800:200C:417A. One can further compress IPv6 addresses when writing them by using "::" to indicate multiple groups of 16-bits of zeros (Note: this convention may only be used once in an address).

The introduction of IPv6 into the Internet affects the DNS and several extensions to DNS standards are defined [19] to accommodate IPv6. A new resource record type for IPv6, the AAAA RR, maps domain names to IPv6 addresses, and a new domain, IP6.ARPA, is defined for reverse lookups using IPv6 addresses. Modern DNS servers can now process Additional Sections containing both IPv4 and IPv6 addresses record types (A and AAAA, respectively).

### ***DNS Message Composition and Size Considerations***

RFC 2181, Clarifications to the DNS Specification [20], describes how name servers should compose UDP-encapsulated DNS messages in the event that a response will not fit within the maximum message size of 512 bytes specified in RFC 1035:

- If a name server cannot fit a complete resource record set (RRset) that is *required* in the Answer or Authority Section without exceeding the maximum UDP payload, the name server marks the response as *truncated* by setting the Truncation bit (TC) in the header of the DNS response message. This would apply, for example, to a name server record in the Answer section of a type NS response message.
- Upon receipt of a DNS message response that is marked as truncated, the resolver ignores the contents of this response. The resolver can retry the DNS query using TCP to accommodate the larger sized message.
- In the event that all the RRsets required for the response will fit but the entirety of the additional data a name server could return will not fit within the 512 byte maximum DNS message size specified in RFC 1035, the name server may return *abbreviated* additional data. In this case, the truncation bit is *not* set.
- Upon receipt of abbreviated data, and if the resolver needs missing data, the querying resolver can issue an additional DNS query using UDP to explicitly request the additional data that the name server was unable to include in the original query.

These guidelines clarify existing DNS protocol requirements. In addition, to accommodate longer DNS messages for both IP version 6 and DNS Security extensions, the DNS protocol was augmented by Extension Mechanisms for DNS (EDNS0, [21]). EDNS0 defines a method a host may use when it composes a DNS query message to indicate that the querying host is capable of receiving and processing UDP-encapsulated DNS messages greater than the maximum message size of 512 bytes specified in RFC 1035.

The extensions allow the host to indicate exactly how large a DNS response message it is prepared to handle. Hosts that have indicated they are able to use EDNS0 in a DNS query message but do not receive a DNS response message within a timeout period often retry the query without advertising EDNS0. This is useful in topologies where intermediate systems block DNS messages that exceed 512 bytes to thwart forms of DDoS attacks that make use of IP fragmentation. Iterative resolvers also retry without EDNS0 when the queried name server doesn't support EDNS0.

## Appendix B. References

- [1] Measuring the Resource Requirements of DNSSEC
- [2] Testing Recursive Name Servers for IPv6 and EDNS0 Support  
<http://www.icann.org/committees/security/sac017.htm>
- [3] US-CERT Vulnerability #738331, Domain Name System (DNS) resolver libraries vulnerable to read buffer overflow  
<http://www.kb.cert.org/vuls/id/738331>
- [4] Testing Firewalls for IPv6 and EDNS0 Support  
<http://www.icann.org/committees/security/sac016.htm>
- [5] Requirements for Internet Hosts – Communications Layers  
<http://www.ietf.org/rfc/rfc1122.txt>
- [6] DNS Distributed Denial of Service (DDoS) Attacks  
<http://www.icann.org/committees/security/dns-ddos-advisory-31mar06.pdf>
- [7] RFC 1034, Domain Names – Concepts and Facilities  
<http://www.ietf.org/rfc/rfc1034.txt>
- [8] RFC 1035, Domain Names – Implementation and Specification  
<http://www.ietf.org/rfc/rfc1035.txt>
- [9] DNS Security – Introduction and Requirements  
<http://www.ietf.org/rfc/rfc4033.txt>
- [10] Updating Root Hints (Microsoft Windows Server 2003 Technical Library)  
<http://technet2.microsoft.com/WindowsServer/en/library/7b69b6f9-f25e-4594-a04b-f08f3effa2031033.msp?mfr=true>
- [11] Root Servers Operators web site, <http://www.root-servers.org/>
- [12] Official Root Hints File, <ftp://ftp.internic.net/domain/>
- [13] Configuring a BIND DNS Server  
<http://www.digitalpeer.com/id/configuringa>
- [14] List of Directory Services Fixes in Windows 2000 Service Pack 4  
<http://support.microsoft.com/default.aspx?scid=kb;en-us;815024>
- [15] Windows 2000 DNS: New Features of Windows 2000 DNS  
<http://www.microsoft.com/technet/prodtechnol/windows2000serv/plan/w2kdns2.msx#ENJAC>
- [16] TCP Maximum Segment Size and Related Topics  
<http://www.ietf.org/rfc879.txt>
- [17] Internet Protocol Version 6 (IPv6) Addressing Architecture  
<http://www.ietf.org/rfc/rfc3513.txt>
- [18] IPv6 Global Unicast Address Format  
<http://www.ietf.org/rfc/rfc3587.txt>
- [19] DNS Extensions to Support IPv6 Address Aggregation and Renumbering  
<http://www.ietf.org/rfc/rfc2874.txt>
- [20] Clarifications to the DNS Specification  
<http://www.ietf.org/rfc2181.txt>
- [21] Extension Mechanisms for DNS (EDNS0)  
<http://www.ietf.org/rfc/rfc2671.txt>

## Appendix C. Root Name Server Hints File

```
;
;   This file is made available by InterNIC under anonymous FTP as
;   file /domain/db.cache
;   on server FTP.INTERNIC.NET
;   -OR- RS.INTERNIC.NET
;
;   last update: Jan 29, 2004
;   related version of root zone: 2004012900
;
;
; formerly NS.INTERNIC.NET
;
.           3600000  IN  NS      A.ROOT-SERVERS.NET.
A.ROOT-SERVERS.NET. 3600000  A    198.41.0.4
;
; formerly NS1.ISI.EDU
;
.           3600000  NS   B.ROOT-SERVERS.NET.
B.ROOT-SERVERS.NET. 3600000  A    192.228.79.201
;
; formerly C.PSI.NET
;
.           3600000  NS   C.ROOT-SERVERS.NET.
C.ROOT-SERVERS.NET. 3600000  A    192.33.4.12
;
; formerly TERP.UMD.EDU
;
.           3600000  NS   D.ROOT-SERVERS.NET.
D.ROOT-SERVERS.NET. 3600000  A    128.8.10.90
;
; formerly NS.NASA.GOV
;
.           3600000  NS   E.ROOT-SERVERS.NET.
E.ROOT-SERVERS.NET. 3600000  A    192.203.230.10
;
; formerly NS.ISC.ORG
;
.           3600000  NS   F.ROOT-SERVERS.NET.
F.ROOT-SERVERS.NET. 3600000  A    192.5.5.241
;
; formerly NS.NIC.DDN.MIL
;
.           3600000  NS   G.ROOT-SERVERS.NET.
G.ROOT-SERVERS.NET. 3600000  A    192.112.36.4
;
; formerly AOS.ARL.ARMY.MIL
;
.           3600000  NS   H.ROOT-SERVERS.NET.
H.ROOT-SERVERS.NET. 3600000  A    128.63.2.53
;
; formerly NIC.NORDU.NET
;
.           3600000  NS   I.ROOT-SERVERS.NET.
I.ROOT-SERVERS.NET. 3600000  A    192.36.148.17
;
; operated by VeriSign, Inc.
;
.           3600000  NS   J.ROOT-SERVERS.NET.
J.ROOT-SERVERS.NET. 3600000  A    192.58.128.30
;
; operated by RIPE NCC
;
.           3600000  NS   K.ROOT-SERVERS.NET.
K.ROOT-SERVERS.NET. 3600000  A    193.0.14.129
;
; operated by ICANN
;
.           3600000  NS   L.ROOT-SERVERS.NET.
L.ROOT-SERVERS.NET. 3600000  A    198.32.64.12
;
; operated by WIDE
;
.           3600000  NS   M.ROOT-SERVERS.NET.
M.ROOT-SERVERS.NET. 3600000  A    202.12.27.33
; End of File
```

## Appendix D. Emulating a DNS Priming Exchange Using the dig program

Microsoft Windows XP [Version 5.1.2600]  
C:\dig>dig @a.root-servers.net ns

```
; <<>> DiG 9.2.3 <<>> @a.root-servers.net ns
;; global options: printcmd
;; Got answer:
;; ->>HEADER<<- opcode: QUERY, status: NOERROR, id: 41
;; flags: qr aa rd; QUERY: 1, ANSWER: 13, AUTHORITY: 0, ADDITIONAL: 13
;; QUESTION SECTION:
;
;          IN      NS
;; ANSWER SECTION:
.          518400 IN      NS      B.ROOT-SERVERS.NET.
.          518400 IN      NS      J.ROOT-SERVERS.NET.
.          518400 IN      NS      K.ROOT-SERVERS.NET.
.          518400 IN      NS      L.ROOT-SERVERS.NET.
.          518400 IN      NS      M.ROOT-SERVERS.NET.
.          518400 IN      NS      I.ROOT-SERVERS.NET.
.          518400 IN      NS      E.ROOT-SERVERS.NET.
.          518400 IN      NS      D.ROOT-SERVERS.NET.
.          518400 IN      NS      A.ROOT-SERVERS.NET.
.          518400 IN      NS      H.ROOT-SERVERS.NET.
.          518400 IN      NS      C.ROOT-SERVERS.NET.
.          518400 IN      NS      G.ROOT-SERVERS.NET.
.          518400 IN      NS      F.ROOT-SERVERS.NET.
;; ADDITIONAL SECTION:
B.ROOT-SERVERS.NET. 3600000 IN      A      192.228.79.201
J.ROOT-SERVERS.NET. 3600000 IN      A      192.58.128.30
K.ROOT-SERVERS.NET. 3600000 IN      A      193.0.14.129
L.ROOT-SERVERS.NET. 3600000 IN      A      198.32.64.12
M.ROOT-SERVERS.NET. 3600000 IN      A      202.12.27.33
I.ROOT-SERVERS.NET. 3600000 IN      A      192.36.148.17
E.ROOT-SERVERS.NET. 3600000 IN      A      192.203.230.10
D.ROOT-SERVERS.NET. 3600000 IN      A      128.8.10.90
A.ROOT-SERVERS.NET. 3600000 IN      A      198.41.0.4
H.ROOT-SERVERS.NET. 3600000 IN      A      128.63.2.53
C.ROOT-SERVERS.NET. 3600000 IN      A      192.33.4.12
G.ROOT-SERVERS.NET. 3600000 IN      A      192.112.36.4
F.ROOT-SERVERS.NET. 3600000 IN      A      192.5.5.241
;; Query time: 125 msec
;; SERVER: 198.41.0.4#53(a.root-servers.net)
;; WHEN: Tue Aug 29 09:06:25 2006
;; MSG SIZE rcvd: 436
```

## Appendix E. Results Reported: Testing Recursive Name Servers for IPv6 and EDNS0 Support

The following results have been reported to the SSAC fellow:

DNS Software	Operating System	Bootstraps when AAAA RRs present in hints file	Primes using IPv4 transport	Supports EDNS0	Parses AAAA RRs	Functions properly following a priming exchange with a test root name server	Source
BIND 4.9.3-REL [5]	Redhat Fedora Core 6 Linux	YES	YES	NO	NO	YES	User
BIND 4.9.11-REL	Redhat Fedora Core 6 Linux	YES	YES	NO	YES	YES	User
BIND 8.2.2-P5	SunOS Blakey 5.8	YES	YES	NO	NO	YES	User
BIND 9.2.4	Debian GNU/Linux	YES	YES	YES	YES	YES	User
BIND 9.3.2	Mac OS X version 10.4.8	YES	YES	YES	YES	YES	User
BIND 9.3.4	FreeBSD 6.2	YES	YES	YES	YES	YES	User
BIND 9.4.0 rc2	FreeBSD 6.2, Suse Linux 10.1	YES	YES	YES	YES	YES	User
djbdns dnscache 1.05	Redhat Fedora Core 6 Linux	YES	YES	YES	NO	YES	User
DNS Commander [4]	Windows NT/XP, Linux, Solaris	YES	N/A	YES	YES	N/A	Vendor
DNSJava	Java (any OS with Java support)	N/A	N/A	YES	YES	N/A	Developer
JDNSS [1]	Java (any OS with Java support)	N/A	N/A	NO		N/A	Developer
MaraDNS 1.2.12.04 [2]	BSD, Linux, Windows	NO	NO	NO	YES	N/A	Developer
Men & Mice Suite 5.x with current BIND 8 or BIND 9	Windows 2000/Windows 2003/Linux/FreeBSD/MacOSX/Solaris	YES	YES	YES	YES	YES	Vendor
Mice & Men QuickDNS v1.0 - 3.0	Apple MacOS Classic (System 7 to MacOS 9)	NO	YES	NO	NO	NO	Vendor
Microsoft DNS Server	Windows 2000 5.00.2195 SP4	YES	YES	NO	NO	YES	User
Microsoft DNS	Windows 2003	YES	YES	YES	YES	YES	User

Server							
Nominum CNS 1.6.5.0	Solaris 10	YES	YES	YES	YES	YES	Vendor
Posadis DNS version 6	Windows XP SP2	YES	NO	NO	YES	YES	User
PowerDNS Recursor 3.1.4	Debian GNU/Linux	YES	YES	YES	YES	YES	User
QuickDNS 3.5 to 4.6 with current BIND 8 or BIND 9	Windows 2000/Windows 2003/Linux/FreeBSD/ MacOSX/ Solaris	YES	YES	YES	YES	YES	Vendor
SimpleDNS version 4.00.06 [3]	Windows XP SP2	YES	YES	NO	YES	YES	User, Vendor

[1] Used as a leaf or stub resolver. Does not perform recursive lookups and does not prime.

[2] Recursive resolver does not have IPv6 support; recursion must be disabled to bind to IPv6 address.

[3] Priming is performed according to a preconfigured time interval (default once every 7 days).

[4] This product does not perform a priming query and relies on root hints configured for the name server.

[5] Server operates correctly despite error messages recorded in syslog.

## Appendix F. Results Reported: Testing Firewalls for IPv6 and EDNS0 Support

The following results have been reported to the SSAC fellow:

Product	Version	Action when AAAA RR encountered	Action when large DNS message received	Source
ARKOON Fast360	3.0/1 to 3.0/22	Allow	Deny	vendor
ARKOON Fast360	3.0/23 and above, 4.x	Allow	Allow	vendor
Checkpoint Firewall-1	NG, R55	Allow	Allow	user
Check Point FW-1 NGX R61 HFA 1 on Nokia	IPSO 4.1-BUILD013	Allow	Allow	user
Cisco C2600	IOS 12.2(37)	Allow	Allow	user
Cisco FWSM	2.3(4)	Allow	Allow	user
Cisco PIX	Version 6.2.5	Allow	Deny	vendor
Cisco PIX	Version 6.3.5	Allow	Allow <sup>1</sup>	vendor
Cisco PIX	Version 7.2.1	Allow	Allow	vendor
Clavister	Security Gateway (All models)	Allow	Allow	vendor
Eland Systems SYS-2, SYS-2 SOHO	3.x, 4.x	Allow	Allow	vendor
Fortinet Fortigate 60	Version 3.0.x	Allow	Allow	user
FreeBSD OpenBSD pf	6.2-PRERELEASE	Allow	Allow	user
GajShield Infotech	Securegate version 5.4	Allow	Allow	vendor
Juniper/Netscreen	ScreenOS Versions 5.4r2, 5.30r3, 4.0.3r4.0	Allow	Allow	user
Kobelt Development NetSentron	3.1.0p11-Pro	Allow	Allow	vendor
Linux 2.6 kernel Shoreline Shorewall Firewall	2.4.1-3	Allow	Allow	user
Linux kernel - Debian iptables 2.6.17.1 Firewall	2.6.17.1	Allow	Allow	user
Lucidata Lucigate Firewall	3.14	Allow	Allow	vendor
Mandriva Linux 2006 OpenBSD	4.0 pf	Allow	Allow	user
NetStealth Firewall	StealthOS	Not supported	Not supported	vendor
Secure Computing Sidewinder	Versions 5.2.1, 6.1.2.00	Allow	Allow	user
Shiva/Eicon 3105	v 8.42	Allow	Allow	user

Sonicwall	SonicOS Standard 3.1.0.7-77s	Allow	Allow	user
Sepehr 3400	GOS 3.0	Allow	Allow	vendor
Sepehr 4100	GOS 3.0	Allow	Allow	vendor
Watchguard Firebox X 1000	Fireware v8.2	Allow	Allow	user
Watchguard Firebox X Edge	8.0	Allow	Allow	user
XNet Solutions SN330	Version 1.2.1	Allow	Allow	vendor
XNet Solutions EN400	Version 1.0.0	Allow	Allow	vendor

## Appendix G. Members of the SSAC and RSSAC committees

SSAC	RSSAC
<p>Alain Aina, Consultant            Jaap Akkerhuis, NLnet Labs            KC Claffy, CAIDA            Steve Crocker, Shinkuro (Chairman)            Daniel Karrenberg, RIPE/NCC            Johan Ihrén, Autonomica            Rodney Joffe, Centergate            Mark Kusters, Verisign            Ram Mohan, Afiliias            Russ Mundy, SPARTA, Inc            Frederico Neves, Registro Brazil            Jon Peterson, NeuStar            David Piscitello, ICANN SSAC Fellow            Ray Plzak, ARIN, Vice Chairman            Mike St. Johns, Nominum            Doron Shikmoni, ForeScout, ISOC-IL            Bruce Tonkin, Melbourne IT;            Paul Vixie, ISC            Suzanne Woolf, ISC</p>	<p>Rob Austein, IAB            Piet Barber, VeriSign            Brett Carr, RIPE            K. C. Claffy, CAIDA            Kenjiro Cho, WIDE Project            David Conrad, ICANN            Steve Conte, ICANN            Brian Coppola, VeriSign            John Crain, ICANN            Joao Damas, ISC            Thomas de Haan, GAC Liaison            Cathy Handley, US Dept of Commerce            Geoff Huston, Telstra            Johan Ihrén, Autonomica            Daniel Karrenberg, RIPE            Akira Kato, WIDE Project            Mark Kusters, VeriSign Labs            Matt Larson, VeriSign            Bill Manning, EP.NET            George Michaelson, APNIC            Jun Murai, Keio University, WIDE Project            Catherine Murphy, ARIN            Evi Nemeth, CAIDA            Frederico A C Neves, LACNIC            Axel Pawlik, RIPE            Ray Plzak, ARIN            Karl Reuss, University of Maryland            Andrei Robachevsky, RIPE            Yuji Sekiya, WIDE Project            Gerry Sneeringer, University of Maryland            Dave Swager, NASA            Paul Twomey , ICANN            Paul Vixie, ISC            Paul Wilson, APNIC            Suzanne Woolf, ISC            Chris Yarnell, ISC</p>

4.1.2 January 2008 Announcement:  
Milestone Agreement Reached Between  
ICANN, and F Root Server Operator,  
Internet Systems Consortium  
<http://www.icann.org/announcements/announcement-04jan08.htm>

## Milestone Agreement Reached Between ICANN, and F Root Server Operator, Internet Systems Consortium

First-of-its-kind agreement recognizes mutual responsibilities, supports enhanced Internet stability

*4 January 2008*

**Marina del Rey, CA:** ICANN and Internet Systems Consortium (ISC) are today announcing the signing of a [Mutual Responsibilities Agreement](#) [PDF, 20K] for the operation of the F-root nameserver.

Effective root server operations are an essential component in providing a stable and secure, globally interoperable Internet. ISC is one of twelve global root server operators that provide a key element of the underlying domain name system infrastructure of the Internet. Essentially, root servers provide an authoritative directory ensuring Internet services that are accessed with names, for example the URL [www.icann.org](http://www.icann.org) or email to [info@isc.org](mailto:info@isc.org), are translated from human readable names into network addresses that a computer can find. The root server system overall answers well over 100,000 queries per second, providing the first step in determining the requested network address.

Root server operators have participated in the ICANN community since its inception in 1998, but to date, there has not been a formal written recognition of the mutual roles ICANN and the root operators perform with respect to each other. The agreement between ICANN and ISC is the first formalization of mutual responsibilities between a root server operator and ICANN. The agreement outlines a structure and description of duties and expectations, dispute resolution, and interchange of technical information.

Paul Vixie, ISC's President said "I'm pleased that ISC could take a first step with ICANN in completing this agreement. Since the creation of F Root in 1994, ISC has always felt honored to provide this service and is responsible to the entire Internet community to ensure that the F-root nameserver is reachable 24x7. Formalized expectations between ICANN and root operators will result in a wider understanding of the key operational and stability issues of most concern to the root operator community and the Internet community as a whole."

Paul Twomey, ICANN's CEO and President said "Congratulations to ISC for being the first root operator to formalize the mutual relationship with ICANN. ICANN's core mission is overall security and stability of the domain name system, and this agreement is another important step in coordinating the key players, and ensuring that mutual accountabilities are documented and transparent."

Both ICANN and ISC expect that this agreement may serve as a model for similar agreements with the other eleven root server operators in the coming months. Final adoption of this agreement will come with ratification by both organizations' Boards, and is expected in January.

### **About ISC:**

Internet Systems Consortium (ISC) is a non-profit 501(c)(3), public benefit corporation with a long history of developing and maintaining the production quality BIND and DHCP Open Source software. ISC has increased its focus to include enhancing the stability of the global DNS directly through reliable F-root name server operations and ongoing operation of a DNS crisis coordination center, ISC's OARC for DNS. ISC is also engaged in further protocol development efforts, particularly in the areas of DNS evolution and facilitating the transition to IPv6. ISC is supported by the donations of generous sponsors, program membership fees and specific fees for services. For program or donation information, please visit our website at <http://www.isc.org>.

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### **About ICANN:**

ICANN is responsible for the global coordination of the Internet's system of unique identifiers like domain names (like .org, .museum and country codes like .uk) and the addresses used in a variety of Internet protocols that help computers reach each other over the Internet. Careful management of these resources is vital to the Internet's operation, so ICANN's global stakeholders meet regularly to develop policies that ensure the Internet's ongoing security and stability. ICANN is an internationally organized, public benefit non-profit company. For more information please visit: [www.icann.org](http://www.icann.org).

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#### 4.2.1 RSSAC Statement on ICANN's Proposed Next Steps for IDN Deployment in the Root Zone, June 2007

<http://www.icann.org/announcements/announcement-18jun07.htm>

## **RSSAC Statement on ICANN's Proposed Next Steps for IDN Deployment in the Root Zone**

*18 June 2007*

The statement is published on the RSSAC website at <http://www.icann.org/committees/dns-root/> :

The DNS Root Server System Advisory Committee (RSSAC) has been asked for a statement on ICANN's proposed next steps for IDN deployment in the root zone. Policy discussions are continuing and are clearly out of scope for RSSAC. RSSAC takes no position on what the contents of the strings used to instantiate IDNs in the root should be, or how many there should be within a factor of 2-5 times the current size of the root zone, or what the duration of the test should be, as long as DNS protocol is followed regarding length of labels, permitted characters, and so on.

With regards to technical and operational issues, RSSAC's consensus as discussed 18 March in the Praha meeting includes:

- There's no issue with adding standard delegations (NS records) to the root zone to instantiate IDN at the root.
- RSSAC urges ICANN to consult DNS experts on constraints such as appropriate TTL values for test IDNs. RSSAC itself represents a significant reserve of such expertise and its members would be happy to try to provide guidance on this subject. However, these details are immaterial to the job of serving a root zone that includes IDNs; the impact is on resolvers and applications.
- ICANN will be coordinating the test, collating test results, and making further decisions about how to go forward to production deployment. ICANN, particularly IANA as the party responsible for the root zone, are asked to provide notice to RSSAC as the test begins and ends and the findings that result from it.
- It's our understanding that several of ICANN's policy bodies are examining aliasing of domain names as one possible component of an IDN solution. Aliasing can be accomplished in a variety of ways. If aliasing of existing domain names is needed as part of the deployment of IDN, RSSAC would provide technical and operational input on how to accomplish it effectively. IANA would have to provide notification of changes to software, hardware, or procedures the root server operators would need to implement in advance of major changes in the capabilities required to serve root zone data; the best way to make sure this happens is to keep RSSAC advised as decisions are made regarding further tests and eventual production deployment so expectations are clear.
- ICANN may find that it will be useful to have specific data or measurements from the root server operators, as part of testing or production deployment of IDN, regarding any changes in traffic or other operational parameters IDN labels might cause. ICANN is encouraged to outline any specific measurements in which they are interested relating to the effects of the test deployment.

### 5.1.1 IDN Status Report, October 2007

<http://icann.org/announcements/announcement-28oct07.htm>

# IDN Status Report

28 October 2007

## 1. .test IDN TLD Evaluations

On 9 October 2007, eleven evaluation-purpose IDN TLDs were inserted into the root zone and propagation was initiated to the 13 root servers. These IDN TLDs were inserted into the root zone as part of the *.test Program* that was subsequently launched on 15 October 2007 at 4.10am PDT.

The *.test Program* contains two test facilities:

- a live replication of the Autonomica laboratory test conducted previously (see <http://www.icann.org/announcements/announcement-4-07mar07.htm>), and
- an online evaluation facility where end-users, application developers, registry operators and any other interested participants can test fully-localized domain names (IDNs) and provide feedback concerning the usability of such.

**Status:** The online evaluation facility was launched on 15 October 2007 in the form of eleven IDNwikis, which can be accessed from the main gateway at <http://idn.icann.org>. ICANN is also concluding the execution of a contract with Autonomica to conduct the live replication of the previous laboratory test.

**Future Milestones:** Additional work will be conducted by staff and the eleven volunteer IDNwiki moderators to ensure that user experiences generated with IDN TLDs in applications are communicated and reported. One area of specific interest is adding testing capabilities for email (as the email IETF protocol for IDNs is approaching finalization); work in this regard is currently in progress.

The *.test Program* was enabled by the successful completion of the following the activities:

### A. Autonomica laboratory test of A-labels (IDN TLDs)

The laboratory testing included testing of A-labels (IDN TLDs) inserted into a replication of the DNS root zone system as NS-records.

**Status:** Completed. The February 2007 report showed no negative effect.

### B. IANA Procedure for the Insertion of A-labels into the Root Zone:

This procedure contains a specification for the insertion and management of evaluation-purpose A-labels in the DNS. The procedure includes an emergency removal procedure which was specifically requested for any potential scenario where damaging negative effect is measured to the DNS, necessitating removal of a TLD from the root zone (the expectation is that this procedure will not need to be invoked ).

**Status:** Finalized and implemented, incorporating public comment and recommendations received in particular from the RSSAC.

**Future Milestones:** The procedure is only available for the eleven evaluation-purpose IDN TLDs. However, staff will review and analyze the usability of the procedure and consider requesting permission to use a potential revised version of the procedure for management of IDN TLDs inserted in the root zone for production.

### C. IDN TLD Root Server Performance / Tolerance Document

The initial paper contained a draft tolerance measure invoking the emergency procedure described above under the IANA Procedure. After review and recommendations by root-server operators, the paper was revised to describe a 24/7 procedure by which any of the 13 root-server operators can contact ICANN at any time and request that an IDN TLD be removed due to technical issues.

**Status:** Finalized and implemented.

### D. IDN TLD Application Evaluation Facility:

A draft paper described ICANN's plans for two IDN TLD evaluation facilities and activities related to the insertion of A-labels (IDN TLDs) into the root zone. The plan included:

- a live replication of the Autonomica laboratory test, and
- an online evaluation facility where end-users, application developers, registry operators and any other interested participants could use fully-localized domain names (IDNs) and provide feedback concerning the usability of such.

**Status:** The draft test plan was published for comments prior to the San Juan meeting in June 2007 (see <http://www.icann.org/announcements/announcement-2-19jun07.htm>). Following public comments, the plan was discussed during the ICANN meeting in San Juan (June 2007) as well as at the RSSAC meeting taking place during the IETF meeting in Chicago (July 2007). Subject to these and other consultations a finalized version of the plan was provided to the ICANN Board for consideration. Implementation commenced following approval of the plan, including approval of the insertion of the suggested evaluations strings (<.test> translated into a number of different languages), by the ICANN Board of Directors.

## 2. IDN Security Study (SSAC)

The SSAC launched earlier this year a study to identify DNS security issues associated with the potential deployment of IDN TLDs. The study focuses on the following question: "What impact will the introduction of IDN TLDs have on the security and stability of the Domain Name System?"

**Status:** Since numerous study participants needed time to work on critical IDNA protocol revision components over summer, the study was placed on hold between July and September 2007. Work has resumed in October 2007; some members of the group met in Taiwan from 19-21 October 2007. The summer hiatus will result in a delay from the original plan to conclude work by the end of 2007.

**Future Milestones:** Collaboration to further define the scope of the work, incorporating the experience of the eleven evaluation-purpose IDN TLDs in the root zone, will occur in the Los Angeles meeting. The study group plans to engage with several "experimental" IDN TLD communities to gather data on their implementations, and make observations regarding any impact on the stability and integrity of the DNS. The study also anticipates providing recommendations regarding evaluation of IDN TLDs to the ICANN community prior to a possible call for new gTLD applications in 2008. The study findings will be made publicly available.

## 3. IDN Guidelines

Version 1.0 of the IDN Guidelines version was published in June 2003 (see <http://www.icann.org/general/idn-guidelines-20jun03.htm>) regarding the implementation of IDNs and the IDNA protocol. Compliance with the guidelines has been a requirement for gTLD registry operators and a recommendation for ccTLD registry operators. The guidelines are subject to on-going review and revision based on the experience gained by TLD registries. The ultimate intention is the creation of a Best Current Practices (BCP) document, and migration of the IDN Guidelines into a format that will more naturally support adoption by all registry operators that implement IDNs, on all levels of the DNS.

**Status:** Version 2.2 of the IDN Guidelines was posted for public review on 11 May 2007 (see <http://www.icann.org/topics/idn/idn-guidelines-26apr07.pdf>). This is the first version to describe IDN TLDs.

**Future Milestones:** Future revisions will be based upon the IDNA protocol review. Based on the IDN policy development work of the GNSO, ccNSO, and GAC, it is anticipated that the IDN Guidelines will be requirements for any future IDN TLD (gTLD or ccTLD) registry Operator.

## 4. IDN Repository

The IDN repository of TLD IDN Practices (see, <http://www.iana.org/assignments/idn/>) was created to support the development of IDN technology. The repository is a set of language and script tables developed and provided by TLD registries. The IDN Guidelines specifically call for a TLD registry to *publish the aggregate set of code points that it makes available in clearly identified IDN-specific character tables, and....define equivalent character variants if registration policies are established on their basis*. The IDN repository was launched to publish such tables online for public access. The latest development for the IDN repository entails a search mechanism and enhanced display functionality.

**Status:** Implemented and moved into day-to-day operations managed by IANA staff.

## 5. IDNs from User Interface through Applications to DNS

This topic covers the development of a paper describing IDN issues related to usability and user experience of IDNs, including: the point an IDN is entered into a user interface, applications, and the DNS. Additional expertise is needed to complete this work, in particular in the area of user-level applications that take keystrokes on some form of input device and attempt to interpret them as Unicode.

This initiative was requested by the technical community and launched in order to indicate places where IDN user experience issues may arise, and enable ICANN and the technical community to make informed decisions as to what additional IDN analysis or tests might be necessary. The paper will include descriptions of issues related to: keyboards, operating systems, interaction between applications, software libraries, resolvers, and the description of how the resolution of the resulting A-label will be parsed in the systems and represented at the UI for the end user.

**Status:** ICANN is actively seeking additional expertise necessary to perform this work. Once completed, the paper will be made publicly available and used in the continued discussions among the technical community to determine if additional IDN components need further analysis or revision.

## 6. IDN Policy

While there are ongoing consultations between the GNSO, the ccNSO, and the GAC, further work on IDN policy remains to be completed in the respective organizations, as follows:

### Generic Names Supporting Organization:

The GNSO has considered IDN TLD issues as part of its New gTLD policy development deliberations, including modalities for including internationalized top-level domains as part of the future new gTLD application process. The GNSO launched an IDN Working Group last year that has now finalized its report (see <http://gns0.icann.org/drafts/idn-wg-fr-22mar07.htm>), identifying and addressing matters such as the introduction of IDN gTLDs, geo-political details, relationships with existing gTLD strings, concerns relating to existing second-level domain name holders, and techno-policy details.

**Future Milestones:** The mapping of the areas of agreement in the GNSO IDN Working Group Outcomes Report to the draft New TLDs Final Report is underway, primarily as implementation guidelines. While the GNSO policy recommendations for the introduction of new gTLDs have not yet been approved by the Board, ICANN staff is in process of planning for implementation of key elements of the policy.

The goal is to have the policy implemented and the process for applications for new gTLDs open in 2008. Whether or not this will include IDN TLDs is dependent on the finalization of the technical work needed to ensure that IDN TLDs are implemented in a stable manner.

### Country-code Names Supporting Organization and Government Advisory Committee

A joint ccNSO/GAC Working Group produced an issues paper on the selection of IDN ccTLD labels paralleling the ISO 3166-1 two-letter codes (see <http://ccnso.icann.org/announcements/announcement-09jul07.htm>) as a response to an ICANN Board resolution in Sao Paulo (December 2006). The paper was presented to the ICANN Board in San Juan (June 2007) at which time the ICANN Board requested the community (GNSO, ccNSO, GAC, ALAC) to address the issues listed in the paper as well as explore the potential for both a long-term and an interim approach.

**Status:** The ccNSO launched a formal policy development process on 2 October 2007, primarily to address issues in the paper. In addition, the Chair of the ccNSO wrote a letter to ccTLD managers to ascertain the near-term demand for IDN ccTLDs. The letter is publicly available at <http://ccnso.icann.org/workinggroups/letter-to-cctld-managers-introduction-of-idns.pdf>. Further, on 14 October 2007, the ccNSO published discussion material on how an interim approach to IDN ccTLDs might be designed and managed.

**Future Milestones:** The ccNSO and the GAC have a number of meetings scheduled in Los Angeles on the topic on the interim approach to IDN ccTLDs. At this time it is anticipated that replies will have been received to the letter discussed above, which will be useful as an overview

of the interim need.

## 7. IDNA Protocol Review (IETF)

An informal expert panel, working as what the IETF calls a "design team," evaluated experiences gained in the implementation of IDNA since its introduction in 2003, and identified several key areas of future work. These were described in several documents that triggered a formal revision of the IDNA protocol. The core components in the revision effort include: definition of valid IDN labels, an inclusion-based model that recognizes the level of understanding of the implications of the Unicode handling of various scripts on use in IDNs (the current model is exclusion-based), elimination of confusing and non-reversible character mappings, fixing a right-to-left error in Stringprep, and eliminating Unicode version dependencies, thereby permitting more scripts to be used in IDNs now and in the future. The issues with the current IDN model that led to the revision work are discussed in RFC4690.

**Status:** Latest version of the IDNA revision proposals are:

<http://www.ietf.org/internet-drafts/draft-klensin-idnabis-issues-02.txt>

<http://www.ietf.org/internet-drafts/draft-faltstrom-idnabis-tables-02.txt>

<http://www.ietf.org/internet-drafts/draft-alvestrand-idna-bidi-01.txt>

Documents such as these (known in the IETF as "Internet Drafts") are frequently updated. Updates result in changes of the number at the end of the name. The ICANN IDN pages will be kept up to date with links to the current versions as they evolve.

**Future Milestones:** The review is moving forward following standard IETF processes. The intention is to finalize this work within the current calendar year.

## 8. IDN Outreach, Communication and Participation

ICANN staff is conducting outreach through many different fora: participation in IDN-related events, recommending agendas and speakers for IDN-related events, financial support, day-to-day e-mail and phone correspondence, recommendations, and general information and network sharing. In this work, staff provides updates on IDN work underway as well as on the way going forward.

**Status:** Several outreach and educational sessions have been and will continue to be conducted.

A few examples of activity since the last ICANN meeting in June 2007 are:

1. a two-day media tour to New York and Boston, which resulted in global coverage of IDNs from the Associated Press interview, a front page (business section) story in the *Wall Street Journal*, and a podcast on the NPR-BBC show *The World*.
2. taking part in the Arabic Domain Names Working Group meetings held under the auspices of the League of Arab States and attended by government representatives and ccTLD managers in the Arab region.
3. jointly with TWNIC, organizing the event held in Taipei on 19-21 October 2007, titled "Toward the New Era of Internet". The event contained full-day sessions on IDN topics including the .test IDNwiki, IDN protocol revisions, policy work, and security matters for users.

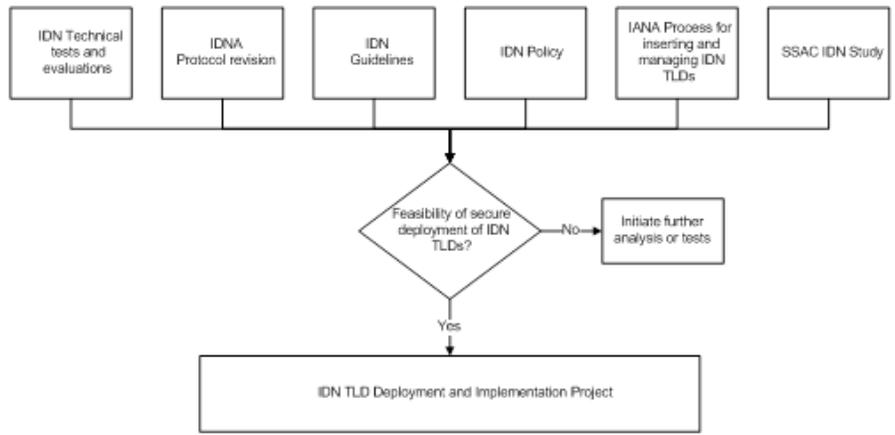
Face-to-face meetings have been held with among others, governments and ccTLD registry operator representatives in more than 30 countries (starting 2006).

**Future Milestones:** A regularly updated calendar of IDN-related events is maintained at:

<http://www.icann.org/topics/idn/meetings.htm>

## 9. IDN TLD Implementation and Deployment

**Description:** The deployment of IDN TLDs is anticipated to be the last project step in the development phase of ICANN's IDN Program. It will take into consideration the entire suite of project activities described above, and generate a process for the deployment of internationalized top level labels (if such is approved and considered stable for the DNS).



5.1.2 ICANN IDN wiki - introduction to test  
of IDN top-level domain names

<http://idn.icann.org/>

# IDNwiki

## From IDNwiki

Welcome to the IDN TLD evaluation gateway!

### Contents

- 1 Introduction
- 2 Your participation is important!
- 3 Limited evaluation period
- 4 Things to test
- 5 Further information about the IDNwiki
- 6 The example.test names

## Introduction

This page provides an introduction to a test of IDN top-level domain names that ICANN is coordinating. The test is based on eleven new internationalized domains representing the name **example.test** entirely in scripts other than the familiar Latin characters that appear in current top-level labels. The languages initially selected for illustrating this are listed in the table below, and the rationale behind their choice is discussed in the sidebar article on basic concepts. These TLDs can be accessed by clicking on the links in the first column in the table. However, as with any other IDNs, if they are typed or copied and pasted directly into the address line of a browser, they will only work if that browser has full support for IDN. The names in the second column are intended to be used in that manner and, if they don't initially perform as intended, some software reconfiguration may help. Additional articles discuss local configuration and individual software applications.

## Your participation is important!

Public participation in the evaluation of these domains is one of the most important parts of the project. Joining this initiative requires nothing more than for you to click through one or more of the links in the table and report about the experience on the "discussion page" indicated with a tab at the top of this and the other IDNwiki articles.

- Were the results what you expected?
- Were there any problems that you couldn't solve?
- Can the evaluation facility be improved?

A discussion page is linked to every article in the IDNwiki and users can place their commentary where they feel it is most relevant. This user feedback will be valuable in planning and implementing the final steps leading to the delegation of top-level IDNs.

## Limited evaluation period

Please note that the eleven *example.test* strings are only intended for a limited period of evaluation, that no registration of subdomains in them will be possible, and that they will be removed unconditionally and permanently from the Domain Name System at the end of evaluation. Therefore, names cannot be embedded in any systems that are to remain operational after that time. The information created by your participation will, however, be kept available beyond the termination of the test IDNs, via a second URL that every article has in the established domain name space. These alternate URLs appear under the "evaluation" heading in the sidebar. They also include IDN labels, but on a level where they have long been in full production. (A further non-IDN alternative is listed on the main page of each of the separate language areas.)

## Things to test

The very first thing that you can do to participate in the evaluation is test the behavior of your own working environment.

- Do the clickable links work properly in your browser?
- Are the IDNs displayed as you expect them to be in its address and status lines?
- What happens if you copy and paste, or type the name into the address line?
- Try the corresponding tests with your e-mail program on the separate test page.
- If you type or copy an IDN URL into another application that you use, how does it accommodate IDNs? (E.g., if your word processor turns URLs into clickable links, do they work as intended, and are they correctly maintained if passed onward to other applications?)
- Have you tested alternatives (such as other browsers) to the software that you are accustomed to?

## Further information about the IDNwiki

Additional information about the capability of this IDNwiki is provided in articles listed under the sidebar headings "navigation" and "interaction", and the separate language areas contain further material specific to each. The link to an article includes a "path" designator after the domain name, separated by a slash, as *http://example.test/path*. If the path contains characters from the same script as the IDN, your browser will display them either as legible text or as a cryptic sequence of "%cc" characters. This is another key aspect of internationalization but, although closely related to the consideration of IDNs, it is outside the strict scope of the *example.test* evaluation. Nonetheless, it clearly part of the way the material on this IDNwiki appears and your comments about it are also welcome.

The various factors described here are subject to conditions that can differ significantly from locale to locale, and much of the value of this exercise depends on users reporting their own local experiences. To facilitate this discussion, separate areas of the IDNwiki have been established for the eleven *example.test* domains. Individual moderators for each of the corresponding languages will help effectuate dialog, respond to queries, and provide general assistance to the participants. The moderators will also translate the core English-language documentation, and otherwise strive to improve and adapt the IDNwiki as appropriate to the communities they are assisting.

## The example.test names

Clickable links, should work in all browsers.	For pasting or typing, requires full IDN support.	Script	Language
http://مثال.إختبار (http://xn--mgbh0fb.xn--kgbechtv/)	http://مثال.إختبار	Arabic	Arabic
http://例子.测试 (http://xn--fsqu00a.xn--0zwm56d/)	http://例子.测试	Simplified Chinese	Chinese
http://例子.測試 (http://xn--fsqu00a.xn--g6w251d/)	http://例子.測試	Traditional Chinese	Chinese
http://παράδειγμα.δοκιμή (http://xn--hxajbheg2az3al.xn--jxalpdlp/)	http://παράδειγμα.δοκιμή	Greek	Greek
http://उदाहरण.परीक्षा (http://xn--p1b6ci4b4b3a.xn--11b5bs3a9aj6g/)	http://उदाहरण.परीक्षा	Devanagari	Hindi
http://例え.テスト (http://xn--r8jz45g.xn--zckzah/)	http://例え.テスト	Kanji, Hiragana, Katakana	Japanese
http://실례.테스트 (http://xn--9n2bp8q.xn--9t4b11yi5a/)	http://실례.테스트	Hangul	Korean
http://مثال.آزمایشی (http://xn--mgbh0fb.xn--hgbk6aj7f53bba/)	http://مثال.آزمایشی	Perso-Arabic	Persian
http://пример.испытание (http://xn--e1afmkfd.xn--80akhbyknj4f/)	http://пример.испытание	Cyrillic	Russian
http://உ?ஶ?????.?ஶ???? (http://xn--zkc6cc5bi7f6e.xn--hlcj6aya9esc7a/)	http://உ?ஶ?????.?ஶ????	Tamil	Tamil
http://בישפיל.טעסט (http://xn--fdbk5d8ap9b8a8d.xn--deba0ad/)	http://בישפיל.טעסט	Hebrew	Yiddish

Retrieved from "http://idn.icann.org/IDNwiki"

- This page was last modified 08:37, 23 November 2007.

5.3.1 ICANN Taipei regional gathering:  
<http://taipei2007.icann.org/>

# Taipei Regional Meeting

[Registration](#)

[Meeting Agenda](#)

[About Taipei](#)

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## Toward the New Era of Internet

[CLICK HERE](#) to view the Webcast of this event

Windows Media Player will be required to view the webcast. If the viewer does not play, please

[CLICK HERE](#) to download.



**ICANN together with TWNIC will hold an event titled "Toward the New Era of Internet" in Taipei on 19-21 October 2007.**

The event is aimed at technical community, Internet businesses, and policy makers interested in areas pertaining to Internet challenges and future developments. It would bring plenty of thought-provoking discussions thanks to the main themes around which the agenda is designed. Security is a great challenge for governments, service providers and end-users. Internationalised Domain Names is the most significant development in the Domain Names System since its inception. And last but not least IPv6 is presumably the natural expansion to the IP address space.

The meeting will be held at:

[Taipei International Convention Center](#)

1, Hsin-Yi Rd, Sec. 5, Taipei 110 Taiwan

+886 (0)2 2723 2535

We look forward to seeing you there!

Visit the main ICANN Public Participation Site at <http://public.icann.org>.

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#### 5.4.1 New gTLDs: Information about the introduction of new generic top-level domains (gTLDs)

<http://icann.org/topics/gtld-strategy-area.html>

## New gTLD Program

Welcome to the New gTLD Program Page. The process for the introduction of new generic top-level domains (gTLDs) is central to fostering choice and competition in domain registration services, and as such is significant to the promotion of ICANN's core values. The evolution of the namespace toward enhanced diversity of services and service providers must be planned and managed effectively to preserve the security, stability, reliability, and global interoperability of the Internet.

The proposed policy to guide the introduction of new gTLDs was created by the Generic Names Supporting Organization (GNSO) through its bottom-up, multi-stakeholder policy development process. The questions addressed in the development of new gTLD policy involve technical, economic, operational, legal, public policy, and other considerations. The intended result is a straightforward, fair, and efficient process for allocating new gTLDs.

ICANN is now at a transition point, moving from completion of policy development work to a focus on implementation plans, and will be able to proceed to full implementation pending approval of a set of GNSO recommendations by the ICANN Board of Directors. This page is intended to be a central location for resources relating to new gTLDs. As this transition from policy to implementation moves forward, this page will present up-to-date information. Suggestions for other resources and information to be included on this page can be submitted to [newgtld@icann.org](mailto:newgtld@icann.org).

## News and Announcements

21 December 2007

### Policy development updates:

The Generic Names Supporting Organization (GNSO) completed its policy development work on new gTLD and approved a set of recommendations, by a supermajority vote, at its [meeting on 6 September 2007](#).

The ICANN Board of Directors will consider the GNSO's recommendations following a review and discussion of the implementation issues analysis report by staff (see, [http://www.icann.org/minutes/resolutions-02nov07.htm#\\_Toc89933880](http://www.icann.org/minutes/resolutions-02nov07.htm#_Toc89933880)).

The Board is expected to consider the policy recommendation in early 2008, meanwhile ICANN staff continues to work on implementation of the recommendations and operational readiness.

### Program implementation development updates:

ICANN has made considerable progress in developing potential implementation models of the GNSO Policy recommendations for the introduction of New gTLDs.

- ICANN has retained Deloitte Audit & Enterprise Risk Services from Belgium and Interisle Consulting Group from the United States to develop in detail important portions of the Request for Proposals (RFP) for the new gTLD process. These parties have begun work (at ICANN direction and using product developed by staff to date) on technical and business criteria, criteria for resolving confusing similarity, and development of a comparative evaluation process. (ICANN issued a [Statement of Work](#) on 6 September 2007 and received eleven expressions of interest and seven proposals from candidates in Australia, Europe, the Middle East, South America, and the United States.
- Draft standards and procedures have been developed for policy recommendations relating to resolving dispute arising from objections to proposed TLDs based on morality or public order, and legal rights of others. ICANN has engaged counsel from numerous international jurisdictions to inform the development of standards that could be applied to the GNSO recommendations and used by the Dispute Resolution Service Provider(s). It is anticipated that standards and procedures will be finalized in coordination with the selected Dispute Resolution Service Provider(s). (See [ICANN's call for expressions of interest from Dispute Resolution Provider\(s\)](#) [PDF, 25K])
- ICANN staff has created the draft requirements document describing the program interface that will be developed in the coming months. The program interface is the web-based system to be used to receive and manage incoming applications.
- Collaboration on the global communications plan and strategy continues within cross-functional teams at ICANN. A draft communications plan to address GNSO implementation advice has been completed.
- ICANN has developed a draft position paper regarding the policy recommendation concerning DNS

stability. ICANN expects to post the paper for public comment early 2008.

## Events

### Upcoming

[Delhi ICANN Meeting](#)

### Recent

[Los Angeles Meeting GNSO Workshop on New gTLDs](#)

## Policy Development

1. [Policy work on New gTLDs](#)
2. Final Report on the Introduction of New gTLDs
  - [Part A](#)
  - [Part B](#)
3. [Summary of the GNSO's recommendations \(Los Angeles Meeting Workshop\)](#)

5.4.2 GNSO Policy Work on new gTLDs  
<http://gns0.icann.org/issues/new-gtlds/>



## GNSO policy work on new gTLDs

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### Constituencies

[Commercial & Business](#)

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[Internet Service & Connection Providers](#)

[Non-Commercial](#)

[Registrars](#)

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### GNSO Council

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### News

[Council Report to the Board, Introduction of New Generic Top-Level Domains](#) [PDF, 528K] (2 November 2007)

[Summary of ICANN Generic Names Supporting Organisation's \(GNSO\) Final Report on the Introduction of New Generic Top Level Domains \(gTLDs\) and Related Activity](#) (29 October 2007)

[Résumé du rapport final du GNSO \(Generic Names Supporting Organisation\) de l'ICANN sur l'introduction de nouveaux domaines génériques de premier niveau \(gTLD\) et les activités connexes](#) (29 October 2007)

[Resumen del informe final sobre la introducción de nuevos dominios de nivel superior genéricos \(gTLD\) y actividades relacionadas de la Organización de apoyo para nombres genéricos \(GNSO\) de ICANN](#) (29 October 2007)

[Final Report on the Introduction of New Top-Level Domains](#) approved by the GNSO Council on 6 September 2007

[ICANN Launches Latest Consultation on New Top-Level Domains](#) (10 August 2007)

[NSO new TLDs Committee Introduction of New Generic Top-Level Domains Part A: Final Report](#) (18 June 2007)

[GNSO new TLDs Committee Introduction of New Generic Top-Level Domains Part B: Final Report](#) (18 June 2007)

[Introduction of New Top-Level Domains - ICANN Staff Discussion Points](#) (19 June 2007)

[GNSO new TLDs Committee Reserved Names Working Group Final Report](#) (23 May 2007)

[GNSO new TLDs Committee Draft, Final Report](#) (16 March 2007)  
Introduction of New Generic Top-Level Domains

[New gTLD Application Evaluation Process](#) (20 March 2007)

[Documents](#)

[\*\*"Protecting the Rights of Others" Working Group \(PRO-wg\) Charter\*\*](#) (16 March 2007)

[\*\*GNSO new TLDs Committee - Draft Final Report Introduction of New Generic Top-Level Domains\*\*](#) (15 February 2007)

[\*\*WORKING DOCUMENT: DRAFT GNSO Recommendation Summary - Introduction of New Generic Top-Level Domains\*\*](#) (14 September 2006)

[\*\*GNSO Initial Report: Introduction of New Generic Top-Level Domains\*\*](#) (28 July 2006)

[\*\*GNSO Initial Report: Introduction of New Generic Top-Level Domains\*\*](#) (15 June 2006)

[\*\*New gTLD PDP \(PDP-Dec05\)\*\*](#)

[\*\*GNSO Initial Report Introduction of New Generic Top-Level Domains Technical Criteria Call for Additional Information\*\*](#)

[\*\*GNSO Initial Report Introduction of New Generic Top-Level Domains\*\*](#)

[\*\*Input received for the policy development process on new gTLDs\*\*](#)

[\*\*GNSO DRAFT Initial Report -- Introduction of New Generic Top-Level Domains\*\*](#)

Public comments are open from 20 February to 13 March 2006  
Submit comments at [<new-gtlds-pdp-initial-report@icann.org>](mailto:new-gtlds-pdp-initial-report@icann.org).  
Comment archives are at  
[<http://forum.icann.org/lists/new-gtlds-pdp-initial-report>](http://forum.icann.org/lists/new-gtlds-pdp-initial-report).

[\*\*Call for Papers -- Policy Development for Introduction of New gTLDs\*\*](#)

In order to inform the recently launched Policy Development Process on new gTLDs, the GNSO is inviting organizations and individuals to submit substantive papers on the issue areas identified in the [Terms of Reference for New gTLDs](#). Submitters of papers should address the topics or sub-topics related to the above areas and should provide reasoned background analysis and references for statements expressed. Contributions are due by 31 January 2006 as text documents at [<gns0.secretariat@gns0.icann.org>](mailto:gns0.secretariat@gns0.icann.org). Received papers will be considered for oral presentations to the GNSO Council during February 2006, via scheduled conference calls with the GNSO Council.

*03 January 2006*

[\*\*Extension of Public Comment Period on GNSO New gTLDs Policy\*\*](#)

### [Development Process to 31 January 2006](#)

In order to enable interested parties to prepare substantive comments on the identified issue areas in this policy development process, the deadline for comments has been extended to 31 January 2006.

In addition, a call for substantive papers on the topics in the Terms of Reference, for posting and consideration for oral presentations to the GNSO, will be issued shortly with the same deadline of 31 January 2006.

### [Terms of Reference for New gTLDs](#)

### [Issues Report for New gTLDs PDP](#)

### [ICANN Announcement of Public Comment Forum for Terms of Reference for New gTLDs PDP](#)

[New TLDs — Past Decisions and Documents \(PDF\)](#) (Updated 31 August 2005)

[Progress on new gTLDs](#) (31 August 2005)

[List of Applications for Sponsored Top-level Domains](#) (19 March 2004)

[ICANN GNSO Council gTLDs Committee - New gTLDs, Conclusions v7](#) (12 June 2003)

[Dot info and Country Names - GAC Commentary on the Names Council Resolution](#) (26 Oct 2001)

[List of Applications for the New gTLD Proof-of-Concept Round](#) (2 Oct 2000)

[Final Report of Working Group B Regarding Trademarks](#) (12 June 2000)

[DNSO Names Council Resolution on Famous Trade-marks and the Operation of the Domain Name System](#) (19 May 2000)

[DNSO Names Council Statement on New gTLDs](#) (19 April 2000)

[Report from Working Group C on New gTLDs](#) (21 March 2000)

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Comments concerning the layout, construction and functionality of this site should be sent to [webmaster@icann.org](mailto:webmaster@icann.org).

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### 5.4.3 Summary of GNSO Final Report on the Introduction of New gTLDs and Related Activity (29 October 2007)

<http://losangeles2007.icann.org/files/losangeles/gnso-newgtlds-workshop-29oct07.pdf>

**Summary of ICANN Generic Names Supporting  
Organisation's (GNSO's)  
Final Report on the Introduction of New Generic Top-  
Level Domains (gTLDs)  
and Related Activity**

*Prepared for the GNSO's 29 October 2007 New gTLDs Workshop  
in Los Angeles*

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## Introduction

1. The process for the introduction of new generic top-level domains (gTLDs) is central to fostering choice and competition in domain registration services, and as such is significant to the promotion of ICANN's core values. The evolution of the namespace toward enhanced diversity of services and service providers must be planned and managed effectively to ensure that the security, stability, reliability, and global interoperability of the Internet is maintained.
2. The proposed policy that would guide the introduction of new gTLDs was created by the Generic Names Supporting Organization (GNSO)<sup>1</sup> through its bottom-up, multi-stakeholder policy development process. The questions that have been addressed by the GNSO in the development of new gTLD policy are complex and involve technical, economic, operational, legal, public policy, and other considerations. The intended result is a straightforward process that awards new gTLDs if they satisfy the criteria and no objections are sustained.
3. The GNSO completed its Final Report on the Introduction of New Top-Level Domains<sup>2</sup>, This document summarizes the recommendations contained in the Report and notes other work under way to facilitate the introduction of new gTLDs in an orderly and transparent way. Where particularly applicable, it also attempts to briefly provide information about various issues considered by the Committee and the rationale behind the final wording of principles, recommendations and implementation guidelines. This document is meant to provide a concise and easy to read summary of the key elements of the Report and is not intended to replace the full report that the GNSO Council provided.

## Goal of the New gTLD Process

4. The GNSO formed a Committee on New Top-Level Domains (the Committee) to address the subject of new gTLDs. The Committee identified five main reasons why ICANN should proceed to introduce new gTLDs at this time:
  - (i) It is consistent with the reasons articulated in 1999 when the first proof-of-concept round for new gTLDs was initiated;<sup>3</sup>

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<sup>1</sup> See <<http://gns0.icann.org/>>

<sup>2</sup> See <<http://gns0.icann.org/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>> and <<http://gns0.icann.org/issues/new-gtlds/pdp-dec05-fr-partb-01aug07.htm>>

<sup>3</sup> See <<http://www.icann.org/yokohama/new-tld-topic.htm>>

(ii) There are no technical impediments to the introduction of new gTLDs, as evidenced by the two previous rounds and as confirmed by technical experts;

(iii) Expanding the domain name space to accommodate the introduction of both new ASCII and internationalised domain name (IDN) TLDs will give end-users more choice about the nature of their presence on the Internet. In addition, users may be able to use domain names in their language of choice;

(iv) There is demand for additional top-level domains as a business opportunity, which can stimulate competition at the registry service level; and

(v) No compelling reason has been articulated not to proceed with a new gTLD round.

It should be noted that, as with several elements of the Report, disagreements over these reasons were worked through and rough consensus was reached by the Committee. For example, early in the PDP, the Business and Intellectual Property Constituencies provided reasons for restricting a new gTLD round to sponsored TLDs (sTLDs), but ultimately the Committee reached rough consensus not to limit the introduction of new gTLDs.

## **GNSO Terms of Reference**

5. The Committee divided its work into four broad Terms of Reference (TOR). The first TOR raised the preliminary question of whether to move ahead to establish new gTLDs. The Committee answered this question affirmatively and proceeded to consider which policies would enable the introduction of new gTLDs with respect to selection criteria (TOR 2), allocation methods (TOR 3) and policies for contractual conditions (TOR 4). The Committee developed the principles, recommendations and implementation guidelines that are set forth in its report and were approved by the GNSO Council on 6 September 2007 by a supermajority vote. They are summarized below in the order that they will be discussed at the GNSO's 29 October New gTLDs Workshop scheduled for the ICANN Los Angeles meeting. The principles, recommendations, and implementation guidelines have been grouped thematically, in accordance with the Terms of Reference listed above, so that each set is discussed in the most relevant session.

## Workshop Session 1: Introductory Material and Contractual Conditions for New gTLDs (TOR 1 & TOR 4)

GNSO Principles, Recommendations 1, 4, 9, 10,<sup>4</sup> 16, 17, 19, Related Implementation Guidelines, and Other Details

6. The Report outlines seven principles that have rough consensus from all GNSO constituencies and Nominating Committee representatives:
  - a. **New gTLD Process: Principle A** supports introducing new gTLDs in an orderly, timely and predictable way.
  - b. **Availability of IDNs: Principle B** supports having some new gTLDs be IDNs, subject to the approval of IDNs being available in the root.
  - c. **Rationale for New gTLDs: Principle C** outlines reasons for introducing new gTLDs, which include demand from potential applicants, as well as the potential to add to consumer choice, market differentiation, and geographical and service-provider diversity.
  - d. **Technical Criteria: Principle D** supports having a set of technical criteria to assess applicants to minimise the risk of harming the operational stability, security and global interoperability of the Internet.
  - e. **Capability Criteria: Principle E** supports having a set of capability criteria for applicants to provide assurance that it has the capability to meet its obligations under the terms of a registry agreement. This principle also was the result of extensive discussion and compromise among Committee members. Some supported the need for applicants to provide full business plans, while others argued that business plans were not needed. The final wording of Principle E was intended to reach a compromise that all could support by requiring applicants to provide sufficient capability information to demonstrate that an applicant can fulfill what is proposed and what would then become a part of the registry agreement.
  - f. **Operational Criteria: Principle F** supports having a set of operational criteria in the registry agreement to ensure compliance with ICANN policies.
  - g. **Freedom of Expression: Principle G** specifies that the process of evaluating the proposed gTLD not infringe on an applicant's freedom of expression rights under internationally recognized principles of law. Note that this principle was added after very long and intense discussions about Recommendations 3 and 6 with the

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<sup>4</sup> There is no Recommendation 11, which was replaced by Recommendation 20.

purpose of addressing concerns that were primarily communicated by representatives of the Non-Commercial Users Constituency.

7. **Fairness of Process:** The GNSO recommends that ICANN implement a process that allows the introduction of new top-level domains. In addition, the evaluation and selection process should respect the principles of fairness, transparency and non-discrimination. Further, all applicants should be evaluated against transparent and predictable criteria, fully available before initiation of the process. Normally, no additional selection criteria should be used (**Recommendation 1**).
  - a. Rationale: It is important that all applications are evaluated against clear criteria in a fair, transparent and non-discriminatory manner.
  - b. Issues: There was very strong agreement that selection criteria should be objective and measurable to ensure a predictable and fair process. It was also recognized, however, that some criteria are easier to define in objective and measurable ways than others. Some Committee members suggested excluding any recommendations that could not be absolutely objective. Others felt that there were some cases where concerns of certain members of the community needed to be addressed even if doing so could not achieve the highest standards of objectivity. In all cases, the Committee tried to minimize the need for subjective judgments but it is recognized that there are several areas where this was especially challenging; in those cases, considerable effort was made to make the criteria and process as objectively measurable as possible. (See the discussion of Recommendation 9 that follows).
  - c. Implementation Considerations: ICANN Staff has been working over the past year to prepare the groundwork for an orderly process consistent with this recommendation. It is in the process of retaining a provider to assist with preparation of the RFP, which will set forth the relevant criteria and explain all aspects of the application process in detail. (The Statement of Work for preparation of the RFP was posted on 6 September 2007 and is available at <http://www.icann.org/tlds/new-gtld-sow-06sep07.htm>.)
  - d. Potential Impact: Clear criteria, evaluated in a fair, transparent and non-discriminatory manner will instill confidence in ICANN's ability to introduce new gTLDs in a smooth process.
  - e. Note: The GNSO's Implementation Guideline C suggests that ICANN provide frequent communications with applicants and the public including comment forums, which is consistent with a transparent and orderly process.
8. **Technical Instability:** Strings must not cause any technical instability (Recommendation 4).

- a. Rationale: New gTLDs should not lead to technical instability or unexpected results in the DNS.
- b. Issues: The criteria that will be used to review this element will be stated in the RFP.
- c. Implementation Considerations: The review is expected to be done by ICANN, drawing on technical expertise as needed.
- d. Potential Impact: Applications for strings that are determined to potentially create technical instability or unexpected results in the DNS will not be approved, so as not to jeopardize the continuing stability and security of the Internet's unique identifier systems.

9. **Clear Process & Criteria:** The GNSO recommends that there be a clear and pre-published application process using objective and measurable criteria (**Recommendation 9**).

- a. Rationale: To be fair and credible, the application process must be made clear in advance and use objective, measurable criteria.
- b. Issues: Certain recommendations, such as those relating to public morality and order, or to community opposition, may not lend themselves readily to development of objective, measurable criteria. (See the Issues comments included for Recommendation 1 above.)
- c. Implementation Considerations: Staff and outside counsel are examining how best to address these issues. In most of the areas covered by the Report, it will be possible to develop measurable criteria.
- d. Potential Impact: A fair, credible round of applications for new gTLDs will benefit the ICANN community and others.
- e. Note: The GNSO's Implementation Guideline A suggests that the application process provide a "pre-defined roadmap" for applicants that encourages the submission of applications for new top-level domains. The GNSO's Implementation Guideline I suggests that an applicant granted a new gTLD must use it "within a fixed timeframe" to be specified in the application process. This guideline is intended to prevent gTLD squatting.

10. **Base Contract:** There must be a base contract provided to applicants at the beginning of the application process (Recommendation 10).<sup>5</sup>

- a. Rationale: Applicants should be on notice as to what the ICANN community expects from a registry operator.
- b. Issues: While it is possible to provide a base contract, it should be recognized that contracts with individual registry operators may vary depending on the particulars of the new gTLD they are being awarded.

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<sup>5</sup> The intent is that the base contract will be available before the beginning of the initial, minimum 4-month period that will precede the application period.

- c. Implementation Considerations: A draft base contract will be posted for public comment as soon as it is available. Much of the work done by the RFP provider will inform elements of the draft base contract. An outline of the draft base contract was posted in June 2007 (see <http://gnso.icann.org/drafts/draft-outline-tld-agreement-20070619.pdf>).
- d. Potential Impact: A draft base contract provides applicants with realistic expectations about what their contract with ICANN will contain if their application is successful. This is intended to save applicants time and money.
- e. Note: The GNSO's Implementation Guidelines (IG) suggest that the base contract should "balance market certainty and flexibility for ICANN to accommodate a rapidly changing market place" (IG-J); that ICANN "should take a consistent approach to the establishment of registry fees" (IG-K); and that "the use of personal data must be limited to the purpose for which it is collected" (IG-L).

**11. Consensus Policies:** Registries must apply existing Consensus Policies and adopt new Consensus Policies as they are approved (**Recommendation 16**).

- a. Rationale: New and existing gTLD operators should be bound by the same consensus policies.
- b. Issues: While concern was discussed in the Committee regarding special situations where a gTLD serves a specific and well-defined community for which they believe a specific consensus policy may not readily apply, ICANN will maintain and enforce the requirements to adhere to Consensus Policies.
- c. Implementation Considerations: The draft base contract contains a requirement that operators comply with new and existing Consensus Policies.
- d. Potential Impact: Compliance with existing and new Consensus Policies benefits the ICANN community in important ways, including helping to ensure the Internet's security and stability.

**12. Sanctions Program:** A clear compliance and sanctions process must be set out in the base contract which could lead to contract termination (**Recommendation 17**).

- a. Rationale: Enhanced compliance with registry contract provisions benefits the ICANN community.
- b. Issues: Recent registry agreements have not included a sanctions program (compare, e.g., the 2006 .COM agreement with the 2001 .NAME agreement).
- c. Implementation Considerations: The draft base contract does not contain a sanctions program and staff work continues on this issue.
- d. Potential Impact: Standard sanctions procedures which may be applied by ICANN to gTLD registries under contract.

**13. Use of Registrars:** Registries must use only ICANN accredited registrars in registering domain names and may not discriminate among such accredited registrars (**Recommendation 19**).

- a. Rationale: ICANN-accredited registrars are under contract with ICANN and must fulfill certain obligations.
- b. Issues: There are differing opinions as to whether smaller registries should be able to start a registrar if larger ones are uninterested in servicing their gTLD.
- c. Implementation Considerations: ICANN's current registry agreements require the use of registrars that must be ICANN-accredited and registries are prohibited from being ICANN-accredited registrars even for their own gTLDs.
- d. Potential Impact: Operators of smaller gTLDs may have difficulty locating registrars to certify. Regions where there are no, or few, ICANN-accredited registrars may also be at a disadvantage. ICANN is aware of the situation and is in the process of working with registrars and registries on possible solutions.

**14. Application Fee:** The GNSO's Implementation Guideline B suggests that application fees be designed to ensure that adequate resources exist to cover the total cost of administering the new gTLD process, and that application fees may vary for different applicants. The GNSO's Implementation Guideline N suggests that ICANN may also develop a "fee reduction model for gTLD applicants from economies classified by the UN as least developed."

- a. Rationale: The entire evaluation and review process should be conducted on a cost-recovery basis. At the same time, there could be a situation in which an applicant that comes from a least developed country or similarly challenged economy might have difficulty in obtaining the funds necessary to pay the required fees.
- b. Issues: Questions that should be examined include whether a potential applicant that cannot raise the required fees (directly or through a partnership or joint venture) would have the capital necessary to launch a new gTLD registry that meets ICANN specifications and is consistent with security and stability requirements as defined in this process. Other questions include how to distinguish applicants that can afford the fees even if they are from a least developed economy or similarly challenged economy, and how to avoid situations where potential applicants try to take advantage of any exception.
- c. Implementation Considerations: ICANN has stated that (i) the entire evaluation and review process will be conducted on a cost-recovery basis; (ii) the costs associated with the initial evaluation will be covered by the application fee; and (iii) the costs associated with any objections or contention resolution (or other review beyond

basic evaluation) will be borne by the parties utilizing those processes.

- d. Potential Impact: ICANN Staff and the GNSO will discuss the issues described above, carefully balancing the importance of encouraging applications from all parts of the world with the financial and other resources required to operate a new gTLD registry.

**15. Working Languages:** The GNSO's Implementation Guideline M suggests that ICANN establish a capacity building and support mechanism to help facilitate effective communication on important and technical Internet governance functions in a way that no longer requires all participants know English. The GNSO's Implementation Guideline O suggests that ICANN provide information about the new gTLD process in major languages other than English (e.g., the six working languages of the United Nations).

- a. Rationale: It is important to use different languages in order to reach as many potential applicants as possible, particularly as the goal is to solicit applications for new IDN gTLDs as well as ASCII. ICANN has already begun to conduct consultations and distribute documents in other languages, and is implementing a translation policy that will benefit the new gTLD process.
- b. Issues: ICANN will publicize the new gTLD process in different languages, but it remains to be seen if applications could be accepted in languages other than English.
- c. Implementation Considerations: There could be a trade-off between the duration of the round and the number of languages used during the evaluation period.
- d. Potential Impact: Even with using the 6 languages of the UN, it is possible that some potential applicants will not learn of the gTLD application process. ICANN's communications team is already developing a proactive plan to reach as many potential applicants as possible.

## **Workshop Session 2: Selection Criteria for New gTLDs (TOR 2)**

### **GNSO Recommendations 2, 5, 7, 8, 13, 14, 15, 18 & Related Implementation Guidelines**

**16. Confusingly Similar:** Strings must not be confusingly similar to an existing top-level domain or a Reserved Name (**Recommendation 2**).

- a. Rationale: A confusingly similar string could cause technical or consumer confusion.
- b. Issues: A string that resembles another string is not necessarily confusingly similar. In reviewing the approval of .BIZ in light of the existence of .BZ in 2001, ICANN's Reconsideration Committee

concluded that the two TLDs “do not appear reasonably subject to confusion,” see

<http://www.icann.org/committees/reconsideration/rc01-1.htm>.

Indeed, the following TLDs co-exist today: .CO and .COM; .BZ and .BS; .BS, .BZ and .BIZ; .INT, .IN and .INFO; and .NE and .NET.

Examples of strings that could cause confusion include “.COM” (using a zero) and .COM, or “.1NFO” (using the number one) and .INFO. Staff has begun discussions regarding an algorithm that could provide guidance on which applications require further scrutiny.<sup>6</sup>

- c. Implementation Considerations: Staff is exploring various options for implementation of this recommendation, including the application of an algorithm that provides guidance on which TLD strings are considered to be confusingly similar, and providing a capability for formal objection to be filed to an application by a third party on the grounds that the proposed gTLD is confusingly similar to an existing TLD.
- d. Potential Impact: Internet users throughout the world would benefit from the avoidance of creating new gTLDs that are confusingly similar to existing TLDs or reserved names.

**17. Reserved Names: Strings must not be a Reserved Name (Recommendation 5).**

- a. Rationale: Reserved Names may not be used at the top level.
- b. Issues: Some of the conclusions of the Reserved Names Working Group (RN-WG) were incorporated in the Report’s recommendations and guidelines. The RN-WG’s full set of recommendations may be found in Part B of the Report.<sup>7</sup> The RN-WG recommended (and the GNSO agreed) that the following names be reserved: ICANN and IANA related names; any names that appear in the IDN Evaluation Facility that consist exclusively of translations of ‘example’ and ‘test’; NIC, Whois and www; single characters; symbols; tagged names; digits; and two letter names (for ccTLD use). The group recommended (and the GNSO agreed) that controversial names; geographic and geopolitical indicators, single and two character U-labels and single letter/single-digit combinations not be reserved. It was difficult for the group to define clear reservation requirements for geographical/geopolitical names and controversial names, and members believed those issues could be addressed by the new gTLD dispute resolution and challenge processes. ICANN Staff prepared a document for the GNSO Council providing information on implementation of the RN-WG recommendations, which was released on 4 September 2007

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<sup>6</sup> [http://gns0.icann.org/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm#\\_Toc35657638](http://gns0.icann.org/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm#_Toc35657638)

<sup>7</sup> See [http://gns0.icann.org/issues/new-gtlds/pdp-dec05-fr-partb-01aug07.htm#\\_Toc47680304](http://gns0.icann.org/issues/new-gtlds/pdp-dec05-fr-partb-01aug07.htm#_Toc47680304).

and is available at <http://www.gnso.icann.org/drafts/icann-implementation-doc-gnso-rswg-04sep07.pdf>.

- c. Implementation Considerations: As part of the administrative review of each application, ICANN Staff will determine whether the proposed string is on the Reserved Names list that will be published by ICANN.
- d. Potential Impact: Applicants that propose strings that are a Reserved Name will not be approved.

**18. Technical Capability:** Applicants must be able to demonstrate their technical capability to run a registry operation for the purpose that the applicant sets out. (**Recommendation 7**).

- a. Rationale: An applicant must be technically capable of operating a new gTLD registry to ensure that its operation does not negatively affect the stability and integrity of the DNS.
- b. Issues: There will be minimal technical criteria for all applicants to ensure security, stability and interoperability of the Internet. Also, technical requirements may vary depending on the purpose and use of the gTLD. For example, a gTLD designed to serve a specific geographical region or a small community would not need the same DNS constellation requirements that would be needed by a global gTLD.
- c. Implementation Considerations: Staff has asked the provider that will develop the RFP to propose the technical criteria, based on previous rounds.
- d. Potential Impact: Applicants will have to demonstrate that their operation of a new gTLD will not adversely affect the stability or security of the DNS.

**19. Operational Capability:** Applicants must be able to demonstrate their financial and organisational operational capability (Recommendation 8).

- a. Rationale: An applicant must have the financial and organisational operational capability to operate a new gTLD registry without jeopardizing the stability or integrity of the DNS.
- b. Issues: It remains to be seen whether there are ways to improve the operational criteria that have been used in previous rounds<sup>8</sup>. As noted regarding technical criteria, financial and operational requirements can vary depending on the gTLD. Principle E states, "A set of capability criteria for a new gTLD registry applicant must be used to provide an assurance that an applicant has the capability to meet its obligations under the terms of ICANN's registry agreement." Obligations may vary depending on what is proposed by an applicant.

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<sup>8</sup> See <http://www.icann.org/tlds/tld-criteria-15aug00.htm> and <http://www.icann.org/tlds/stld-apps-19mar04/PostAppA.pdf>.

- c. Implementation Considerations: Staff has asked the provider that will develop the RFP to propose the relevant business, financial and organisational criteria, based on previous rounds.
- d. Potential Impact: Applicants will be assessed to help ensure that their operation of a new gTLD will not adversely affect the stability or security of the DNS and that they are capable of implementing the gTLD as proposed.

**20. Application Rounds:** Applications must initially be assessed in rounds until the scale of demand is clear (**Recommendation 13**).

- a. Rationale: There is likely to be a need to assess applications in rounds until demand for new gTLDs levels off.
- b. Issues: Staff is factoring unknown application volume and scalability issues into its proposed implementation plans. The Committee suggested that ICANN should attempt to staff itself to accommodate whatever demand occurs while recognizing that it is not possible to accurately predict demand. The intent of this recommendation was that applications would be processed in rounds until such time as an ongoing application process could be put into place. Consistent with that, it is expected that the date for a second round will be communicated in the RFP for the first round.
- c. Implementation Considerations: It remains to be seen if there is a limit to the number of applications that ICANN can process in one round. Within a round, all applicants will be evaluated on the same grounds (i.e., order of receipt within a round will not be an evaluation criterion but will only be considered with regard to processing order).
- d. Potential Impact: The concept of rounds is important in terms of enabling any technical issues to be quickly identified and addressed. At the same time, it is important to clarify for applicants in this round whether there will be sub-rounds if more than “x” number of applications are received. It is also important to provide parties that might wish to apply in the future with appropriate guidance.

Note: The GNSO’s Implementation Guideline D suggests that ICANN use a “first- come, first-served” processing schedule within each round, continuing for other rounds, if necessary. Upon receipt by ICANN, applications would be time and date stamped. The GNSO’s Implementation Guideline E suggests that the application submission date be at least four months after the RFP is issued, and that ICANN take steps to publicize the opening of the round. The rationale behind the minimum 4-month period before the application submission period included 1) to allow entities to adequately prepare their response to the RFP and 2) to allow time for adequate and broad communication of the round within and external to ICANN circles.

- 21. Duration of Registry Agreement:** The initial registry agreement term must be of a commercially reasonable length (**Recommendation 14**).
- a. Rationale: Operating a first-class registry requires substantial resources, which operators may be unlikely to make without an assurance that they will be able to run a registry for at least a specific term and recoup their investment.
  - b. Issues: None – this issue has already been addressed, with existing gTLD operators.
  - c. Implementation Considerations: The draft base contract contains a term of ten years.
  - d. Potential Impact: A contract of a commercially reasonable duration provides incentives for a registry operator to make the investment necessary to operate a new gTLD in a stable and secure manner.
- 22. Renewal Expectancy:** There must be renewal expectancy (**Recommendation 15**).
- a. Rationale: A registry operator is also more likely to invest significant resources if it has the expectation that its contract will be renewed, absent malfeasance or other situations.
  - b. Issues: None – this issue has already been addressed, with respect to existing gTLD operators.
  - c. Implementation Considerations: The draft base contract provides an expectancy of renewal unless an arbitrator or court determines that the operator has breached the agreement and failed to cure it.
  - d. Potential Impact: The expectation of renewal provides a further incentive for a registry operator to invest the necessary resources in operating a new gTLD.
- 23. IDN Guidelines:** If an applicant offers an IDN service, then ICANN's IDN guidelines must be followed (**Recommendation 18**).
- a. Rationale: The IDN Guidelines must be followed to ensure security, stability and interoperability issues are sufficiently addressed, to minimize the risk of cybersquatting and consumer confusion, and to respect the interests of local languages and character sets.
  - b. Issues: ICANN staff will coordinate with other ICANN stakeholders to help ensure that the IDN Guidelines are successfully implemented. Any future IDN policy that relates to or effects gTLDs will be addressed by the GNSO.
  - c. Implementation Considerations: ICANN Staff and others are working to ensure that IDN gTLDs are introduced in a timely manner, and that the activities of the ccNSO<sup>9</sup> related to the introduction of IDN ccTLDs, and activities in organizations such as the IETF with regard to the IDNA standards are coordinated, as needed.

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<sup>9</sup> See <http://ccnso.icann.org/>

- d. Potential Impact: Following the IDN Guidelines will support the diversity, security and stability of the domain name system (DNS).

### **Workshop Session 3: Allocation Methods for New gTLDs (TOR 3)**

#### **GNSO Recommendations 3, 6, 12, 20 & Related Implementation Guidelines**

- 24. Legal Rights of Others:** Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law. Examples of these legal rights that are internationally recognized include, but are not limited to, rights defined in the Paris Convention for the Protection of Industry Property (in particular trademark rights), the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) (in particular freedom of expression rights) **(Recommendation 3)**.
- a. Rationale: A party holding rights that believes it would be harmed may file an objection that a proposed gTLD will infringe on legal rights that are recognized or enforceable under generally accepted and internationally recognized principles of law.
  - b. Issues: Efforts should be made to clarify the kinds of legal rights that are derived from internationally recognized principles of law and applicable to the context of new gTLDs.
  - c. Implementation Considerations: Further legal research is being done on the potential applicability of the Paris Convention on the Protection of Industrial Property, the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR). Article 6bis of the Paris Convention, for example, prohibits the “reproduction, [an] imitation, or [a] translation, liable to create confusion, of a [trade]mark,” although it does not appear to have ever been applied in the context of a TLD. Provisions of the ICCPR and other human rights treaties prohibit a state party from arbitrary or unlawful interference with an individual’s privacy and family, and protect an individual’s freedom of thought, conscience, religion, opinion and expression. Further legal research can help determine what rights could be at issue in the context of establishing new gTLDs.
  - d. Potential Impact: It is important that the new gTLD process respect the concerns that have been expressed by groups representing both trademark and freedom of expression interests.

- 25. Public Morality & Public Order:** Strings must not be contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law. Examples of such principles of law include, but are not limited to, the Universal Declaration of Human Rights

(UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination, intellectual property treaties administered by the World Intellectual Property Organisation (WIPO) and the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS) (**Recommendation 6**).

- a. Rationale: Anyone may file an objection to a proposed gTLD on the ground that it is contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law.
- b. Issues: Efforts should be made to clarify the meaning of “generally accepted legal norms relating to morality and public order that are recognized under international principles of law” and would be applicable to decisions regarding new gTLDs.
- c. Implementation Considerations: Further legal research is being done on the potential applicability of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination, intellectual property treaties administered by the World Intellectual Property Organization (WIPO), the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and other potentially useful agreements, as well as how various national legal systems have addressed this question. Under Article 29(2) of the UDHR, for example, limitations on an individual’s rights and freedoms may be permitted “as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.” Article 6quinquies of the Paris Convention contains language relating to the denial of trademark registration in cases “when they are contrary to morality or public order and, in particular, of such a nature as to deceive the public.” Legal research thus far suggests that international law has not addressed concepts of “morality” in connection with gTLDs or, the DNS or the Internet more generally. Other ideas may also be considered, such as having panels of internationally recognized experts review an objection under guidelines drawn from (or informed by) the practice of various ccTLDs with respect to second-level registration of domain names.
- d. Potential Impact: There is subjectivity involved in an expert panel making determinations on objections brought on these grounds. Concern has been expressed that the notion of public morality varies by region, by country, and by individual. As such, it will be

difficult to find any common standard to apply, much less to do so in an objective manner.

- 26. Dispute Resolution:** Dispute resolution and challenge processes must be established prior to the start of the process (**Recommendation 12**).
- a. Rationale: As noted above, it is important that all aspects of the application process be known before applications for new gTLDs are prepared and submitted.
  - b. Issues: Dispute resolution and challenge are intended to address two types of situations: (i) the filing of an objection against an application on certain specific grounds developed from the GNSO's recommendations (relating to confusingly similar (see paragraph 15 in the Report); legal rights of others (see paragraph 23 in the Report); morality & public order (see paragraph 24 in the Report); or community opposition pursuant to an "Objection Resolution Process (see paragraph 26 in the Report);" and (ii) when two or more applicants are vying for the same new gTLD ("contention resolution"). The procedures, standing and criteria for assessment need to be developed, and ICANN Staff has begun this process in consultation with outside counsel and other experts.
  - c. Implementation Considerations: ICANN Staff is taking steps to recruit an expert provider to supervise and help develop the Objection Resolution Process, and also exploring options for resolving cases of contention. (This is consistent with the GNSO's Implementation Guideline H, which suggests that independent external dispute providers render decisions on objections.) A "cooling off period" will be encouraged to enable parties involved in an objection or contention proceeding to try and resolve the issue on their own, as suggested by the GNSO's Implementation Guideline R.
  - d. In addition to setting forth all aspects of the final process in the RFP and announcements about the new gTLD process, ICANN plans – consistent with the GNSO's Implementation Guideline Q – to provide an automatic reply to acknowledge all public comments received and along with that acknowledgement provide links to dispute resolution information and processes.
  - e. Potential Impact: Explaining these processes before the application round is launched will facilitate implementation of the entire process, and periodic reminders during the process, particularly about any deadlines, will also be helpful.
  - f. Note: The GNSO's Implementation Guideline F suggests that applicants may resolve contention between them by mutual agreement within a pre-established timeframe. Otherwise, a "claim to support a community by one party will be a reason to award priority to that application." The GNSO also suggests that "the ICANN Board may be used to make a final decision, using advice

from staff and expert panels.” As noted above, contention resolution can provide for resolving cases where two or more applications, which have been judged qualified and have overcome any formal objections, are competing for the same string, or for strings that have been determined to be "confusingly similar." The Committee discussed methods such as 'comparative evaluation', 'lotteries' or 'auctions' but was unable to reach agreement to include them in the implementation guidelines. There were those who referred derogatorily to 'comparative evaluations' as 'beauty contests' while others supported such an approach. There were those who saw auctions as the ultimate in objectivity while others criticized them for favoring the rich. Some favored lotteries for fairness but there were concerns about the legal issues involved in running lotteries. ICANN Staff is exploring processes that enable contention to be resolved informally by the parties, or through comparative evaluation, auction, mediation, lottery, arbitration or some other objective delegation method. It should be noted that the role of the Board in the process remains to be defined.

- g. The GNSO's Implementation Guideline H suggests that an applicant's claim that the TLD is intended to support a particular community, such as a sponsored TLD or any other TLD intended for a specified community, will be taken on trust unless (i) the claim relates to a string that is also subject to another application and is being used only to gain priority for one of the applications; and (ii) a formal objection process is initiated pursuant to Recommendation 20).

**27. Community Opposition:** An application will be rejected if an expert panel determines that there is substantial opposition to it from a significant portion of the community to which the string may be explicitly or implicitly targeted (**Recommendation 20**).

- a. Rationale: An established institution representing a specified community may file an objection on the ground that there is substantial opposition to the application by a significant portion of the community to which the string may be explicitly or implicitly targeted.
- b. Issues: The definitions of the terms involved in an objection of this kind are important in terms of trying to limit subjectivity.
- c. Implementation Considerations: The GNSO's Implementation Guideline P suggests the following definitions:
  - i. Defining "substantial opposition" by reference to "significant portion," "community," "explicitly targeting," "implicitly targeting," "established institution," "formal existence" and "detriment;"
  - ii. Defining "significant portion" in terms of the "balance between the level of objection submitted by one or more

- established institutions and the level of support provided in the application from one or more such institutions;”
- iii. Defining “community” broadly, such as “an economic sector, a cultural community, or a linguistic community. It may also be a closely related community which believes it is impacted;”
  - iv. Defining “explicitly targeted” as meaning there is “a description of the intended use of the TLD in the application;”
  - v. Defining “implicitly targeted” as meaning a reasonable person would make “an assumption of targeting” or believe that “there may be confusion by users over its intended use;”
  - vi. Defining an “established institution” as one that “has been in formal existence for at least 5 years” (with fewer than five years “in exceptional circumstances,” such as a “re-organisation, merger, or an inherently younger community”) and including certain ICANN organizations (GAC, ALAC, GNSO, ccNSO and ASO); and
  - vii. Defining “formal existence” as evidenced by appropriate public documentation or validation.

This Guideline also suggests that the “objector must provide sufficient evidence to allow the panel to determine that there would be a likelihood of detriment to the rights or legitimate interests of the community or to users more widely.

- d. Potential Impact: Notwithstanding the GNSO’s effort to provide definitional suggestions, challenges remain in implementing this recommendation. In addition, questions have arisen about the impact on a community if the purpose or business model of the new gTLD changes after approval. This issue might be addressed in a new registry’s agreement with ICANN, or the registry could reach an agreement directly with the affected community, without limiting innovation.

## **Background Material**

### **Policy Development Background**

28. The Generic Names Supporting Organization (GNSO)<sup>10</sup> has completed its Final Report on the Introduction of New Top-Level Domains (the Report).

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<sup>10</sup> <http://gns0.icann.org/>

Part A of the Report contains the substantive discussion of the Principles, Policy Recommendations and Implementation Guidelines (<http://gnso.icann.org/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>). Part B contains a range of supplementary materials that were used by the Committee during the Policy Development Process (PDP), including Constituency Impact Statements (CIS), Working Group Reports on sub-elements of the Committee's deliberations, a collection of external reference materials and procedural documentation (<http://gnso.icann.org/issues/new-gtlds/pdp-dec05-fr-partb-01aug07.htm>). Part B includes the reports of the Internationalised Domain Names Working Group (IDN-WG), the Reserved Names Working Group (RN-WG) and the Protecting the Rights of Others Working Group (PRO-WG). In addition, an ad-hoc group is developing an informational resource on rights protection mechanisms and their implementation; this resource will accompany the RFP.

29. More than 80 comments on the Report were submitted during the GNSO [public comment forum](http://www.icann.org/announcements/announcement-10aug07.htm) that ran from 10 to 30 August 2007 (<http://www.icann.org/announcements/announcement-10aug07.htm>), and a synopsis of the comments is posted at <http://forum.icann.org/lists/gtldfinalreport-2007/msg00082.html>. The comments can be roughly divided into three categories:
- (i) Concern about the subjectivity of language in Recommendations 6 and 20, relating to morality and public order, and to significant community opposition and belief that ICANN should “confine itself to technical and operational matters.”
  - (ii) General comments related to process and urging ICANN to move towards a robust and objective application process available as quickly as possible; and
  - (iii) Other comments relating to specific elements, such as IDN issues, the use of accredited registrars and protection of trademark rights.
30. On 6 September 2007, the GNSO Council voted 19-1-3 to support the recommendations in the Report, which exceeds the minimum required supermajority under the ICANN Bylaws.
31. Over the last year, based on the evolving work of the GNSO, ICANN Staff have been developing the various processes that would be needed to implement the GNSO's recommendations, taking into account the GNSO's work and the lessons learned from two previous rounds of gTLD expansion, as well as the .ORG and .NET rebids. ICANN Staff had numerous discussions with the GNSO members developing the Report and provided the GNSO with two "Discussion Points" documents containing questions regarding how certain draft recommendations might be implemented (<http://gnso.icann.org/drafts/GNSO-PDP-Dec05-StaffMemo-14Nov06.pdf> and <http://gnso.icann.org/drafts/PDP-Dec05-StaffMemo-19-jun-07.pdf>). Upon approval of the Report by the ICANN Board, this work will be completed and a

“proposed implementation plan” will be posted for public comment before being finalized and initiated.

## **GNSO Participation**

32. The GNSO Committee on New Top-Level Domains consisted of GNSO Council members <http://gns0.icann.org/council/members.shtml> or their designees. All meetings were open to a wide range of interested stakeholders and observers. A set of participation data is found in Part B.

## **Constituency Impact Statements**

33. Key points from Constituency Impact Statements have been reflected in the sections above addressing “Impact.” The full texts are available in Part B of the Report. Part B also includes comments submitted by a Councilor appointed to the Council by the Nominating Committee.

## **For More Information**

34. See <<http://www.icann.org/topics/gtld-strategy-area.html>> or contact <[policy@icann.org](mailto:policy@icann.org)>

## Annex: Reserved Names Summary

The following information is provided to give a complete but concise summary of all reserved name requirements for new gTLDs. Please note that reserved name requirements include both those listed in the alphabetical list in the table and the requirements described in the Special Reserved Names Categories section.

### Alphabetical List

ASCII			IDN		
Top Level	2 <sup>nd</sup> Level	3 <sup>rd</sup> Level	Top Level	2 <sup>nd</sup> Level	3 <sup>rd</sup> Level***
0	AFRINIC	AFRINIC	All Unicode versions of 'Example' and 'Test'	All Unicode versions of 'Example' ** and names that appear in the IDN Evaluation Facility.	All Unicode versions of 'Example' **
1	APNIC	APNIC			
2	ARIN	ARIN			
3	ASO	ASO			
4	ccNSO	ccNSO			
5	Example	Example			
6	GNSO	GNSO			
7	gtd-servers	gtd-servers			
8	IAB	IAB			
9	IANA	IANA			
a	iana-servers	iana-servers			
AFRINIC	ICANN	ICANN			
APNIC	IESG	IESG			
ARIN	IETF	IETF			
ASO	Internic	Internic			
b	IRTF	IRTF			
c	ISTF	ISTF			
ccNSO	LACNIC	LACNIC			
d	LATNIC	LATNIC			
e	NIC*	NIC*			
Example	rfc-editor	rfc-editor			
f	RIPE	RIPE			
g	root-servers	root-servers			
GNSO	Whois*	Whois*			
gtd-servers	www*	www*			
h					
i					
IAB					
IANA					
iana-servers					
ICANN					
IESG					
IETF					
Internic					
IRTF					
ISTF					
j					

ASCII			IDN		
Top Level	2 <sup>nd</sup> Level	3 <sup>rd</sup> Level	Top Level	2 <sup>nd</sup> Level	3 <sup>rd</sup> Level***
k					
l					
LACNIC					
LATNIC					
m					
n					
NIC					
o					
p					
q					
r					
rfc-editor					
RIPE					
root-servers					
s					
t					
test					
u					
v					
w					
Whois					
www					
x					
y					
z					

\* For use by registry operators only.

\*\* The RN-WG recommended that ICANN not try to translate 'example' into Unicode versions for various scripts or to reserve any ACE versions of such translations or transliterations if they exist, except on a case by case basis as proposed by given registries.

\*\*\* Applicable only in cases where a registry registers names at the third level.

### Special Reserved Names Categories

In addition to the reserved names included in the table above, the following requirements also apply for all new gTLDs:

- Symbols may not be used in any ASCII name at any level except in cases where the hyphen (-) is allowed.
- Tagged names may not be used in any ASCII name at any level except when a registry has approval to offer IDN names and, in such cases, only the currently approved IDNA prefix may be used in tagged names (e.g., xn--).

- Two letter ASCII names at the top level are reserved for the use of ccTLD names only.

5.5.1 GNSO Council minutes, 20  
November 2007

<http://gns0.icann.org/meetings/minutes-gns0-20nov07.shtml>



## GNSO Council Teleconference Minutes

20 November 2007

### Information

20 November 2007

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[Elections](#)

### List of attendees:

Philip Sheppard - Commercial & Business Users C  
 Mike Rodenbaugh - Commercial & Business Users C. - absent - apologies  
 Bilal Beiram - Commercial & Business Users C - absent - apologies  
 Greg Ruth - ISCPC  
 Antonio Harris - ISCPC  
 Tony Holmes - ISCPC  
 Thomas Keller- Registrars  
 Tim Ruiz - Registrars  
 Adrian Kinderis - Registrars  
 Chuck Gomes - gTLD registries  
 Edmon Chung - gTLD registries  
 Jordi Iparraguirre - gTLD registries  
 Kristina Rosette - Intellectual Property Interests C  
 Ute Decker - Intellectual Property Interests C - absent - apologies  
 Cyril Chau - Intellectual Property Interests C  
 Robin Gross - NCUC  
 Norbert Klein - NCUC  
 Carlos Souza - NCUC  
 Olga Cavalli - Nominating Committee appointee  
 Jon Bing - Nominating Committee appointee  
 Avri Doria - Nominating Committee appointee

18 Council Members  
 (24 Votes - quorum)

### Constituencies

[Commercial & Business](#)

[gTLD Registries](#)

[Internet Service & Connection Providers](#)

[Non-Commercial](#)

[Registrars](#)

[Intellectual Property](#)

### ICANN Staff

Denise Michel - Vice President, Policy Development  
 Liz Gasster - Senior Policy Officer  
 Sue Jongklaas - Regional Business Advisor - Asia-Pacific, Office of the General Counsel  
 Patrick Jones - Registry Liaison Manager  
 Karen Lentz - gTLD Registry Liaison  
 Glen de Saint Gery - GNSO Secretariat

### Absent - excused

Dan Halloran - Deputy General Counsel - absent -excused  
 Olof Nordling - Manager, Policy Development Coordination - absent -excused  
 Kurt Pritz - Senior Vice President, Services - absent -excused  
 Craig Schwartz - Chief gTLD Registry Liaison - absent -excused

### GNSO Council

[Council Members](#)

[ICANN Participants](#)

[Documents](#)

### GNSO Council Liaisons

Suzanne Sene - GAC Liaison - absent - apologies  
 Alan Greenberg - ALAC Liaison

Rita Rodin - ICANN Board member - (Board teleconference)  
 Bruce Tonkin - ICANN Board member - Board teleconference)

[MP3 Recording](#)

**Avri Doria** chaired the meeting.

### Approval of the [agenda](#)

#### Item 1: Update any Statements of Interest

Statements of Interest received from new councillors:

Jordi Iparraguirre

<http://gns0.icann.org/council/soi/iparraguirre-soi-13nov07.shtml>

Olga Cavelli

<http://gnso.icann.org/council/soi/cavalli-soi-20nov07.shtml>

Tim Ruiz

<http://gnso.icann.org/council/soi/ruiz-soi-20nov07.shtml>

**Item 2:**

**Approval of the draft [GNSO Council minutes 11 October 2007](#)**

**Chuck Gomes**, seconded by **Kristina Rosette** moved the adoption of the [GNSO Council minutes of 11 October 2007](#)

Motion unanimously approved

**Decision 1: The Council approved the [GNSO Council minutes of 11 October 2007](#)**

**Item 3: [Intergovernmental Organization Dispute Resolution Process \(IGO-DRP\)](#)**

**Avri Doria** explained by way of background, that Council had received an [Issues Report](#) which recommended a particular Dispute Resolution Policy (DRP). The vote to create a working group to revise the DRP in the Council meeting on 31 October, 2007, did not succeed, then a vote authorising an ad hoc process failed. The [ICANN Bylaws](#) required a vote on approving a Policy Development Process (PDP). Council was being asked to vote on delaying the vote on the PDP until the Intellectual Property Constituency (IPC) could provide a revised DRP, a process Council has used in the past to allow more time for the issue to be clearly defined.

**Kristina Rosette** explained that since the Council meeting in LA on October 31, the Intellectual Property Constituency (IPC) had further discussed the IGO-DRP which had culminated in certain developments.

First, the IPC was in the process of drafting a revised proposed DRP that might satisfactorily address many of the objections articulated thus far.

Second, having a revised proposed DRP that addressed these objections could provide a better basis for deciding whether to proceed with a PDP. In the event of a vote for a PDP there would be less work for the Council or working group as the issues would be better defined. The expected date for circulation of the revised proposed DRP, within the IPC, was not later than COB (Pacific) on Wednesday, 28 November 2007.

Third, as a consequence of this decision, the IPC no longer intended to pursue - either formally or informally - the working group concept set out in the motion I proposed in LA.

In light of the expected revised proposed DRP, and to ensure that all constituencies had sufficient time for review and consultation, **Kristina** proposed a motion to postpone voting on the PDP until the Council meeting on December 20, 2007.

**Avri Doria** read the motion proposed by **Kristina Rosette** and seconded by **Chuck Gomes**

Whereas, the Council has previously requested and received both the 15 June 2007 "GNSO Issues Report on Dispute Handling for IGO Names and Abbreviations"

<http://www.gnso.icann.org/issues/igo-names/issues-report-igo-drp-15jun07.pdf>

and the 28 September 2007 "Staff Report on Draft IGO Domain Name Dispute Resolution Procedure;"

<http://gnso.icann.org/drafts/gnso-igo-drp-report-v2-28sep07.pdf>

and

Whereas, the Council believes that further work on the draft IGO Domain Name Dispute Resolution Procedure is appropriate before voting on whether to initiate a policy development process on this issue;

and

Whereas, the Intellectual Property Constituency is drafting and expects to distribute not later than 28 November a revised proposed draft dispute resolution procedure,

Now, therefore, be it resolved that the Council postpones until its 20 December meeting the vote on whether to initiate a policy development process.

**Philip Sheppard** supported the motion, commenting that the issue was being addressed because it was politically right, and that it did not serve any particular constituency interest, but looking at a text that would be acceptable to constituencies was important.

**Robin Gross** commented that a couple of months difference would not convince the NCUC that starting a PDP on the subject was a good use of the constituencies or Council's time and energy

and thus, was currently prepared to vote 'no' on the matter.

**Jon Bing** commented that there were several unresolved issues, it was a cumbersome process which appeared to be over regulated, and would benefit from more detailed reflections.

**Chuck Gomes** stated that one of the concerns was the rights of existing domain holders with regard to IGO names and the proposed process omitted that issue.

**Kristina Rosette** further elaborated that there was no requirement that the complaining IGO show that the domain name registrant had a bad faith intent in terms of registering a domain name and using it. Similarly omitted, was language that would effectively allow a domain name registrant, facing such a complaint, the opportunity to descend their registration and use of the domain name, because they had either an independent right in the second level or a legitimate use in using the name.

**Avri Doria** called for a voice vote.

One 'nay' was heard and 2 abstentions were noted from Tom Keller (2 votes) and Norbert Klein (1 vote)

The motion passed.

**Decision 2:**

**Whereas, the Council has previously requested and received both the 15 June 2007 "GNSO Issues Report on Dispute Handling for IGO Names and Abbreviations"**

**<http://www.gnso.icann.org/issues/igo-names/issues-report-igo-drp-15jun07.pdf>**

**and the 28 September 2007 "Staff Report on Draft IGO Domain Name Dispute Resolution Procedure;"**

**<http://gnso.icann.org/drafts/gnso-igo-drp-report-v2-28sep07.pdf>**

**and**

**Whereas, the Council believes that further work on the draft IGO Domain Name Dispute Resolution Procedure is appropriate before voting on whether to initiate a policy development process on this issue;**

**and**

**Whereas, the Intellectual Property Constituency is drafting and expects to distribute not later than 28 November a revised proposed draft dispute resolution procedure,**

**Now, therefore, be it resolved that the Council postpones until its 20 December meeting the vote on whether to initiate a policy development process.**

**Item 4: Inter-Registrar Transfer Policy PDP**

**4a - Vote to initiate PDP pending from [31 October 2007](#)**

Background:

There was a 3 part recommendation from the Registrar working group

1. Advisory Concerning Inter-Registrar Transfer Policy

<http://gnso.icann.org/drafts/Transfer-Advisory-23aug07.pdf>

2. Communication to GNSO on Policy Issues Arising from Transfer Review

<http://gnso.icann.org/drafts/Transfer-Policy-Issues-23aug07.pdf>

3. Points of Clarification Inter-Registrar Transfer Policy [PDF, 88K]

<http://gnso.icann.org/drafts/Transfer-Denial-Clarifications-23aug07.pdf>

An [Issues Report on Inter-Registrar Transfers](#)

<http://gnso.icann.org/issues/transfers/issues-report-transfer-denial-clarifications-19oct07.pdf> was produced on 19 October 2007 which considered a limited set of issues relating to when registrars can deny a transfer. Staff recommended that greater precision and certainty around the terms of the Inter-Registrar Transfer Policy would be beneficial to the community generally, particularly for registrants, as well as those parties (gTLD registries and registrars) who were obligated to comply with the policy provisions.

**Avri Doria** called for a roll call vote.

Whereas the [Issues Report on Inter-Registrar Transfers](#)

<http://gnso.icann.org/issues/transfers/issues-report-transfer-denial-clarifications-19oct07.pdf> has been released and discussed

The GNSO council resolves to initiate a PDP to address the issues set forth in the [Issues Report](#) by the Staff.

The motion carried

22 Votes in favour: Philip Sheppard, Kristina Rosette, Cyril Chua, Tony Holmes, Tony Harris, Greg Ruth, Robin Gross, Norbert Klein, Jon Bing, Avri Doria (one vote each)  
Adrian Kinderis, Tim Ruiz, Tom Keller, Chuck Gomes, Edmon Chung, Jordi Iparraguirre

1 Abstention: Carlos Souza

Absent did not vote: Mike Rodenbaugh, Bilal Beiram, Ute Decker, Olga Cavalli (not yet joined the call)

**4b - Contingent vote of forming a TF for the PDP pending from [31 October 2007](#).**

Whereas the Council has decided to initiate a PDP on Inter-registrar Transfers, a Task Force will be created according to the By-laws, section 5 of Annex A of the GNSO Policy Development Process.

The [ICANN bylaws](#) allow for 2 options, forming task force, or collecting constituency statements. Discussion indicated that the non task force route was preferred and that working groups could be formed if more information was necessary following the second option. In addition, the specific issues were not controversial and the quicker route would be more efficient. Concern was expressed about the parameters which should be clearly defined from the outset.

**Avri Doria** called for roll call vote.

The motion did not carry.

23 Votes against: Philip Sheppard, Kristina Rosette, Cyril Chua, Tony Holmes, Tony Harris, Greg Ruth, Robin Gross, Norbert Klein, Jon Bing, Avri Doria, Carlos Souza (one vote each)  
Adrian Kinderis, Tim Ruiz, Tom Keller, Chuck Gomes, Edmon Chung, Jordi Iparraguirre.

Absent did not vote: Mike Rodenbaugh, Bilal Beiram, Ute Decker, Olga Cavalli (not yet joined the call)

**Decision 3**

Whereas the [Issues Report on Inter-Registrar Transfers](#) has been released and discussed The GNSO council resolves to initiate a PDP to address the issues set forth in the [Issues Report](#) by the Staff.

**Liz Gasster** was designated as the responsible staff person and charged with collecting the constituency statements as defined in the [ICANN bylaws](#)

**8. Procedure if No Task Force is Formed**

*a. If the Council decides not to convene a task force, the Council will request that, within ten (10) calendar days thereafter, each constituency appoint a representative to solicit the constituency's views on the issue. Each such representative shall be asked to submit a Constituency Statement to the Staff Manager within thirty-five (35) calendar days after initiation of the PDP.*

Each constituency to appoint a representative, within 10 days, by November 30, 2007, to solicit the constituency's views on the issue.

Each such representative shall be asked to submit a Constituency Statement to the Staff Manager, **Liz Gasster**, within thirty-five (35) calendar days after initiation of the PDP, that is by 25 December 2007.

**Item 5: IDN ccTLD WG Discussion**

**5a. Discussion of Board Motion of Interim solution WG**

**Avri Doria** quoted the [Board Resolution](#) adopted in Los Angeles which accepted a resolution of the ccNSO to form a working group on an interim approach for IDN ccTLDs.

"Resolved (07.89), the Board respectfully invites the Chairs of the ccNSO, GNSO, GAC, ALAC, and SSAC to set-up the IDNC Working Group and appoint members to this group as soon as possible and, when established, requests the IDNC Working Group to commence its work, in accordance with the [Charter](#) adopted by the ccNSO Council . The ICANN Board directs staff to provide the necessary support to the IDNC Working Group, and requests that the IDN Working Group provide a status report on its progress by the conclusion of the ICANN meeting in New Delhi in February 2008.

The [Charter for the IDNC Working Group](#) stated that the IDN Committee will have the following members:

Members of the GAC including its chair;

Members of the ccNSO including its chair;

Two (2) members of the GNSO;  
Two (2) members ALAC;  
One (1) representative of technical community;  
One (1) member of the SSAC: and  
Two (2) ICANN staff members.

The IDNC WG shall select its own chair from the members of the Working Group.

The Council was in agreement and emphasised the necessity for increased GNSO participation in the working group.

**Avri Doria** proposed raising the issue formally at the formative meeting.

In addition, Council agreed that there should be clarity on whether it was a ccNSO working group to which other advisory groups and Supporting organisations are being invited to participate, or was the intent for it to be joint working group.

**Denise Michel** clarified that no limit had been placed on the number of participants from the GAC and the ccNSO. The ICANN Board specifically requested the formation of such a group and that it should consist of representatives from all of the supporting organisations and the advisory committees.

**Edmon Chung** supported participation in the group as there was an inter-relationship with the new IDN gTLD process and agreed that the issue of working group numbers from the GAC and ccNSO should be addressed.

**Avri Doria** clarified that the ccNSO was envisaging 2 processes, an interim fast track process and a full process. In the initial or interim fast track process, within the next year, all those who were ready for an IDN cctld, could apply according to methods to be determined by the IDNC WG. There would not be a reserved list. Whether there would be one, could be discussed in the committee. It would not be the same as the full solution which is envisioned as a long term ccNSO PDP process.

**Avri** explained further that the GNSO process depended on an objection process, and either in the short track or the long track, there could be an objection to any name that was raised, but neither one was creating a reserved list. Neither was creating a critical path to the new gTLD process.

**Chuck Gomes** mentioned a IDN working group recommendation, that if new gTLDs happened before the ccNSO process for IDN ccTLDs, then it would be appropriate to deal with possible conflicts that may exist in the case of where IDN names might be ultimately selected by the ccTLD members. This area might result in more work and the GNSO could work with the ccNSO to avoid possible conflicts beyond the dispute process in the new gTLD recommendations.

**Chuck Gomes** suggested an alternative approach, that in fact if it was meant to be a joint working group, that there be opportunity for a balanced membership between the two supporting organizations involved, the GNSO and the ccNSO.

**Avri Doria** invited Council members to submit further comments regarding the formation of the group to the mailing list.

#### **5b. Discussion on how to bring the [draft GNSO comments as revised in Los Angeles](#) on the ccNSO-GAC IDN Issues Report to closure**

**Chuck Gomes** suggested and Council accepted, that a sub-group be formed to make improvements to the draft that would better accommodate the further comments to the council mail server list made after the revised document in Los Angeles.

**Chuck Gomes** volunteered to the lead with the following participation:

Avri Doria, Olga Cavalli, Edmon Chung, and NCUC and CBUC participation to be named.

**Chuck Gomes** suggested and Council accepted, that any changes to the revised document would be submitted to the GNSO Ad Hoc Group to draft a response to ccNSO-GAC Issues Report on IDN Policy as had been done with the revisions made in Los Angeles.

**Philip Sheppard** suggested that the group should assist with Council's responses and expressed concern that some of the big questions were left to the decision of the ccNSO and GAC, while it would be beneficial for the new working group to give input to such issues.

#### **Item 6: GNSO response to the [Board Governance Committee Working Group draft report on GNSO Improvements](#)**

**Avri Doria** stated that the [report](#) had been discussed in Los Angeles and noted, that while many of the issues would be commented on individually by constituencies or by individual Council or constituency members, a consensus position from the Council could be obtained on some issues.

In discussion concern was raised by the aggressive timeline. Phasing was mentioned as way to handle it but while phasing the implementation stage was broadly agreed on, phasing decision making was not considered acceptable and could be seen as a means of delay.

The Council agreed that a document be drafted, consisting of the sections in the Board Governance Committee (BGC) report where there was broad general approval, posted to the Council mailing list for councillors to comment, and then be edited by noon, UTC on 28 November. In the last 48 hours the Council would be asked to accept or reject the document and if there were no objections, it would be submitted to the BGC by 30 November 2007 at the close of comment period [http://www.icann.org/public\\_comment/](http://www.icann.org/public_comment/).

**Philip Sheppard**, CBUC, volunteered and was accepted as editor of the proposed document.

**Item 7: Establishment of a general GNSO discussion list, similar to the ones for NANOG and IETF.**

**Greg Ruth** explained that conversations with members of the community in Los Angeles indicated that it would be an advantage to have a focused list for IDN discussions, similar to specific topic lists in other organisations. A place to meet and discuss with like-minded individuals but not necessarily a list attached to the GNSO.

Avri Doria posed the following questions

- did Council want to start some list(s) for discussion of GNSO issues?
- did Council need separate lists for separate topics or was one list enough?
- if so was an IDN list needed ?
- were any other lists needed ?
- would they be open lists or restricted somehow?
- what sort of regime would Council use to control/moderate/monitor the lists?

**Adrian Kinderis** said consideration should be given to whether people would feel comfortable posting to an open list on topics that had not yet been properly formulated.

A general list would not be so different from the [General Assembly list](#) already in use, while a specific IDN list could have the same criteria in terms of membership, but prohibit discussions off topic.

The [ICANN bylaws](#) section 3.4 state:

*In addition, the GNSO Council is responsible for managing open forums, in the form of mailing lists or otherwise, for the participation of all who are willing to contribute to the work of the GNSO; such forums shall be appropriately moderated to ensure maximum focus on the business of the GNSO and to minimize non-substantive and abusive postings.*

An additional list under the sponsorship of the GNSO would place expectations on the Council and constituency members to monitor it and provide responses.

Several suggestions were made, such as:

- a list where different specific topics could be discussed,
- an open forum with a monthly discussion with councillors.
- a mail server list might not be the only way to achieve better input and interaction.
- there should be a facility for the public to post questions before an ICANN meeting which could be addressed in the GNSO public forum.
- focus should be placed on gathering public input at ICANN meetings.

**Avri Doria** proposed further discussion on the Council mail server list and proposed the topic, meeting interaction with the community and response issues as an agenda item for a future Council meeting.

**Item 8: [Letter on behalf of Hagen Hultsch re job description for open GNSO Council position in 2008](#)**

Suggested responses had been sent to the mailing list from **Avri Doria** <http://gnso.icann.org/mailling-lists/archives/council/msg04100.html> with an updated job description from **Chuck Gomes** and **Philip Sheppard** <http://gnso.icann.org/mailling-lists/archives/council/msg04125.html> and input from **Alan Greenberg** <http://gnso.icann.org/mailling-lists/archives/council/msg04137.html>

**Avri Doria** proposed that further comments be sent to the Council mailing list and by 30 November 2007 there should be a job description for the open GNSO council position in 2008 for

the Council to review and vote on at the Council meeting on December 6, 2007.

**Patrick Jones** stated that if the response were extended beyond December 6, the input would be less valuable for the Nominating Committee.

**Item 9: Pending Work Item Review**

**Avri Doria** commented on the action items:

- The Reserved Names recommendations for existing TLDs status report was pending and Patrick Jones held the token.
- The Response to Board resolution on IDNccTLDs had been moved to 6 December 2007 but depended on the sub-group led by Chuck Gomes to provide a schedule
- Registrar Transfer policy Review, the working group was ongoing and there would be a status report for the Council meeting on 6 December 2007. In addition, the PDP voted on in item 4, would be added.
- Motion on proxy voting required a motion to the Council suggesting a bylaw change.
- Motion on term limits (2006Nov-06) pending and required Board bylaw action.
- Inter-registrar Policy review to be updated with Council votes and deadlines for constituency statements.
- Domain Tasting PDP status required the constituency representatives to be appointed by 10 November, the constituency statements to be provided by 5 December 2007 and the initial report is due on 25 December 2007, but dates need to be adjusted to accommodate the holiday period.
- The Nominating Committee job description final draft will be provided on 30 November and voted on at the Council meeting on 6 December 2007.
- WHOIS studies would be placed on the agenda for 6 December 2007. Create a team, provide a studies suggestion form by 14 December, Council to approve the studies suggestion form by 20 December 2007. Interested parties should submit proposed studies suggestions by 7 January 2008.
- IGO Dispute Resolution Procedure (DRP) has been postponed awaiting a revised DRP from the IPC.
- GNSO Chair and Vice elections scheduled for completion on 31 January 2008.

**Avri Doria** mentioned that a high-level agenda for the Council meetings up until the ICANN Meetings in Delhi had been worked out and invited Councillors to collaborate in filling out topics that required discussion.

**Item 10: AOB**

10 a. **Adrian Kinderis** requested that items added to the agenda should be done timely so that all councillors had the opportunity to review them before the call.

10 b. Discussion of chair and vice-chair election process

The GNSO secretariat proposed the following procedure and schedule for the GNSO Chair and vice chair elections.

<http://gns0.icann.org/mailling-lists/archives/council/msg04123.html>

The terms for the GNSO Council Chair and Vice-chair run concurrently and expire on 31 January 2008.

Pursuant to the ICANN bylaws

<http://www.icann.org/general/bylaws.htm#X-3.7>

Section 3.7 The GNSO Council shall select the GNSO Chair, for a term the GNSO Council specifies but not longer than one year, by written ballot or by action at a meeting. Any such selection must have affirmative votes comprising a majority of the votes of all the members of the GNSO Council.

There will be a total of 27 votes cast. The winning candidate must receive at least 14 affirmative votes. In case of a tie, there will be a second round of voting.

The process followed in the past for the election of the GNSO Council Chair and Vice-chair, has been a call for nominations open for a period of two weeks for each position separately, Chair followed by Vice-chair.

All nominations should be seconded by the end of this period, and only GNSO Council members are eligible to make nominations and second them.

The voting period, is usually open for 14 days for the position of GNSO Council chair. Voting will take place by secret e-mail ballot. Ballots will be sent out individually to each GNSO Council members' e-mail address. The same procedure that has taken place for the ICANN Board seat #13 elections.

All GNSO Council members are eligible to vote, that is, 3 representatives from each constituency, Registrars, gTLD registries, Commercial and Business Users (CBUC), Non Commercial Users (NCUC), Intellectual Property (IPC), and Internet Service Providers and Connectivity Providers (ISPCP) and the 3 Nominating Committee appointees. Liaisons from the ALAC and the GAC do not vote.

When the e-mail vote is closed, the results will be announced for each council member to check that her/his vote was correctly registered and the results of the e-mail vote will be confirmed at a GNSO Council meeting.

Given the approaching holiday season a proposed election schedule could look like this:

GNSO Council chair:

Call for nominations: Thursday 22 November to 6 December 2007.

Voting period: Thursday 13 December 2007 to Monday 7 January 2008.

(extended voting period due to holiday season)

Announce the results Wednesday 9 January 2008

Confirm the vote at the scheduled GNSO Council meeting on 17 January 2008.

Vice-chair : Call for nominations 9 January to 23 January 2008

Vote: by roll call vote at GNSO Council meeting 31 January 2008.

**Avri Doria adjourned the GNSO Council meeting and thanked everyone for their participation.**

**The meeting ended at 23:00 UTC.**

**Next GNSO Council teleconference will be on 6 December 2007 at 15:00 UTC.**

see: [Calendar](#)

**Action Items arising from the minutes**

**Item 3:**

**Avri Doria stated that the [Intergovernmental Organization Dispute Resolution Process \(IGO-DRP\)](#) would be placed on the Council agenda for a vote at the meeting on 20 December, with the expectation of receiving on 28 November a revised proposed draft Dispute Resolution Process.**

**Item 4:**

**Each constituency to appoint a representative, within 10 days, by November 30, 2007, to solicit the constituency's views on the issue.**

**Each such representative shall be asked to submit a Constituency Statement to the Staff Manager, Liz Gasster, within thirty-five (35) calendar days after initiation of the PDP, that is by 25 December 2007.**

**item 6: Prepare a broad consensus document on the GNSO Improvements for comment on the Council list.**

**Item 7: Meeting interaction with the community and response issues during the ICANN meetings as an agenda item for a future Council meeting.**

**Item 8: Job description for the open GNSO council position in 2008 for the Council to review.**

**Item 10 b. Call for nominations to be launched on Thursday 22 November 2007.**

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Comments concerning the layout, construction and functionality of this site should be sent to [webmaster@icann.org](mailto:webmaster@icann.org).

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## 5.6.1 Whois Audit Program

<http://www.icann.org/compliance/audits.htm>

## Whois Audits

ICANN recently launched a new program to address Whois related compliance issues. The program includes an annual Whois data accuracy audit, ongoing monitoring of registrars' Whois servers for functionality, and the annual publication of a statistical summary of information gathered from the Whois Data Problem Report System (WDPRS).

This new program is designed to better pursue Whois compliance by gTLD registrars and improve Whois accuracy.

The information below describes existing ICANN efforts to address Whois issues; the purpose of the new program; detailed descriptions of the Whois audits that ICANN will commence over the course of calendar year 2007; and a detailed summary of WDPRS statistics for 2006.

ICANN invites comments regarding this program as it continues to consider ways in which Whois-related compliance matters can be better addressed going forward.

- [ICANN's Whois Data Accuracy and Availability Program: Description of Prior Efforts and New Compliance Initiatives - 27 April 2007](#) [PDF, 72K]
- [Results of the First gTLD Registry Compliance Audit - 30 June 2006](#)

5.6.2 ICANN's Whois Data Accuracy and Availability Program: Description of Prior Efforts and New Compliance Initiatives, 27 April 2007  
<http://www.icann.org/whois/whois-data-accuracy-program-27apr07.pdf>

**ICANN's Whois Data Accuracy and Availability Program:  
Description of Prior Efforts and New Compliance Initiatives**

27 April 2007

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### I. INTRODUCTION

ICANN recently launched a new program to address Whois related compliance issues. The program includes an annual Whois data accuracy audit, ongoing monitoring of registrars' Whois servers for functionality, and the annual publication of a statistical summary of information gathered from the Whois Data Problem Report System (WDPRS).

This new program is designed to better pursue Whois compliance by gTLD registrars and improve Whois accuracy.

The information below describes existing ICANN efforts to address Whois issues; the purpose of the new program; detailed descriptions of the Whois audits that ICANN will commence over the course of calendar year 2007; and a detailed summary of WDPRS statistics for 2006.

ICANN invites comments regarding this program as it continues to consider ways in which Whois-related compliance matters can be better addressed going forward.

### II. PURPOSE OF ICANN'S WHOIS DATA ACCURACY AND AVAILABILITY PROGRAM

Whois compliance remains a priority for ICANN in 2007. As the number of domain name registrations continues to rise every year, the demand for Whois data accuracy and Whois data accessibility continues to grow. In response to these growing demands, ICANN has determined that it is necessary to augment its current Whois compliance program by engaging in regular Whois data accuracy audits and Whois accessibility monitoring and audits.

### III. PAST STEPS TAKEN BY ICANN TO IMPROVE WHOIS DATA ACCURACY

ICANN has taken steps over the years to continually improve Whois data accuracy and encourage Whois related compliance within the registrar community. Some of the steps taken include:

- On 10 May 2002, ICANN provided a reminder to registrars of the importance of understanding their obligations regarding the accuracy of Whois data in a "Registrar Advisory Concerning Whois Data Accuracy" <<http://www.icann.org/announcements/advisory-10may02.htm>>.
- On 3 September 2002, ICANN announced additional steps taken to attempt to improve the accuracy of Whois data, see Announcement on Steps to Improve Whois Data Accuracy <<http://www.icann.org/announcements/announcement-03sep02.htm>>. As a part of that, ICANN developed a system for receiving and tracking complaints about inaccurate or incomplete Whois data. The first annual report on the "Whois Data Problem Reports System" was published on 31 March 2004 and covered information about that process <<http://www.icann.org/whois/wdprs-report-final-31mar04.htm>>.
- On 27 March 2003, ICANN adopted the Whois Data Reminder Policy (WDRP) <<http://www.icann.org/registrars/wdrp.htm>> as a consensus policy. The WDRP requires that a registrar present current Whois information to each registrant at least annually and remind the registrant that the provision of false data can be grounds for cancellation of a registration. Registrants must review their Whois data and make any necessary corrections.
- On 3 April 2003, shortly after adopting the WDRP, ICANN issued a "Registrar Advisory Concerning the '15-day Period' in Whois Accuracy Requirements" <<http://www.icann.org/announcements/advisory-03apr03.htm>>. That advisory provided guidance on a registrar's right to cancel a registration because of a registrant's (i) "willful provision of inaccurate or unreliable information"; (ii) "willful failure promptly to update information;" or (iii) a "failure to respond for over fifteen calendar days to inquiries by Registrar concerning the accuracy of contact details." The advisory also reiterated that a registrar has the right to cancel a registration in such cases, but is not required to do so.
- In October 2004, ICANN began conducting annual WDRP compliance audits, the results of which were posted online <<http://www.icann.org/whois/WDRP-Implementation-30Nov04.pdf>> and <<http://www.icann.org/whois/wdrp-survey-report-30nov05.pdf>>.
- As part of the registrar accreditation renewal process begun in 2005, ICANN has reviewed every renewing registrar's level of compliance with the WDRP and required non-compliant registrars to come into compliance before permitting renewal of accreditation.
- On 1 June 2006, ICANN initiated use of a "limiter" at <http://wdprs.internic.net> to prevent abusive report submissions. ICANN has noted previously that some users of the WDRS have abused the system by filing redundant, repetitive reports in short amounts of time.

Registrars have complained that these notices can often be attributed to the manner in which a domain name is used (e.g. to send spam), but not necessarily to inaccurate Whois data. Registrars further observed that these redundant reports adversely impact their ability to timely act on legitimate, unique complaints. The use of the limiter has allowed the WDPRS to handle reports involving an additional 8,810 domain names over last year, while decreasing the aggregate number of reports by 1,475.

- In November 2006, ICANN hired a Director of Contractual Compliance to monitor compliance with ICANN agreements, including Whois data accuracy and Whois data accessibility provisions. The ICANN budget for the fiscal year beginning 1 July 2007 also allows for the hiring of two additional full-time positions within the Contractual Compliance department to support the enhancement of the Contractual Compliance Program and allow for the aggressive pursuit of suspected noncompliant parties.

#### **IV. WHOIS DATA ACCURACY AUDIT**

ICANN will commence a Whois data accuracy audit during the 2007 calendar year that will include manual examinations of thousands of Whois data fields as well as testing to determine if ICANN Accredited Registrars are investigating and correcting Whois related contact details in response to inaccuracies reported through ICANN's Whois Data Problem Report System (WDPRS).

##### **Objectives**

ICANN's objectives in conducting the Whois data accuracy audits are:

- to improve overall Whois data accuracy,
- to assess compliance with Registrar Accreditation Agreement requirements concerning Whois data accuracy, and
- to assess the effectiveness of the Whois data accuracy audit as a tool for improving data accuracy.

Each year ICANN will publish the findings from the Whois data accuracy audits and consider ways in which the audit process might be improved to meet the objectives set forth above.

##### **Audit Procedure**

ICANN will conduct Whois data accuracy audits on an annual basis, at an undisclosed time.

1. Domain name data will be obtained from registries and other parties to perform an independent assessment of Whois data accuracy.
2. Upon receiving domain name data from registries and other parties, ICANN will randomly sample registered domain names from every active ICANN accredited registrar and attempt to verify the validity of the Whois data for each name using independent

sources. Where verification is not possible, ICANN will attempt to contact the registrant of record via electronic mail and request a response within a specific period of time.

3. Those registrants who do not respond to ICANN's electronic mail messages or whose Whois data fields are determined to contain inaccurate information will be reported to the registrar of record via the WDPRS. (ICANN will use an alias business name during the WDPRS process in an attempt to prevent special treatment of ICANN's correspondences.)
4. Consistent with the WDPRS process, after 45 days ICANN will examine the current Whois data for names that were previously believed to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition.
5. ICANN will perform calculations to assess Whois accuracy of the sample analyzed and extrapolate those calculations to draw conclusions regarding the entire Whois universe, and report findings on its web site.
6. In future audits, ICANN will compare findings over time to help measure the program's effectiveness.

### **Follow-Up**

- The registrars that fail to take any action regarding the WDPRS reports filed concerning domain names registered through their companies will be notified of their failure to comply with Section 3.7.8 of the Registrar Accreditation Agreement (RAA), which requires registrars to take reasonable steps to investigate and correct contact details in response to any reported inaccuracy.
- These registrars will be requested to respond in five business days with details regarding why the inaccuracy was not addressed and how future cases will be handled to prevent such failures from recurring.
- ICANN will take appropriate action depending on the information contained in the responses received, consistent with its compliance escalation procedures.
- At the close of each audit period, ICANN will publish findings and an assessment of the usefulness of the audit.

## **V. REGISTRAR WHOIS COMPLIANCE MONITORING PROGRAM**

ICANN is currently developing a new program to monitor and enforce registrar compliance with port 43 Whois service requirements that will include both automated Whois server testing and manual reviews of registrar Whois output on a regular basis.

## **Objectives**

The Registrar Accreditation Agreement requires each registrar to provide free Whois service via port 43, allowing query-based access to up-to-date (i.e., updated at least daily) data concerning all active registered gTLD names under the registrar's sponsorship. (See [RAA section 3.3.1.](#)) Although ICANN has enforced compliance with this RAA provision where deficiencies were observed or reported, ICANN's Contractual Compliance Department is currently developing software to monitor registrar compliance with this requirement on a regular and ongoing basis.

By automating Whois compliance testing, ICANN will be able to:

- more quickly discover and address Whois service failures,
- enhance the overall stability of the domain name system through more timely resolution of technical and legal issues, and
- improve efficiency of inter-registrar transfers, helping promote competition among registrars.

## **Audit Procedure**

ICANN's new registrar Whois compliance program will involve both automated processes and manual audit procedures to ensure that registrars' port 43 Whois services are both functioning and responding to Whois queries with appropriate data in conformance with the requirements of the RAA.

### **Automated Whois Monitoring Procedure**

1. For each active registrar, ICANN will randomly select three gTLD names on a weekly basis.
2. Software will perform Whois queries for one of the three names at each registrar, first querying the registry's port 43 service (to ensure the name is still registered at the same registrar) and then querying the registrar's port 43 service. Both responses will be logged in the event human review is required.
3. The registrar's Whois response will be parsed by a Perl script to determine whether there is indeed a response and whether the response appears to be a Whois record (as opposed to an error message or garbage data).
4. If the Whois output is deemed satisfactory, the result will be logged and the test will be repeated in seven days using a newly selected domain name. If the Whois output is deemed unsatisfactory, the result will be logged and the test will be repeated in one hour, using all three domain names. If any of the follow-up tests fail, ICANN's compliance staff will be notified of the failure(s) in real time (via RSS or email), and the unsuccessful tests will be repeated hourly until results are satisfactory. After ICANN's software has been sufficiently beta-tested, the program will be enhanced to contemporaneously notify the registrar upon any failure.

5. ICANN's compliance staff will investigate Whois failure notices by reviewing the Whois output to determine whether there is a genuine compliance issue, and if so, by contacting the registrar to resolve the issue in accordance with ICANN's compliance escalation procedures.

### Manual Whois Audits

- Using data compiled by the automated Whois monitoring software, compliance staff will review registrar Whois uptime statistics to address potential compliance issues involving failure to consistently provide robust Whois service.
- In addition, by reviewing recently logged Whois queries and records, ICANN compliance staff will undertake audits of all registrars' Whois output to ensure that its form meets the requirements of the RAA.
  - All registrars' Whois output will be audited annually. To ensure adequate ICANN resources to address issues with registrars that are discovered during the Whois audit process, audits will be conducted on a rolling schedule throughout the year.
  - Each Whois record will be reviewed for population of the following data fields:
    - The name of the registered name
    - The names of the primary nameserver and secondary nameservers for the registered name
    - The identity of registrar (which may be provided through the registrar's website)
    - The original creation date of the registration
    - The expiration date of the registration
    - The name and postal address of the registered name holder
    - The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the technical contact for the registered name
    - The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the administrative contact for the registered name

## **Follow-Up**

As noted above, ICANN's automated Whois compliance testing system will maintain detailed logs of both successful and failed Whois lookup attempts. ICANN staff will periodically review logged data and be able to quickly generate historical Whois failure statistics. This data will be used to focus future compliance efforts on perennially non-compliant registrars and as a potential indicator (among others) of larger operational issues that could lead to registrar failure. As trends in Whois compliance are observed, ICANN will publish its analysis on the compliance section of its website.

## **VI. COMMUNITY EXPERIENCES WITH THE INTERNIC WHOIS DATA PROBLEM REPORT SYSTEM**

### **Executive Summary**

This Report summarizes ICANN's experience with the operation of the Whois Data Problem Report System (WDPRS) during a 12-month reporting period that ended 28 February 2007. ICANN developed this system to receive and track complaints about inaccurate or incomplete Whois data entries. Individuals who encounter such entries may notify ICANN by completing an online form, which is then forwarded to the registrar of record for appropriate action. The WDPRS is one of the tools that ICANN uses to improve the accuracy of Whois data.

Through the WDPRS, ICANN is able to track how many reports are filed and confirmed by the reporter so they may be sent to the registrar of record. After forty-five days, ICANN asks the person filing the report to complete the process by performing a follow-up review, which involves checking the Whois data again and indicating whether (i) the data was corrected; (ii) the domain name was deleted; (iii) the data was unchanged; or (iv) there is some other disposition.

The WDPRS is one of the tools used by ICANN to improve Whois data accuracy and assist users in resolving Whois data accuracy disputes. In collaboration with the Internet community, ICANN will continue to explore measures to improve compliance with Whois provisions in ICANN agreements. The information provided through this report indicates that ICANN's current tools, including the WDPRS, continue to serve as valuable resources for users attempting to resolve Whois data accuracy claims.

In the most recent reporting period, there were 50,189 reports for which ICANN received follow-up responses during the year. Of these, 34,029 unique domain names were subject to reports. Thus, 16,160 duplicate reports were submitted.

As in previous years, a great majority of reports were filed by a small number of individuals. One individual this year filed nearly 40% of all reports received. The top 20 contributing individuals accounted for over 83% of the 50,189 reports. The fact that less than 1% of reporters accounted for almost 90% the reports presents an issue for statistical analysis of the data. The methodology we use for analysis depends on the judgments of the reporters, and hence any bias

or skew in the judgments of that industrious 1% may affect the conclusions drawn. Because of this concern, ICANN staff did an independent analysis of approximately 16,000 of the domain names (described below) and the report indicates differences between the data sets.

The analysis performed on the data indicates that approximately 35% of the names reported were corrected, suspended, or are no longer registered (a total of 11,910 names fall in these categories). This number of names identified as corrected is 3,978 lower than the number in last year's report. This drop is believed to be due primarily to three reasons: ICANN tightened the definition of names qualifying as "suspended", reducing that number; rather than deleting names, some registrars are believed to "park" the names, with the registrant's use of the name apparently disabled; and a reduction in the preciseness of reports furnished by reporters.

The total number of reports handled by the WDPRS during this reporting period (50,189) was slightly lower than the number of reports handled by the WDPRS in the last reporting period (51,664). This was likely due to the implementation of a limiter that prevents users from filing reports regarding domain names that were reported within the prior five days. On 1 June 2006, ICANN initiated use of a "limiter" at <http://wdprs.internic.net> to prevent abusive report submissions. ICANN has noted previously that some users of the WDPRS have abused the system by filing redundant, repetitive reports in short amounts of time. Registrars have complained that these notices can often be attributed to the manner in which a domain name is used (e.g. to send spam), but not necessarily to inaccurate Whois data. Registrars further observed that these redundant reports adversely impact their ability to timely act on legitimate, unique complaints. The use of the limiter has allowed the WDPRS to handle reports involving an additional 8,810 domain names over last year, while decreasing the aggregate number of reports by 1,475.

### **Applicable Provisions of the ICANN Registrar Accreditation Agreement**

The Registrar Accreditation Agreement ([RAA](#)), which governs the relationship between ICANN and all accredited registrars, sets out several obligations for registrars with regard to Whois data accuracy. Specifically, registrars must:

- Require each registrant to submit (and keep updated) accurate contact details (RAA ¶ 3.7.7.1 <<http://www.icann.org/registrars/ra-agreement-17may01.htm#3.7.7.1>>);
- Provide both a web-based and Port 43 Whois service providing access to complete contact information for all TLDs covered under the RAA (RAA ¶ 3.3.1 <<http://www.icann.org/registrars/ra-agreement-17may01.htm#3.7.7>>);
- Require registrants to agree that willfully submitting inaccurate contact details (or failing to respond within 15 days to an inquiry regarding accuracy) shall be a basis for cancellation of the registration (RAA ¶ 3.7.7.2 <<http://www.icann.org/registrars/ra-agreement-17may01.htm#3.7.7.2>>); and
- Take reasonable steps to investigate and correct the contact details in response to any reported inaccuracy (RAA ¶ 3.7.8 <<http://www.icann.org/registrars/ra-agreement-17may01.htm#3.7.8>>).

## **Implementation of the Whois Data Problem Report System (WDPRS)**

In order to assist registrars in complying with the contractual obligations outlined above, ICANN implemented the Whois Data Problem Report System (WDPRS) on 3 September 2002. The goal of the WDPRS is to streamline the process for receiving and tracking complaints about inaccurate and incomplete Whois data, and thereby help improve the accuracy of Whois data. Since launching the WDPRS, several improvements were made to simplify the reporting process and automate the report investigation and registrar notification processes. Further technical enhancements are planned that will allow for enhanced statistical reporting of registrar report handling to ICANN Compliance staff.

Reports of inaccurate Whois data under the WDPRS are submitted through the InterNIC website, operated by ICANN as a public resource containing information relating to domain registration services. The centerpiece of the WDPRS is a centralized online form, available at <http://wdprs.internic.net>, for submitting reports about Whois data inaccuracies. The form requests Internet users (called "reporters" in this context) to specify the domain name they believe is inaccurate and their name and email address. After submitting this information, the reporter is shown the Whois record for that domain name, and asked to specify the inaccuracy or inaccuracies. The system then sends the reporter an email request for confirmation of the report. The reporter then has five days to acknowledge the request or the report will be deleted.

Once the report is confirmed by the reporter, it is automatically forwarded to the registrar of record for handling. Forty-five days later, a follow-up questionnaire is sent to the reporter, asking whether the inaccurate data was corrected, whether the name was deleted, whether there was no change, or whether there was some other disposition. The aggregate data collected during this final step is used by ICANN compliance staff to follow up with registrars as needed to ensure compliance with the requirements of the Registrar Accreditation Agreement.

## **Statistics from Operation of the WDPRS**

The following sections provide a statistical summary of operation of the Whois Data Problem Report System. These statistics cover the operation of the system from the last report's cut-off date of 28 February 2006 until this year's cut-off date of 28 February 2007. It includes information concerning: (A) the number of Whois data inaccuracies reported; (B) the number of unique domain names with reported inaccuracies; and (C) registrar handling of the submitted reports.

### **Reported Data Inaccuracies**

A total of 50,189 confirmed Whois Data Problem Reports, involving 34,029 unique domain names, were completed by the submission of a follow-up report by the reporter during this reporting period. The 2006 Report indicated that 51,664 submissions had been confirmed during that reporting period, involving 25,219 unique domain names.

On a per TLD basis, .com represented 74.43% of confirmed reports, with .net and .info constituting 13.36% and 8.28% respectively. When scaled by the total number of registrations in

each TLD, .info domain names were the subject of the most reports. Approximately 7 domain names were subject to report(s) for every 10,000 .info registrations. The statistics for these and the other gTLDs are included in the following table:

<b>TLD</b>	<b># Reports</b>	<b>% Reports</b>	<b>Reports per 10,000 registrations</b>	<b># Unique Reports</b>	<b>% Unique Reports</b>	<b>Unique Reports per 10,000 registrations*</b>
<b>.com</b>	37,357	74.43%	6.35	25,136	73.87%	4.27
<b>.net</b>	6,707	13.36%	7.75	4,734	13.91%	5.47
<b>.info</b>	4,154	8.287%	10.98	2,563	7.53%	6.77
<b>.biz</b>	484	.97%	3.10	311	.91%	1.98
<b>.org</b>	1,482	2.95%	2.70	1281	3.76%	2.33
<b>.name</b>	4	< .01%	0.18	4	< 0.01%	0.175
<b>total</b>	<b>50,189</b>	<b>100%</b>	<b>6.39</b>	<b>34,029</b>	<b>100%</b>	<b>4.33</b>

\* Based on registrations as of 30 November 2006.

It is unclear why .info names were the subject of more WDPRS reports per 10,000 registrations than the other TLDs. (The .info ratio has dropped from last year.) This TLD has been offered by some registrars at promotional prices – in some cases .info names have been offered at no cost – but further research into the relationship between domain price and Whois data accuracy would be needed before any conclusions could be made.

A total of 2,437 different individuals submitted reports. On average, each reporter submitted approximately 24 reports, while some individuals submitted significantly more. Out of a total of 50,189 confirmed reports, the number of reports per individual for the top 20 reporters is as follows:

<b>Top 20 Reporters</b>	<b># Reports Submitted</b>
<b>1</b>	19,873
<b>2</b>	3,408
<b>3</b>	2,926
<b>4</b>	2,848
<b>5</b>	2,366

<b>6</b>	2,282
<b>7</b>	2,261
<b>8</b>	1,412
<b>9</b>	1,394
<b>10</b>	1,263
<b>Total</b>	<b>40,033</b>

As this table shows, fewer than 0.5% of all those who filed reports (10 people) were responsible for over 87% (40,033 out of 50,189) of all Whois inaccuracy reports submitted to ICANN during the reporting period. The 2006 Report indicated that the top 20 reporters were responsible for over 59% (30,843 out of 51,664) of Whois inaccuracy reports. It is interesting to note that during the most recent reporting period, one user filed approximately 40% (19,873 out of 50,189) of all the Whois inaccuracy reports submitted to ICANN – a record. Nevertheless, individuals are also reporting single domains when they discover a problem – there were 1,086 individuals who submitted exactly one report.

From both anecdotal information received by ICANN and text accompanying the body of WDPRS reports received, we conclude that most, if not all, of the high volume reporters are driven by a concern about abuses involving email. In approximately 53% of the reports filed, the reporter indicated "spam," "phishing," or "fraud" in the comments accompanying the reports.

### **Unique Domain Names**

A total of 34,029 unique domain names were the subject of Whois Data Problem Reports during this review period. As reported above, there were a total of 50,189 reports confirmed and completed. Accordingly, 16,160 of the reports were duplicate submissions.

In reviewing the twenty most-reported domain names, it appears that all were appropriately deleted, suspended, or corrected.

### **Registrar Handling**

The following table characterizes the state of the reported Whois records as indicated by the follow-up reports provided to ICANN by the reporter:

<b>Status</b>	<b>Domain Names</b>	<b>%</b>
Inaccuracy Corrected	1,152	3.4 %
Domain Deleted	1,973	5.8 %
Other	1,917	5.6 %
Data Unchanged	28,978	85.2 %
Total	34,029	100 %

In order to better understand the nature of the reports marked "Other" or "Data Unchanged" ICANN staff reviewed 16,471 of the underlying Whois records and made the following observations: approximately 29% had in fact been deleted or suspended. Approximately 40% of them had Whois data that appeared to be accurate (note, however, that it is quite possible to supply Whois information that looks completely plausible, but is in fact bad). About 31% of the records appeared incomplete or clearly inaccurate.

	<b>“Unchanged” or “Other” Domains Reviewed by ICANN Staff</b>	
<b>Actual Status</b>	<b>Domain Names</b>	<b>%</b>
Suspended	3,240	19.7 %
Domain Deleted	1,514	9.2 %
Incomplete or Clearly Inaccurate Data	5,080	30.8 %
Whois Contained Plausible Data	6,637	40.3 %
Total Domains Reviewed	16,471	100 %

Combining the suspended or deleted domain names noted by ICANN staff with the user reports of corrected, suspended, or deleted domain names, we arrive at an estimate of 35% of reported domain names with bad data that were corrected, suspended, or no longer registered. An additional 28% of domains with clearly bad information were not changed. This leaves approximately 37% of reported domains' Whois data without obvious errors.

	<b>Estimated Disposition of Unique Domains</b>
Whois Corrected	3.4%
Domain Deleted	14.2%
Domain Suspended	17.9%
Whois Inaccurate or Incomplete	27.9%
Plausible Whois	36.6%

There are a number of explanations for the relatively high number of "unchanged" dispositions reported. The reporter may not have correctly interpreted the Whois data. Similarly, the domain name in question may have been placed in Registrar Hold status by the registrar, which would effectively prevent the domain name from functioning in any meaningful way, but this might not have been understood by the reporter. Additionally, a reporter might have been motivated to inaccurately report an "unchanged" status, believing this would punish a registrant or registrar perceived to be causing or allowing the transmission of spam or phishing email. Anecdotal evidence also indicates some registrars or their resellers may have effectively suspended users' use of domain names without deleting the names or placing them in clientHold status by resetting the nameservers to cause the domain name not to resolve or to resolve to a page controlled by the registrar. This apparent practice will be more closely investigated by ICANN to ascertain whether such measures comply with the Whois data accuracy requirements of the Registrar Accreditation Agreement.

In reviewing the number of reports filed per registrar, no pattern emerged in relation to registrar size and number of reports. Those registrars with larger numbers of unresolved WDPRS reports will be subjected to additional auditing later in the year.

### **Impact of WDPRS**

There are several conclusions that can be drawn concerning the impact of the WDPRS.

ICANN's Whois Data Problem Report System continues to have a measurable impact on the accuracy of Whois data. Of the 34,029 unique domain names subject to WDPRS reports during this review period, we estimate that approximately 12,054 (35.4%) were deleted or suspended, or had correct Whois data supplied. An additional 12,449 (36.6%) domains had what appeared to be plausible Whois data, although practical constraints limited our ability to verify their accuracy with certainty.

The number of unique domain names subject to WDPRS reports increased.

Through ongoing monitoring of WDPRS complaints, ICANN has learned that some registrars did not purportedly receive forwarded complaints from ICANN due to spam-filtering or similar problems. ICANN has worked with several registrars to address this problem and will continue educational efforts to ensure greater compliance going forward.

ICANN will commence comprehensive Whois public access and data accuracy audits in 2007 as part of its updated Contractual Compliance Program. Scheduled dates for these audits have been published on ICANN's compliance webpage at <http://www.icann.org/compliance/>. These audits are intended to ensure compliance with ICANN agreements; registrar/registry outreach events are also planned throughout 2007 to aid in these efforts.

Although the 34,029 reported names with inaccurate Whois comprise a small fraction of the nearly 80 million gTLD registrations, ICANN continues its resolve to improve Whois data accuracy through community education and enforcement of its contracts with registrars. In addition, there is a presumption that these 34,000+ complaints were targeted at registrations that are sources of improper behavior and therefore curtailed that activity from those domain names.

Going forward ICANN will continue to improve the WDPRS tool and take steps to improve Whois accuracy overall. Areas of improvement will include increased implementation of and reliance on automation and on-line reporting tools and augmented staffing of the ICANN contractual compliance function so that patterns of noncompliance can be aggressively pursued.

### 5.6.3 Whois Data Problem Reporting System Report, 2006

<http://www.icann.org/announcements/wdprs-report-final-31mar06.pdf>

# Community Experiences with the InterNIC Whois Data Problem Reports System

31 March 2006

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## Executive Summary

This Report summarizes ICANN's experience with the operation of the Whois Data Problem Report System (WDPRS) during a 12-month reporting period that ended 28 February 2006. ICANN developed this system to receive and track complaints about inaccurate or incomplete Whois data entries. Individuals who encounter such entries may notify ICANN by completing an online form, which is then forwarded to the registrar of record for appropriate action. The WDPRS is one of the tools that ICANN uses to improve the accuracy of Whois data.

Through the WDPRS, ICANN is able to track how many reports are filed and confirmed by the reporter so they may be sent to the registrar of record. After forty-five days, ICANN asks the person filing the report to complete the process by performing a follow-up review, which involves checking the Whois data again and indicating whether (i) the data was fixed; (ii) the domain name was deleted; (iii) the data was unchanged; or (iv) there is some other disposition.

On average, there were 4,305 reports completed each month during the reporting period, totaling 51,664 total reports for which ICANN received follow-up responses. Of these, 25,219 represented unique domain names. Thus, 26,445 duplicate reports were submitted.

Reports were submitted by 3,568 different individuals; the top 20 contributing individuals accounted for over 59% of the 51,664 reports.

The analysis performed on the data indicates that approximately 63% of the names reported were corrected, suspended, or are no longer registered. This matches the percentage of names that were corrected, suspended, or no longer active during the last reporting period, but because 20,111 more complaints were filed this year, an estimated additional 12,670 Whois data complaints were successfully resolved this year.

As noted, the number of reports handled by the WDPRS during this review period was higher than in previous periods. This was likely due to increased awareness of the system. In addition, it appears that a handful of users of the WDPRS have intentionally filed redundant complaints without allowing the registrar or registrant an opportunity to take action. By way of example, in one month, a single reporter filed 36 complaints about one domain name which was ultimately suspended by the registrar and deleted.

## **Introduction**

This report summarizes ICANN's experience with the operation of the Whois Data Problem Report System at InterNIC.net <<http://wdprs.internic.net>> since publication of the previous WDPRS report on 31 March 2005 <<http://www.icann.org/whois/wdprs-report-final-31mar05.htm>>. These reports are published pursuant to Section II.C.10.a of Amendment 6 to the ICANN/DOC Memorandum of Understanding, which provides that:

ICANN shall publish a report no later than March 31, 2004, and annually thereafter, providing statistical and narrative information on community experiences with the InterNIC WHOIS Data Problem Reports system. The report shall include statistics on the number of WHOIS data inaccuracies reported to date, the number of unique domain names with reported inaccuracies, and registrar handling of the submitted reports. The narrative information shall include an evaluation of the impact of the WHOIS Data Problem Reports system on improved accuracy of WHOIS data. <<http://www.icann.org/general/amend6-jpamou-17sep03.htm>>

Whois data for generic Top Level Domains (gTLDs) includes information about the registrant, administrative contact, technical contact, and name servers associated with each domain name. This information is used for a variety of important purposes, including resolution of technical network issues, identification and verification of online merchants, investigations by consumer protection and law enforcement authorities, enforcement of intellectual property rights, identification of sources of spam e-mail, and determinations of whether a domain name is available for registration. Whois services have been available on the Internet since the early 1980s and continue to be broadly used. According to an online survey of over 3,000 participants (representing businesses, governments, ISPs, registrars, individuals, and non-commercial organizations) conducted by the ICANN Domain Name Supporting Organization in 2001, Internet users broadly consider accurate Whois data to be important and support measures to improve its accuracy. <<http://www.dnso.org/dnso/notes/WhoisTF/20020625.TFWhois-report.htm>>

Another report required by the same section of the MOU, entitled Implementation of the Whois Data Reminder Policy, was published on 30 November 2005 <<http://www.icann.org/whois/wdrp-survey-report-30nov05.pdf>>.

## I. Applicable Provisions of the ICANN Registrar Accreditation Agreement

The Registrar Accreditation Agreement ([RAA](#)), which governs the relationship between ICANN and all accredited registrars, sets out several obligations for registrars with regard to Whois data accuracy. Specifically, registrars must:

- Require each registrant to submit (and keep updated) accurate contact details (RAA ¶ 3.7.7.1 <<http://www.icann.org/registrars/ra-agreement-17may01.htm#3.7.7.1>>);
- Provide both a web-based and Port 43 Whois service providing access to complete contact information for all TLDs covered under the RAA (RAA ¶ 3.3.1 <<http://www.icann.org/registrars/ra-agreement-17may01.htm#3.7.7>>);
- Require registrants to agree that willfully submitting inaccurate contact details (or failing to respond within 15 days to an inquiry regarding accuracy) shall be a basis for cancellation of the registration (RAA ¶ 3.7.7.2 <<http://www.icann.org/registrars/ra-agreement-17may01.htm#3.7.7.2>>); and
- Take reasonable steps to investigate and correct the contact details in response to any reported inaccuracy (RAA ¶ 3.7.8 <<http://www.icann.org/registrars/ra-agreement-17may01.htm#3.7.8>>).

ICANN has taken several steps to improve the accuracy of Whois data. These include:

- On 10 May 2002, ICANN provided a reminder to registrars of the importance of understanding their obligations regarding the accuracy of Whois data in a "Registrar Advisory Concerning Whois Data Accuracy" <<http://www.icann.org/announcements/advisory-10may02.htm>>.
- On 3 September 2002, ICANN announced additional steps taken to attempt to improve the accuracy of Whois data, see Announcement on Steps to Improve Whois Data Accuracy <<http://www.icann.org/announcements/announcement-03sep02.htm>>. As a part of that, ICANN developed a system for receiving and tracking complaints about inaccurate or incomplete Whois data. The first annual report on the "Whois Data Problem Reports System" was published on 31 March 2004 and covered information about that process <<http://www.icann.org/whois/wdprs-report-final-31mar04.htm>>.
- On 27 March 2003, ICANN adopted the Whois Data Reminder Policy (WDRP) <<http://www.icann.org/registrars/wdrp.htm>> as a consensus policy. The WDRP requires that a registrar present current Whois information to each registrant, at least annually, and remind the registrant that the provision of false data can be grounds for cancellation of a registration. Registrants must review their Whois data and make any necessary corrections.
- On 3 April 2003, shortly after adopting the WDRP, ICANN issued a "Registrar Advisory Concerning the '15-day Period' in Whois Accuracy Requirements" <<http://www.icann.org/announcements/advisory-03apr03.htm>>. That advisory provided guidance on a registrar's right to cancel a registration because of a

- registrant's (i) "willful provision of inaccurate or unreliable information"; (ii) "willful failure promptly to update information;" or (iii) a "failure to respond for over fifteen calendar days to inquiries by Registrar concerning the accuracy of contact details." The advisory also reiterated that a registrar has the right to cancel a registration in such cases, but is not required to do so.
- In October 2004, ICANN began conducting annual WDRP compliance audits, the results of which were posted online <<http://www.icann.org/whois/WDRP-Implementation-30Nov04.pdf>> and <<http://www.icann.org/whois/wdrp-survey-report-30nov05.pdf>>.
  - As part of the registrar accreditation renewal process begun in 2005, ICANN has reviewed every renewing registrar's level of compliance with the WDRP and required non-compliant registrars to come into compliance before permitting renewal of accreditation. Over the last six months, ten registrars came into compliance with the WDRP as a direct result of the accreditation renewal process.
  - Over the course of the current reporting period, ICANN increased staffing in its Registrar Liaison and Compliance departments and has placed greater emphasis on ensuring Whois data accuracy through investigation of specific complaints and a system of selective and random auditing. ICANN has budgeted for two additional full-time positions in its Compliance Department, which it plans to fill in the near term.

## **II. Implementation of the Whois Data Problem Report System (WDPRS)**

In order to assist registrars in complying with the contractual obligations outlined above, ICANN implemented the Whois Data Problem Report System (WDPRS) on 3 September 2002. The goal of the WDPRS is to streamline the process for receiving and tracking complaints about inaccurate and incomplete Whois data, and thereby help improve the accuracy of Whois data. Since launching the WDPRS, several improvements were made to simplify the reporting process and automate the report investigation and registrar notification processes. Further technical enhancements are planned that will allow for enhanced statistical reporting of registrar report handling to ICANN compliance staff.

Reports of inaccurate Whois data under the WDPRS are submitted through the InterNIC website, operated by ICANN as a public resource containing information relating to domain registration services. The centerpiece of the WDPRS is a centralized online form, available at <http://wdprs.internic.net>, for submitting reports about Whois data inaccuracies. The form requests Internet users (called "reporters" in this context) to specify the domain name they believe is inaccurate and their name and email address. After submitting this information, the reporter is shown the Whois record for that domain name, and asked to specify the inaccuracy or inaccuracies. The system then sends the reporter an email request for confirmation of the report. The reporter then has five days to acknowledge the request or the report will be deleted.

Once the report is confirmed by the reporter, it is automatically forwarded to the registrar of record for handling. Forty-five days later, a follow-up questionnaire is sent to the reporter, asking whether the inaccurate data was corrected, whether the name was deleted, whether there was no change, or whether there was some other disposition. The aggregate data collected during this final step is used by ICANN compliance staff to follow up with registrars as needed to ensure compliance with the requirements of the Registrar Accreditation Agreement.

### **III. Statistics from Operation of the WDPRS**

The following sections provide a statistical summary of operation of the Whois Data Problem Report System. These statistics cover the operation of the system from the last report's cut-off date of 28 February 2005 until this year's cut-off date of 28 February 2006. It includes information concerning: (A) the number of Whois data inaccuracies reported; (B) the number of unique domain names with reported inaccuracies; and (C) registrar handling of the submitted reports.

#### **A. Reported Data Inaccuracies**

A total of 51,664 confirmed Whois Data Problem Reports, involving 25,219 unique domain names, were completed by the submission of a follow-up report by the reporter during this reporting period. The 2005 Report indicated that 31,553 submissions had been confirmed during that reporting period, involving 16,941 unique domain names.

On a per TLD basis, .com represented 70.8% of confirmed reports, with .net and .info constituting 13% and 9.7% respectively. When scaled by the total number of registrations in each TLD, .info and .biz domain names were the subject of the most reports. Nearly 19 reports were filed for every 10,000 .info registrations, and approximately 17 reports were filed for every 10,000 .biz registrations. The statistics for these and the other gTLDs are included in the following table:

<b>TLD</b>	<b># Reports</b>	<b>% Reports</b>	<b>Reports per 10,000 registrations</b>	<b># Unique Reports</b>	<b>% Unique Reports</b>	<b>Unique Reports per 10,000 registrations</b>
<b>.com</b>	36,653	70.8%	8.22	18,367	72.8%	4.12
<b>.net</b>	6,703	13%	10.03	3,099	12.3%	4.64
<b>.info</b>	5,018	9.7%	18.71	2,250	8.9%	8.39
<b>.biz</b>	2,235	4.3%	17.13	770	3.0%	5.90
<b>.org</b>	1,143	2.2%	2.78	728	2.9%	1.77
<b>.name</b>	7	< 0.1%	0.39	5	< 0.1%	0.28
<b>total</b>	<b>51,759</b>	<b>100%</b>	<b>8.69</b>	<b>25,219</b>	<b>100%</b>	<b>4.24</b>

\* Based on registrations as of 30 November 2005.

It is unclear why .info names were the subject of twice as many unique WDPRS reports per 10,000 registrations than the other TLDs. This TLD has been offered by some registrars at promotional prices – in some cases .info names have been offered at no cost – but further research into the relationship between domain price and Whois data accuracy would be needed before any conclusions could be made.

A total of 3,568 different individuals submitted reports. On average, each reporter submitted approximately 15 reports, while some individuals submitted significantly more. Out of a total of 51,664 confirmed reports, the number of reports per individual for the top 20 reporters are as follows:

<b>Top 20 Reporters</b>	<b># Reports Submitted This Year</b>	<b># Reports Submitted Last Year</b>
<b>1</b>	6,458	4,035
<b>2</b>	3,938	2,186
<b>3</b>	3,287	1,197
<b>4</b>	2,181	1,183
<b>5</b>	1,829	1,058
<b>6</b>	1,744	891

<b>7</b>	1,704	881
<b>8</b>	1,419	770
<b>9</b>	992	715
<b>10</b>	840	592
<b>11</b>	836	572
<b>12</b>	789	555
<b>13</b>	673	532
<b>14</b>	650	513
<b>15</b>	647	505
<b>16</b>	609	482
<b>17</b>	574	482
<b>18</b>	569	415
<b>19</b>	556	414
<b>20</b>	548	339
<b>Total</b>	<b>30,843</b>	<b>18,317</b>

As this table shows, fewer than 1% of all those who filed reports (20 people) were responsible for over 59% (30,843 out of 51,664) of all Whois inaccuracy reports submitted to ICANN during the reporting period. The 2005 Report indicated that the top 20 reporters were responsible for nearly the same percentage (58% of 31, 533) of Whois inaccuracy reports, although they submitted 68% more reports this year than last.<sup>1</sup> There is evidence that individuals are also reporting single domains when they discover a problem -- there were 2,573 individuals who submitted exactly one report.

From both anecdotal information received by ICANN and text accompanying the body of these reports, we conclude that most of the high volume reporters are driven by a concern about abuses involving spam. In over half of the reports filed (approximately 55%), the reporter indicated "spam" as a factor in the body of the report.

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<sup>1</sup> In comparing this reporting period to the last, the table above acknowledges the most active reporters in each year. The most active reporters were not necessarily the same from year to year.

## B. Unique Domain Names

A total of 25,219 unique domain names were the subject of Whois data problem reports during this review period. As reported above, there were a total of 51,664 reports confirmed and completed. Accordingly, 26,445 of the reports were duplicate submissions. The following table demonstrates the extent to which duplicate reports were received for domain names and the extent to which reporters filed redundant complaints.

<b>Top 20 Domain Names Reported</b>	<b># of Reports Received</b>	<b># of Reporters</b>	<b>Average Number of Reports per Reporter</b>
1	133	10	13
2	98	16	6
3	95	5	19
4	89	13	7
5	68	12	6
6	65	4	16
7	57	11	5
8	51	12	4
9	51	10	5
10	51	9	6
11	50	7	7
12	48	8	6
13	48	22	2
14	47	7	7
15	45	6	8
16	43	11	4
17	43	15	3

18	41	21	2
19	39	3	13
20	39	5	8

In reviewing the twenty most-reported domain names, it appears that all were appropriately deleted, suspended, or corrected. Because ICANN does not have access to a comprehensive history of the domains' Whois records, it is unclear when the invalid records were handled in relation to the submission of the reports.

In some cases, individual reporters filed redundant reports before the registrar could have even had an opportunity to act on the previous report. For example, one reporter filed 36 reports about one domain name over the course of one month, even though the reporter was asked to allow 45 days for action by the registrar.

To better understand the effect of the WDPRS on Whois data accuracy, the following discussion generally focuses on the number of individual domain names reported, not the total number of raw reports.

### C. Registrar Handling

The following table characterizes the state of the reported Whois records as indicated by the follow-up reports provided to ICANN by the reporter:

Status	Domain Names	%
Inaccuracy Corrected	1,204	4.8%
Domain Deleted	1,055	4.2%
Other	8,760	34.7%
Data Unchanged	14,200	56.3%
Total	25,219	100.0%

According to self-reporting by the person originating the report, a total of 2,259 Whois records (9%) were corrected or deleted as the result of a WDPRS report. The remaining 91% were categorized as "Other" or "Data Unchanged."

In order to better understand the nature of the reports marked "Other" or "Data Unchanged" (22,960 total) ICANN staff reviewed 10,623 (46%) of the underlying Whois

records and made the following observations: more than half (59%) had in fact been deleted or suspended. Another quarter of them (25%) had Whois data that appeared to be accurate (note, however, that it is quite possible to supply Whois information that looks completely plausible, but is in fact bad). About 16% of the records appeared incomplete or clearly inaccurate.

<b>“Unchanged” or “Other” Domains Reviewed by ICANN Staff</b>		
<b>Actual Status</b>	<b>Domain Names</b>	<b>%</b>
Suspended	3,738	35.2%
Domain Deleted	2,567	24.2%
Incomplete or Clearly Inaccurate Data	1,653	15.6%
Whois Contained Plausible Data	2,665	25.1%
<b>Total Domains Reviewed</b>	<b>10,623</b>	<b>100%</b>

Combining the suspended or deleted domain names noted by ICANN staff with the user reports of corrected, suspended, or deleted domain names, we arrive at an estimate of 63% of reported domain names with bad data that were corrected, suspended, or no longer registered. An additional 14% of domains with clearly bad information were not changed. This leaves approximately 23% of reported domains' Whois data without obvious errors.

<b>Estimated Disposition of Unique Domains</b>	
Whois Corrected	4.8%
Domain Deleted	26.3%
Domain Suspended	32%
Whois Inaccurate or Incomplete	14.2%
Plausible Whois	22.8%

In reviewing the "Other" and "Data Unchanged" reports this year, staff employed stricter evaluation standards than in previous years. Specifically, in addition to subjectively determining whether a Whois record appeared valid, reviewers tested postal codes using publicly available databases and performed address lookups on unlikely or suspect addresses. In a few cases, telephone numbers were also tested.

There are a number of possible explanations for the relatively high number of "unchanged" dispositions reported. The reporter may not have correctly interpreted the Whois data. Similarly, the domain name in question may have been placed in Registrar Hold status by the registrar, which would effectively prevent the domain name from functioning in any meaningful way, but this might not have been understood by the reporter. Additionally, a reporter might have been motivated to inaccurately report an "unchanged" status, believing this would punish a registrant or registrar perceived to be causing or allowing the transmission of spam.

Although most of the WDPRS reports were directed to the larger registrars, as might be expected, there is no direct relationship observable between registrar size and the number of reports received. Given that some reporters repeatedly filed identical complaints over a short period of time, registrars who acted quickly on reports were likely to have received fewer reports in total. As an additional consideration, it is worth mentioning that at least one registrar allows users to report inaccurate Whois data on its own website through a tool similar to the WDPRS, but which is not operated or monitored by ICANN.<sup>2</sup>

#### **IV. Impact of WDPRS on Improved Accuracy of Whois Data**

There are several conclusions that can be drawn concerning the impact of the WDPRS.

ICANN's Whois Data Problem Report System continues to have a measurable impact on the accuracy of Whois data. Of the 25,219 unique domain names subject to WDPRS reports during this review period, we estimate that nearly 15,888 (63%) were deleted or suspended, or had correct Whois data supplied. An additional 5,800 (23%) domains had what appeared to be plausible Whois data, although practical constraints limited our ability to verify their accuracy with certainty.

While overall usage of the WDPRS has increased significantly over the last year, this appears largely to be the result of the repeated filing of identical reports by particularly

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<sup>2</sup> As a result of ICANN's review, it was discovered that one registrar's port 43 Whois service was out of compliance with the terms of the Registrar Accreditation Agreement, causing hundreds of Whois records to be classified by the reviewing staff members as incomplete or inaccurate, due to no fault of the registrant. Specifically, this registrar was not providing the physical address or telephone number of either the technical or administrative contacts in Whois records, as required by paragraphs 3.3.1.7 and 3.3.1.8 of the RAA. Although this occurrence may have negatively impacted the underlying data for this report, the registrar has now brought its Whois service into compliance with the RAA, which should have a positive impact on the number of Whois accuracy complaints reported in the future.

active users of the WDPRS, although there has also been a marked increase in the reporting of unique domain names.

With enhanced staffing levels, ICANN has been better able to utilize the aggregate data provided through the WDPRS to ensure that individual registrars are complying with their obligations toward ensuring Whois data accuracy. ICANN continues to strengthen its compliance program through audits and outreach efforts in order to help registrars minimize the number of Whois data accuracy reports submitted and maximize Whois data accuracy.

The use of the WDPRS by anti-spam activists continues. Because it appears some such users have, in fact, begun spamming the system and the registrars subject to its automated processes, ICANN will need to investigate whether steps are needed to limit the access of abusive reporters to the WDPRS in order to avoid diluting its effectiveness.

Although the 25,219 reported names with inaccurate Whois comprise a small fraction of the 59+ million gTLD registrations, ICANN continues its resolve to improve Whois data accuracy through community education and enforcement of its contracts with registrars.

Going forward ICANN will continue to improve the WDPRS tool and take substantial steps to improve Whois accuracy overall. Areas of improvement will include increased implementation and reliance of automation and online reporting tools and augmented staffing of the ICANN contractual compliance function so that specific instances of inaccuracy can be pursued. ICANN will also adopt the recommendations of its policy making bodies where task forces have been formed to clearly define performance goals regarding Whois accuracy.

5.6.4 Results of the First gTLD Registry  
Whois Compliance Audit, June 2006  
[http://www.icann.org/compliance/reports/gTLD\\_Registry\\_Audit\\_oct06.html](http://www.icann.org/compliance/reports/gTLD_Registry_Audit_oct06.html)

## Results of the First gTLD Registry Compliance Audit

30 June 2006

On 30 June 2006, ICANN completed its first gTLD Registry Compliance Audit. This audit was based on requirements contained in the Public Whois Specifications in ICANN's gTLD Registry and Sponsorship Agreements. Each registry's audit was individually tailored based on specific requirements in the relevant agreement (e.g., "thick" versus "thin" registry models)<sup>[1]</sup>. This audit was the first in a series of upcoming audits, published to ensure openness and transparency of ICANN's registry compliance program.

### Background Information

In 2005, ICANN posted an outline for its [Contractual Compliance Program](#) to explain the purpose of designing a comprehensive compliance program and to lay out the elements necessary to ensure its success. The program encompasses a new staff function dedicated to ensuring a thorough audit of all parties on all areas enumerated in the agreements as ICANN performs routine compliance checks throughout the year.

The overall goal of the compliance program is to ensure that both ICANN and its contracted parties fulfill the requirements set forth in the agreements between the parties. In achieving this goal, ICANN intends to:

- Demonstrate the openness and transparency of ICANN's operations
- Provide fair and equitable treatment in applying compliance efforts
- Establish clear and easy-to-use channels for communication on compliance matters
- Supplement staff knowledge and enable greater responsiveness to changes in the environment
- Enhance clarity and certainty for the community about the agreements
- Identify potential areas for reform to be considered by the ICANN community

In accordance with the goals of the program, the proposed budget for the fiscal year 2006-2007 (<http://www.icann.org/announcements/proposed-budget-2006-07-cln.pdf>) provides that ICANN will expand the corporate compliance program, including the system for auditing gTLD Registry and Sponsorship Agreements and Registrar Accreditation Agreements. In addition, the 2006-2009 Strategic Plan emphasizes the necessity of a fully staffed and fully equipped compliance department (see <http://www.icann.org/announcements/strategic-plan-22jun06.htm#challenges>).

### Compliance Audit Process

Preparation for the gTLD Registry Compliance Audit included advance notification to the registries and sponsors explaining what the audit would entail and alerting them to the two week auditing period from June 19- 30 2006.

The testing began with a random selection of three domain name records per gTLD to query, in order to check for availability of Whois service and display of required fields in the output. Following this, queries were performed on contact records, nameserver records, and registrar records, and these results checked for display of required fields. In testing for display of required fields, results for a given type of query tended to be repetitive within a TLD, making duplicative audits of a large sample size unnecessary. The explanatory terms and conditions provided with Whois results after querying a record were also reviewed to ensure compliance with each registry agreement.

The statistics provided below are based on results compiled from web-based<sup>[2]</sup> and port 43<sup>[3]</sup> lookups of data elements required in the Public Whois Specifications<sup>[4]</sup> of the registry agreements. Accuracy of the Whois information displayed by registries was not checked in testing for display of required fields.<sup>[5]</sup>

The following categories were tested:

- Availability of web-based and port 43 lookup service
- Display of required fields in domain record query for web-based and port 43 access
- Display of required fields for contact record query for web-based and port 43 access
- Display of required fields for nameserver record query for web-based and port 43 access
- Display of required fields for registrar record query for web-based and port 43 access
- Terms and Conditions for web-based and port 43 queries

At the conclusion of the audit, each registry or sponsor was given its results, an explanation of any areas in need of reform, and a deadline to respond. Prior to publication of these results, the registries and sponsors were offered an opportunity to submit initial feedback for improvement of the compliance program as it moves forward.

### Audit Summary:

The table below shows the number of issues identified in each category.

Registries tested in each category	Name of Category Tested	# of reported issues (web-based)	# of reported issues (port 43)
14	Availability of Whois lookup service	0	0
14	Domain Record Query	6	5
14	Nameserver Record Query	6	6
14	Contact Record Query	5	3
14	Registrar Record Query	9	9
14	Terms and Conditions	3	3
	<b>Total Number of Reported Problems</b>	<b>29</b>	<b>26</b>

Registries and sponsors reported back that corrective action is being taken based upon:

- Modifications by registry and sponsor technical staff
- Time required to request and secure amendments to the registry agreements with ICANN

The table below shows the number of issues that have been resolved to date.

ICANN will provide updates of problem areas corrected using subsequent tables to reflect problems that have been resolved.

Category Tested	# of reported issues	# of items resolved	# of Items in process of resolution	# of Items still pending
Availability of web-based and Port 43 Whois service	0	0	0	0
Domain Record Whois Output - Web-based	6	1	2	3
Domain Record Whois Output - Port 43	5	1	2	2
Nameserver Record Whois Output - Web-based	6	2	2	2
Nameserver Record Whois Output - Port 43	6	2	2	2
Contact Record Whois Output - Web-based	5	1	1	3
Contact Record Whois Output - Port 43	3	0	1	2
Registrar Record Query - Web-based	9	2	4	3
Registrar Record Query - Port 43	9	2	4	3
Terms and Conditions – Web-based	3	1	1	1
Terms and Conditions – Port 43	3	1	1	1
<b>Total problems identified:</b>	<b>55</b>	<b>13</b>	<b>20</b>	<b>22</b>

As ICANN proceeds with the implementation of a standardized compliance schedule, the initial results from the gTLD Registry Compliance Audit and collective feedback from the registry community will serve to improve the procedures of the Compliance Program.

[1] Registries or sponsors have the ability to store Whois data for a domain name in two ways, "thin" or "thick." A thin domain record will contain the name of the registrar, nameservers, and term of the registration. A thick domain record will provide the above data as well as contact data associated with the registration.

[2] All of the registry operators provide a front-end web interface to allow user access to the Whois service (commonly known as web-based lookup).

[3] A protocol TCP Port 43 (commonly known as port 43 service) is used to supply Whois information). This is an older protocol that provides a direct method of accessing information.

[4] Depending on the agreement, Public Whois specifications can either be found in Appendix O, Attachment 15, or Appendix S. See <http://www.icann.org/registries/agreements.htm>.

[5] There is no contractual requirement for registries to ensure accuracy of Whois data provided by registrars.

### 5.6.5 2007 Semi-Annual Contractual Compliance Report

<http://www.icann.org/compliance/reports/contractual-compliance-audit-report-18oct07.pdf>

**INTERNET CORPORATION FOR ASSIGNED  
NAMES AND NUMBERS**

**2007 SEMI-ANNUAL CONTRACTUAL  
COMPLIANCE AUDIT REPORT**

**18 October 2007**

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## I. INTRODUCTION

In support of the Internet Corporation for Assigned Names and Numbers' (ICANN) commitment to improve overall contractual compliance by Registrars and Registries, on 25 March 2007, ICANN updated its contractual compliance program to include, among other things, regular registrar and registry contractual compliance audits. ICANN's registrar and registry contractual compliance audits are intended to determine whether ICANN's contracted parties are complying with specific terms of their agreements. ICANN's proposed contractual compliance audit schedule for calendar year 2007, reflected below, was published in March of 2007 on ICANN's website to provide registries, registrars and other interested parties with notice of all contractual compliance audits to be conducted by ICANN. Although audit schedule changes were made since the initial publication in March 2007 to accommodate the priorities of ICANN's executive management and suggestions by the community, ample notice was given to the Registry and Registrar communities regarding ICANN's intention to assess compliance with contractual requirements by way of regular audits.

<b>Proposed 2007 Registrar Audit Schedule</b>			
Q-1	Q-2	Q-3	Q-4
Whois Data Prob. Report Findings	Registrar Fees	Whois Server Accessibility	Insurance Verification
Update Primary Contact Info.	Website Compliance	Registrar Data Retention*	Whois Data Accuracy*
			Inter-Registrar Transfer Policy*

<b>Proposed 2007 Registry Audit Schedule</b>			
Q-1	Q-2	Q-3	Q-4
Code of Conduct	Registry Fees	Whois Data Accuracy	Data Escrow
Non Discriminatory Access	Performance Specifications		Registration Restrictions
*New Audits			

This report summarizes ICANN's audit activities from January through September 2007. During this period, ICANN completed five registrar contractual compliance audits and two registry contractual compliance audits. ICANN conducted each audit by following consistent audit procedures established before each audit commenced. This report contains details of the audit findings, observations and conclusions.

The audits conducted during the reporting period are the foundation for future, more in-depth audits to assess registrar and registry contractual compliance. For example, ICANN conducted a Registrar Data Retention Audit during the reporting period to assess the data retention practices of the registrar community. As part of this audit, registrars were requested to complete a data retention survey. During the 2008 calendar year, ICANN will use the survey data reported by registrars to conduct site visits and request data to verify the information reported in the survey.

During the reporting period, ICANN also conducted a Registry Code of Conduct Audit. As part of this audit, ICANN requested that all Registries and Sponsors verify that they were complying with the terms of their agreements regarding, among other things, the provision of equal access to registry services for all registrars. Similarly, ICANN will use the information provided by the Registries and Sponsors in response to the Code of Conduct Audit to conduct site visits and request information to verify the information provided by the Registries and Sponsors.

ICANN will continue to examine and build its Contractual Compliance program to ensure its continual improvement and to assess its impact on registrar and registry contractual compliance. ICANN will use the audit results from this reporting period and the results from other audits currently underway, to determine how to increase registrar and registry community awareness of contract requirements and best business practices. Your comments regarding this report, ICANN's Contractual Compliance Program, or any other compliance-related comments may be registered at [compliancecomments@icann.org](mailto:compliancecomments@icann.org). Posted comments can be viewed at <http://forum.icann.org/lists/compliancecomments>.

## **II. SCOPE AND OBJECTIVES OF AUDITS**

The registrar contractual compliance audits completed during this reporting period focused on revenue collection, primary contact information verification, data retention practices, website compliance and Whois accuracy. The registry contractual compliance audits completed during the reporting period focused on code of conduct compliance and revenue collection. The contractual compliance audit objectives were to:

- Assess compliance with contract requirements;
- Notify parties identified as noncompliant and provide a reasonable time to cure contract violations;
- Encourage future contractual compliance; and
- Report audit findings to the Internet community.

### **III. SUMMARY OF FINDINGS**

The audits conducted during the reporting period varied in complexity and information revealed. Only the most significant findings are reported in this summary. For detailed information regarding how a particular audit was performed, the intention behind the audit, ICANN's observations, additional findings and follow-up action taken by ICANN, please refer to Section IV, Detailed Audit Findings, starting on page 11.

#### **Registrar Primary Contact Audit**

The first audit conducted by ICANN in 2007 was a Primary Contact Audit. This audit was intended to encourage all registrars to update their primary contact information to ensure that ICANN has current contact information on file for all ICANN-Accredited Registrars. While seemingly one of the more simplistic contractual compliance audits conducted by ICANN in 2007, the Registrar Primary Contact Audit was an important starting point for the 2007 audit schedule, as it assured ICANN staff that the proper parties would receive future audit correspondence.

#### **Findings**

- This audit was not intended to check the accuracy of primary contact information of every registrar. Conversely, it was intended to proactively solicit primary contact changes from registrars. Of the 860 registrars that were sent notices, 57 registrars responded with updated primary contact information.
- Therefore, the Primary Contact Audit resulted in a 6.6% increase in registrar contractual compliance with Registrar Accreditation Agreement (RAA) Section 5.11.

#### **Registrar Website Compliance Audit**

This audit was conducted to assess registrar compliance with working website requirements and Whois service availability requirements as set forth in RAA Section 3.3. Failure to maintain a working website and Whois service availability for public use make it nearly impossible for a registrar to provide adequate customer service to registrants. As part of the Website Compliance Audit, ICANN examined 881 registrars' websites and found that 102 ICANN-Accredited Registrars were not managing any active registered names at the time, and therefore were not required to have an interactive website and Whois service available pursuant to RAA Section 3.3.1. Concerning registrars that were managing active registered names, ICANN found the following:

#### **Findings**

- 19 of the 779 registrars managing active registered names were found to have non-working websites.
- 20 of the 779 registrars managing active registered names with working websites were found to have no Whois service available on their websites.

- 38% of all registrars that were found noncompliant (15 registrars), made changes in a timely manner (within two weeks of receiving notice from ICANN).
- 44% of all registrars that were found noncompliant (17 registrars), made changes late (changes were made 15 days or more after receiving notice from ICANN).
- 18% of all registrars that were found noncompliant with website requirements (7 registrars), failed to respond to ICANN's notice of noncompliance and follow-up correspondence.
- ICANN has escalated the cases of the 7 noncompliant registrars with the intention of exercising all remedies available under the terms of the RAA to bring these parties into compliance.

### **Registrar Fees Audit**

Pursuant to RAA Section 3.9, all registrars are required to pay yearly accreditation fees and quarterly variable fees. ICANN transmits detailed quarterly invoices to all registrars reflecting the amount owed by each registrar regarding the required fees. ICANN staff examined ICANN's financial records related to approximately 889 registrars.

### **Findings**

- During the audit, ICANN found that 697 registrars, or 78.4%, were compliant with RAA Section 3.9 regarding the timely payment of required fees.
- ICANN found 192 registrars, or 21.6%, had invoices 30 days or more past due.
- Of the 192 registrars initially identified as delinquent, 178, or 93%, either paid their delinquent fees or made arrangements to pay their delinquent fees after being contacted by ICANN. This figure brought the total percentage of registrars in compliance with RAA requirements regarding the payment of required fees to 98%.
- ICANN collected approximately \$750,000.00 in delinquent fees and \$572,000.00 was committed to ICANN as a result of payment arrangements made with registrars.
- ICANN's delinquent debt was reduced to approximately \$149,000.00 from the original delinquent debt total of \$1,471,000.00 as a result of the implementation of a collections procedure to address delinquent accounts.

### **Registry Fees Audit**

ICANN conducted an internal Registry Fees Audit to assess whether registries and sponsors are complying with the terms of their agreements regarding the payment of required fees in a timely manner. ICANN audited registry operators/sponsors for the following top-level domains: .aero, .biz, .cat, .com,

.coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, and .travel. ICANN did not audit the .tel and .asia TLDs, as they did not have any registrations at the time of ICANN's audit.

### **Findings**

- 12 out of 14 registries'/sponsors' accounts were found current.
- 2 of 14 registries/sponsors had entered into payment arrangements with ICANN and were performing based on those payment arrangements.
- ICANN will continue to closely monitor those registries/sponsors that have made payment arrangements to ensure that they fulfill their payment promises.

### **Data Retention Audit**

Pursuant to RAA Section 3.4, registrars are required to maintain an electronic database and records for each active Registered Name Sponsored by the registrar within each top-level domain (TLD) for which it is accredited. The Data Retention Audit was conducted to assess the data retention practices within the registrar community, including, but was not limited to, whether registrars have written contingency plans in place, whether registrars have sufficient insurance coverage and whether registrars maintain backup data.

### **Findings**

- 99.8% of active registrars reported that they are maintaining registration data submitted in electronic form to the registry operators for at least the term of the RAA, plus three years, pursuant to RAA Section 3.4.2.
- 99.8% of active registrars reported that they are maintaining in electronic form records of the accounts of all registered name holders with registrar, including dates and amounts of all payments and refunds for at least the term of the RAA, plus three years, pursuant to RAA Section 3.4.2.
- 93.3% of registrars responded yes when asked if they could make registration data available for inspection by ICANN if given seven days' notice.
- 84% of registrars reported that they have a written continuity plan to address potential natural disasters, operational/technical failures, malicious business interference (hacking), acts of terrorism, or other violence.
- 100% of registrars reported that they maintain a commercial general liability insurance policy of at least US\$500,000.00 (or the foreign equivalent) as required by RAA Section 3.10. A significant number of registrars, 49%, reported that they maintain an insurance policy that exceeds the contract required minimum.
- ICANN has escalated the cases of those registrars that reported that they are not compliant with registrar data retention practices with the intention

of exercising all remedies available under the terms of the RAA to bring those parties into compliance.

- To verify the registrar data retention practices reported, in 2008 ICANN will randomly select a representative number of registrars and conduct site visits and request documentation to verify the information provided as part of this audit.

### **Registry Code of Conduct Audit**

ICANN conducted a Registry Code of Conduct Audit to assess whether registries and sponsors are complying with the terms of their agreements by abstaining from sharing employees, data, storage facilities, and account management functions. ICANN also inquired about the systems each registry or sponsor had in place to ensure equal access to registry services by all registrars. ICANN audited registry operators/sponsors for the following top-level domains: .aero, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, and .travel. ICANN did not audit the .tel and .asia TLDs, as they did not have any registrations at the time of ICANN's audit.

### **Findings**

- 86% of registries/sponsors reported that they provide equal treatment with respect to registry services to all ICANN-Accredited Registrars.
- 86% of registries/sponsors reported that they provide the same level of access to customer support personnel to all ICANN-Accredited Registrars.
- 86% of registries/sponsors reported that all ICANN-Accredited Registrars were sent the most recent version of the toolkit software.
- 86% of registries/sponsors reported having sufficient protective measures in place to prevent access to proprietary registrar data by affiliates, subsidiaries or other related entities.
- 86% of registries/sponsors reported that they do not have any employees that are also employees of an ICANN-Accredited Registrar.
- ICANN is currently in communication with the remaining two registries/sponsors that have not provided sufficient information to verify compliance to ensure that these registries/sponsors are aware of what is needed to be considered compliant and are given a sufficient time period to correct the problems identified by ICANN.
- To verify the registry Code of Conduct practices reported, in 2008 ICANN will conduct registry site visits and request documentation to verify the information provided as part of this audit.

### **Whois Data Problem Report System**

This report summarizes ICANN's experience with the operation of the Whois Data Problem Report System (WDPRS) during the 12-month period that ended 28 February 2007. This system receives and tracks complaints about inaccurate or incomplete Whois data entries. When members of the public discover what

appear to be inaccurate or incomplete Whois data entries, they can inform ICANN by completing an online form, which is forwarded to the registrar of record for appropriate action. The WDPRS is one of the tools ICANN uses to improve Whois data accuracy. Through the WDPRS, ICANN can track how many reports are filed and confirmed by the reporter so they can be sent to the registrar of record. After 45 days, ICANN asks the person or entity that reported the error to complete the process by performing a follow-up review, which involves checking the Whois data again and indicating whether (1) the data was corrected; (2) the domain name was deleted; (3) the data was unchanged; or (4) there is some other disposition.

### **Findings**

- During the reporting period there were 50,189 reports filed that included follow-up responses. Of those, 34,029 unique domain names were the subject of reports, indicating that 16,160 duplicate reports were filed.
- 35% of the domain names reported as either inaccurate or incomplete were corrected, suspended or are no longer registered.
- Of the 50,189 reports received during the reporting period, one individual filed nearly 40% of these reports.
- Complete findings regarding the WDPRS can be found at:  
<http://www.icann.org/whois/whois-data-accuracy-program-27apr07.pdf>.
- ICANN has implemented additional tools that address Whois inaccuracy going forward, including a new Whois Data Accuracy Audit.

## **IV. DETAILED AUDIT FINDINGS**

- A. Primary Contact Audit**
- B. Registrar Website Compliance Audit**
- C. Registrar Fees Audit**
- D: Registry Fees Audit**
- E. Data Retention Audit**
- F. Registry Code of Conduct Audit**
- G. Whois Data Problem Report System**

### **A. PRIMARY CONTACT AUDIT**

#### **Executive Summary**

ICANN conducted a Registrar Primary Contact Audit to ensure that ICANN-Accredited Registrars provide and maintain current primary contact information. This audit was based on the requirements contained in RAA Section 5.11. ICANN transmits all notices under the RAA in writing to registrars at the address provided by registrars at the time of contract execution. Unfortunately, registrars move and change contact information without providing updated information to ICANN. Without current primary contact information, ICANN has difficulty contacting registrars for billing purposes, compliance investigations, audit correspondence and a host of other business purposes. ICANN sent each registrar, via email, the contact information on file at ICANN, requesting that the registrar contact ICANN if their primary contact information had changed. Of the 860 registrars that were sent notices, 57 registrars responded with updated primary contact information.

#### **Introduction**

To ensure that all correspondence from ICANN reaches registrars and to minimize the number of nonresponsive registrars, ICANN conducted a Registrar Primary Contact Audit. The Registrar Primary Contact Audit was considered necessary because ICANN had begun experiencing significant problems contacting certain registrars. As part of the Registrar Primary Contact Audit, it was ICANN's goal to inform registrars of the prescribed method for submitting primary contact changes as set forth in the RAA and to alert registrars of upcoming compliance audits.

#### **Audit Objectives**

- Obtain current primary contact information from all ICANN-Accredited Registrars.
- Provide registrars with the current method to submit change of contact information prescribed by the RAA.
- Remind registrars of the importance of responding to upcoming audits and surveys.
- Ensure that all correspondence from ICANN is received by registrars.

## **Methodology**

This report summarizes the steps ICANN took to assist registrars with updating contact information. The Registrar Primary Contact Audit required assistance from ICANN's Information Technology Department to electronically transmit the audit notification letter to each registrar (see the notice letter in Appendix A-I). The audit notification letter contained the current contact information officially on file at ICANN for each registrar, including the registrar's mailing address, primary contact, primary contact email address, telephone number and fax number. If the registrar's primary contact information was inaccurate, registrars were asked to provide current primary contact information. Registrars were also reminded that ICANN would be conducting a series of registrar compliance audits to encourage compliance with the RAA.

## **Findings**

- Of the 860 registrars that were sent notices, 57 registrars responded with updated primary contact information.
- The Primary Contact Audit resulted in a 6.6% increase in registrar compliance with RAA Section 5.11.
- Approximately 49% of the 57 ICANN-Accredited Registrars that responded to the audit with updated contact information responded after the deadline established by ICANN.

## **Follow Up Actions**

- Registrar Primary Contact Audits may not be necessary in the near future as ICANN will encourage the use of its new RADAR system which will allow registrars to update their own contact information electronically.
- ICANN will continue to encourage registrars to maintain current primary contact information through various communication methods, including email reminders and website reminders.

## Appendix A-I

Dear Registrar,

My name is Stacy Burnette and I am ICANN's Director of Contractual Compliance. In the coming months, ICANN will be conducting a series of registrar compliance audits to encourage compliance with the Registrar Accreditation Agreement (RAA).

Registrars will be notified in advance before ICANN performs these routine compliance checks. To ensure that all ICANN correspondence reaches you, we are asking all ICANN-accredited registrars to review their current primary contact information listed below. If any of your contact information is inaccurate, you must correct it by 19 March 2007.

Current Contact Information:

Registrar Name:

IANA ID:

Primary Contact Name:

Email Address:

Postal Address:

Country:

Phone:

Fax:

In accordance with section 5.11 of the RAA, a change of primary contact is considered a change to the agreement itself. All notices of change in contact information must be sent to ICANN in writing, on company letterhead and signed by an officer or director of the company. You must transmit this letter by fax or courier to:

Internet Corporation for Assigned Names and Numbers  
4676 Admiralty Way, Suite 330  
Marina del Rey, California 90292-6601  
USA

Fax: +1-310-823-8649, attention Compliance Department.

We anticipate your timely response to this request and your cooperation in future audits. In keeping with our goal of maintaining transparency, ICANN will publish all Contractual Compliance audit findings on our website. I look forward to working with you to ensure that ICANN's Contractual Compliance Program will help identify areas to be considered for reform and highlight successful practices.

Please contact me or Connie Brown, ICANN's Contractual Compliance Specialist, at (310) 301-3855, should you have any questions.

Kind regards,

Stacy K. Burnette  
Director, Contractual Compliance  
Internet Corporation for Assigned Names and Numbers  
4676 Admiralty Way, Suite 330  
Marina del Rey, CA 90292  
(310) 301-3860

## **B. REGISTRAR WEBSITE COMPLIANCE AUDIT**

### **Executive Summary**

ICANN performed a Registrar Website Compliance Audit of all ICANN-Accredited Registrars' websites to determine compliance with RAA requirements. Among active ICANN-Accredited Registrars, the audit team found 19 registrars with non-working websites and 20 registrars with no Whois service available on their websites. All active ICANN-Accredited Registrars found out of compliance with RAA website requirements were notified and given an opportunity to cure cited violations.

### **Audit Objectives**

The general objectives of the Registrar Website Compliance Audit were to:

- Assess how many active ICANN-Accredited Registrars have non-working websites in violation of the website requirements as set forth in RAA Section 3.3.[\[1\]](#)
- Assess how many active ICANN-Accredited Registrars do not provide Whois service on their websites for public use as required by RAA Section 3.3.
- Notify active registrars identified as noncompliant with RAA website requirements and provide a reasonable time for cure.
- Encourage compliance with RAA requirements regarding the provision of working websites and working Whois service by publishing a report regarding ICANN's audit findings.
- Report observations made from the audit findings and provide follow-up actions to be taken by ICANN.

### **Methodology**

The methodology for the Registrar Website Compliance Audit was determined by ICANN staff in consultation with registrar community members before the audit commenced.[\[2\]](#) The staff members that undertook the audit tasks were familiar with registrar websites and the navigational tools frequently used by registrars to provide public information regarding various registrar services. To maintain focus on the objectives of the Registrar Website Compliance Audit, ICANN staff performed the audit by completing three sequential tasks.

#### **1. Website Examination**

ICANN staff examined every ICANN-Accredited Registrar's website. At the time of the audit, there were approximately 881 ICANN-Accredited Registrars. If a registrar had a website, the website was deemed working if it was interactive. Registrars with working websites were deemed in compliance with this portion of the audit. In those cases where registrars were found not to have working websites, ICANN staff noted that information for the purpose of later notifying those registrars of the apparent RAA violation.

## **2. Assessment Regarding the Availability of Whois Service on Websites**

Of those registrars that had working websites, ICANN staff looked for Whois service on their websites. If Whois service was found on a registrar's website, ICANN staff tested the Whois service to determine operability. ICANN staff input a registered domain name in each Whois service to test whether the service would provide a responsive message. Referral messages that included the name of the sponsoring registrar and other pertinent information regarding the domain names as well as messages with complete whois data were considered compliant. When acceptable responsive messages were returned, the registrar was deemed in compliance with this portion of the audit. In those cases where registrars were found not to have any Whois service available on their sites or the Whois service was inoperable, ICANN staff noted that information for the purpose of later notifying those registrars of the apparent RAA violation.

## **3. Transmission of Notices to Registrars Found out of Compliance with RAA Requirements**

Before transmitting notices of noncompliance, ICANN staff compiled a list of all registrars that did not have working websites and a list of registrars that did not have Whois service available for public use. These lists were checked against ICANN's list of registrars currently managing active registered names. Those registrars that were not managing any active registered names at the time of the audit were excluded from the list of registrars considered for notification of noncompliance. As explained in the Findings section of this report, RAA Section 3.3.1 only requires registrars that are managing active registered names to comply with the website requirements. There were approximately 32 registrars that were not managing active registered domain names at the time of the audit, but were found to have either non-working websites or no Whois service available on their websites.

Upon finalizing the list of active registrars thought to be out of compliance with RAA website requirements, ICANN notified those registrars via email. Below is a sample noncompliance notice transmitted by ICANN as part of the Registrar Website Compliance Audit.

## Sample Noncompliance Notice

Dear Registrar Representative:

Over the past six weeks ICANN conducted an audit to determine whether Registrars are in compliance with website requirements as provided by the Registrar Accreditation Agreement. Specifically, ICANN looked at each Registrar's website to assess whether:

1. There was a working website as required by section 3.3 of the RAA; and
2. There was a working Whois service available on the website as required by section 3.3 of the RAA.

ICANN audited your company's website between 5 April 2007 and 12 April 2007. ICANN determined that your company is not in compliance with Section 3.3 of the RAA because your company does not have a working website.

Failure to have all of the information and services required by the RAA on your website constitutes a breach of the RAA. On or before 18 May 2007, please respond to this electronic mail message by providing an explanation as to when this problem was corrected. Failure to cure breaches within the time period specified in the RAA is grounds for termination of your registrar accreditation agreement. We intend to look at your company's website again after 18 May 2007 to determine if these violations of the RAA have been cured.

ICANN will be engaged in other website audit checks in the coming months to determine whether registrars have information on their websites concerning their deletion and renewal policies as required by the RAA. You are encouraged to make whatever adjustments are necessary to your website now to ensure compliance and avoid future notices of this kind.

Please contact me at the telephone number below if you have any questions.

Regards,

Stacy Burnette  
Director,  
Contractual Compliance  
ICANN  
4676 Admiralty Way  
Marina del Rey, CA 90292

Although several registrars are currently engaged in discussions with ICANN regarding the notices of noncompliance and their interpretations of the RAA website requirements, a significant number of noncompliant registrars cured the RAA violations cited in the notices of noncompliance within days after receiving the notices. Complete information regarding time to cure the violations cited by ICANN will be published on ICANN's website within the next 30 days.

### **Updated Information Regarding Timeliness of Registrar Responses (October 2007)**

- 19 of the 779 registrars managing active registered names were found to have non-working websites.
- 20 of the 779 registrars managing active registered names with working websites were found to have no Whois service available on their websites.
- 38% of all registrars that were found noncompliant (15 registrars), made changes in a timely manner (within two weeks of receiving notice from ICANN).

- 44% of all registrars that were found noncompliant (17 registrars), made changes late (changes were made 15 days or more after receiving notice from ICANN).
- 18% of all registrars that were found noncompliant with website requirements (7 registrars), failed to respond to ICANN's notice of noncompliance and follow-up correspondence.
- ICANN has escalated the cases of the 7 noncompliant registrars with the intention of exercising all remedies available under the terms of the RAA to bring these parties into compliance.

## Findings

As part of the Registrar Website Compliance Audit process, ICANN examined 881 registrars' websites. At the time of the audit, the audit team found that there were 102 ICANN-Accredited Registrars that were not managing any active registered names, and therefore were not required to have interactive websites and Whois service available on their websites pursuant to RAA Section 3.3.1.<sup>[3]</sup>

The audit team found 19 registrars managing active registered names with non-working websites. In those instances when ICANN staff attempted to examine a registrar's website and found a non-working website, the server returned either an error message or a place holder page with a message such as "This site is under construction" or "Coming Soon."

The audit team found 20 registrars managing active registered names with working websites but no Whois service available on their websites. The audit team carefully searched these websites and used all of the navigational tools available on these sites to find Whois service.

Figure IV-1 illustrates the Registrar Website Compliance Audit findings.

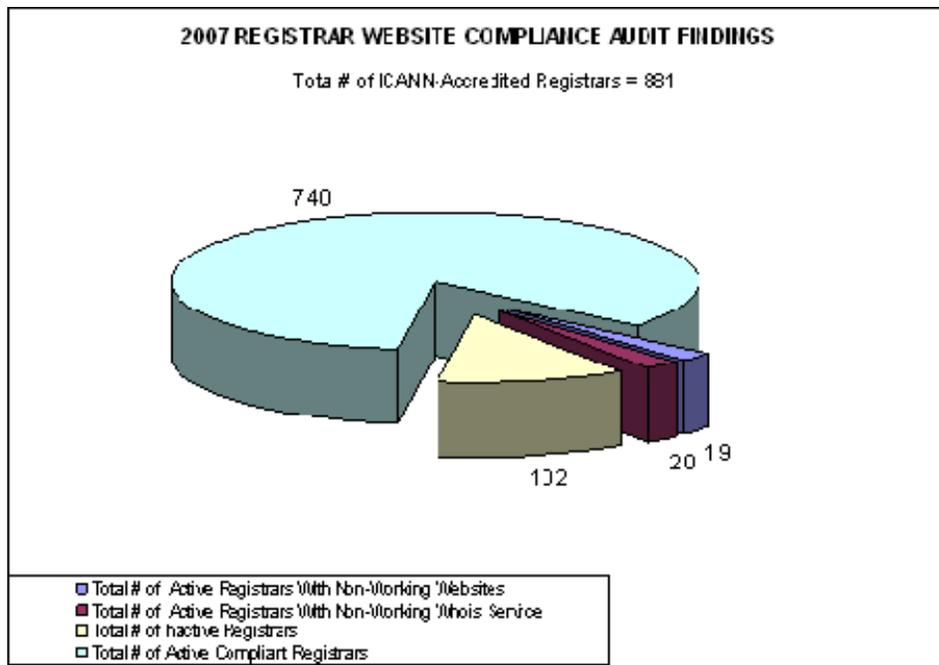
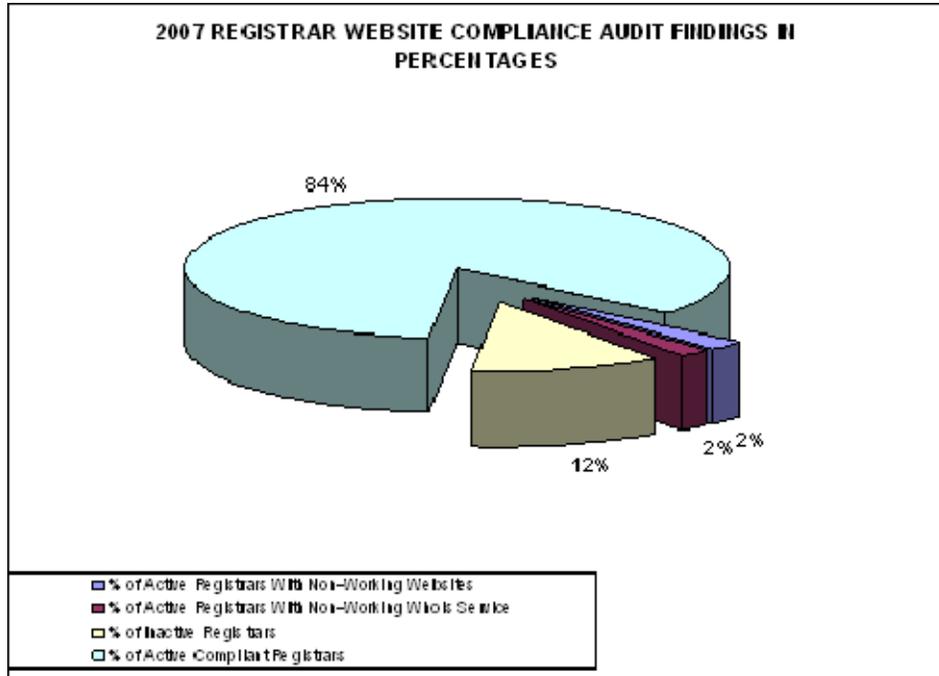
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[1] ICANN considers a registrar active if the registrar is currently managing active registered names. Conversely, those registrars that are ICANN-Accredited, but are not managing active registered names, are considered inactive.

[2] The methodology was modified slightly after the audit commenced due to unforeseen complexities and lessons learned during the course of the audit.

[3] A Registered Name is defined in RAA Section 1.7 as,  
 ...a domain name within the domain of a TLD that is the subject of an appendix to the Agreement, whether consisting of two or more (e.g., john.smith.name) levels, about which a TLD Registry Operator (or an affiliate engaged in providing Registry Services) maintains data in a Registry Database, arranges for such maintenance, or derives revenue from such maintenance. A name in a Registry Database may be a Registered Name even though it does not appear in the zone file (e.g., a registered but inactive name).

Section 3.3.1 of the RAA states in relevant part, "At its expense, Registrar shall provide an interactive web page and a port 43 Whois service providing free public query-based access to up-to-date (i.e., updated at least daily) data concerning all **active Registered Names** sponsored by Registrar for each TLD in which it is accredited." Emphasis added.



**Figure IV-1 – Registrar Website Compliance Audit Findings**

**Observations**

- Approximately 4% of all ICANN-Accredited Registrars are not in compliance with the studied RAA website requirements.
- Twelve of 19 active registrars that do not have working websites have been accredited by ICANN for two years or less.

- Eleven of 19 active registrars that do not have working websites are based in North America.
- Ten of 20 active registrars found to have no working Whois service available on their websites have been accredited by ICANN for two years or less.
- Ten of 20 active registrars found to have no working Whois service available on their websites are based in North America and the remaining ten are located in China, Germany, Portugal, Australia, Russia, Turkey, Jordan, Israel and Sweden.

#### **Follow-Up Actions**

- ICANN requires remedial action by those registrars found to be non-compliant. Registrars that do not take this action will be sent formal notices that they are in breach of their agreement.
- ICANN, in consultation with the registrar constituency, will develop registrar compliance materials for newly accredited registrars to assist them in understanding their contractual obligations as ICANN-Accredited Registrars.
- ICANN will engage in annual Registrar Website Compliance Audits as such audits serve as a valuable tool in assessing website compliance by the registrar community.

## **C. REGISTRAR FEES AUDIT**

### **Executive Summary**

Pursuant to RAA Section 3.9, all registrars are required to pay yearly accreditation fees and quarterly variable fees. Failure to pay required fees constitutes a breach of the RAA. ICANN performed a Registrar Financial Audit to assess the number of ICANN-Accredited Registrars with delinquent invoices (invoices that are 30 days or more past due) and to implement procedures for collecting delinquent funds. The audit resulted in the following:

- ICANN found that 192 registrars had invoices that were delinquent at the time the audit commenced in February 2007.
- Following the receipt of notices from ICANN, payments were received or payment arrangements were made with 165 registrars.
- ICANN transmitted breach notices to 27 registrars that failed to respond to ICANN's notice of delinquency.
- Following the receipt of breach notices, 10 registrars made payments or payment arrangements with ICANN.
- Based on the results from this audit, ICANN is considering termination for 11 delinquent registrars.
- ICANN collected approximately \$750,000.00 in delinquent fees as a result of the audit and an additional \$572,000.00 was committed based on payment arrangements made with various registrars.

### **Audit Objectives**

The general objectives of the Registrar Financial Audit were to:

- Assess how many ICANN-Accredited Registrars had delinquent accounts in violation of RAA Section 3.9.
- Notify registrars identified as delinquent and provide a reasonable time for cure.
- Encourage compliance with RAA requirements regarding the timely payment of invoices.
- Report findings from the Registrar Fees Audit and provide follow-up actions to be taken by ICANN.

### **Methodology**

The methodology for the Registrar Fees Audit was determined by ICANN staff before the audit commenced. Compliance staff, in consultation with ICANN's Office of General Counsel, Registrar Liaison staff and Financial Management staff, developed a collections procedure for consistent handling of delinquent registrars. The next step involved the development of a comprehensive list of registrars with delinquent accounts by ICANN's Financial Management staff. The Financial Management staff also provided a total amount owed in delinquent

funds. Consistent with the collections procedure, notice of delinquency letters were transmitted to all delinquent registrars informing them of (1) their delinquent status; (2) the amount owed; (3) the availability of payment arrangements; (4) the next steps to be taken by ICANN if the amount owed was not paid in 30 days or payment arrangements were not made (see sample notice of delinquency letter below).

### **Sample Notice of Delinquency Letter**

Date

Registrar's Name and Address

**Re: 30 days or More Past-Due Invoices**

Dear \_\_\_\_\_:

This letter is to inform you that [insert company name here] has ICANN registrar accreditation fee invoice(s) that are 30 days or more past due. Please bring this account into a current status immediately. Our records show that the over 30 days past due invoices total \$\_\_\_\_\_. For your reference we have enclosed a customer statement.

If we do not receive payment for all past due invoices within 30 days from the date of this letter, we will take further action, consistent with the terms of the Registrar Accreditation Agreement, to collect this debt.

Please contact ICANN immediately if you believe there is an error in our payment records. If you are not able to make full payment immediately, contact Komaki Takekoshi at [komaki.takekoshi@icann.org](mailto:komaki.takekoshi@icann.org) so that possible payment arrangements can be discussed.

Thank you for your immediate attention to this matter.

Sincerely,

Accounting Department  
[accounting@icann.org](mailto:accounting@icann.org)

cc: ICANN Legal Department  
ICANN Compliance Department

Those registrars that paid or made payment arrangements within the 30-day period provided in the notice of delinquency letters were removed from the list of delinquent registrars and no further action was taken. Those registrars that failed to respond to ICANN's delinquency letters after 30 days were sent Notice of Breach letters that clearly warned each registrar that failure to pay past due fees may result in termination (see sample Notice of Breach letter below).

Those registrars that failed to respond to ICANN's Notice of Breach letter are being considered for termination by ICANN. To determine the reasons for noncompliance, Compliance staff attempted to contact all of the registrars being considered for termination by telephone. In some cases, registrars stated that they were no longer interested in being ICANN-Accredited Registrars and requested transition assistance. Other registrars made payment arrangements once they were contacted by phone. However, in the vast majority of cases, ICANN was unable to make telephone contact with registrars being considered

for termination. As of the date of this report, approximately 11 registrars are being considered for termination based on failure to pay fees as required by RAA Section 3.9.

### Sample Notice of Breach Letter

Date

Registrar's Name and Address

#### FINAL NOTICE

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear \_\_\_\_\_:

This letter is formal notice of breach of Section 3.9 of the Registrar Accreditation Agreement which requires registrars to pay accreditation fees to ICANN. This breach results from (XYZ's) failure to pay past-due accreditation fees in the amount of \$\_\_\_\_\_.

If this breach is not cured within fifteen working days, ICANN may exercise any and all remedies available to it pursuant to the Registrar Accreditation Agreement, including termination.

On (date) a 30 Days or More Past Due Invoices letter was sent to you and on (date) a Second Notice of Past Due Invoices letter was sent to you requesting that XYZ bring this account up to date. ICANN did not receive full payment in the amount stated in these letters, nor was an arrangement for a payment plan made with ICANN regarding the past-due amount.

A copy of the customer statement for XZY is enclosed for your review. Payment instructions for ICANN can be found at <http://www.icann.org/ffinancials/payments.htm>. Please send an email message to [accounting@icann.org](mailto:accounting@icann.org) upon payment to ensure proper application of payment. All inquiries may also be directed to the same email address.

Very truly yours,

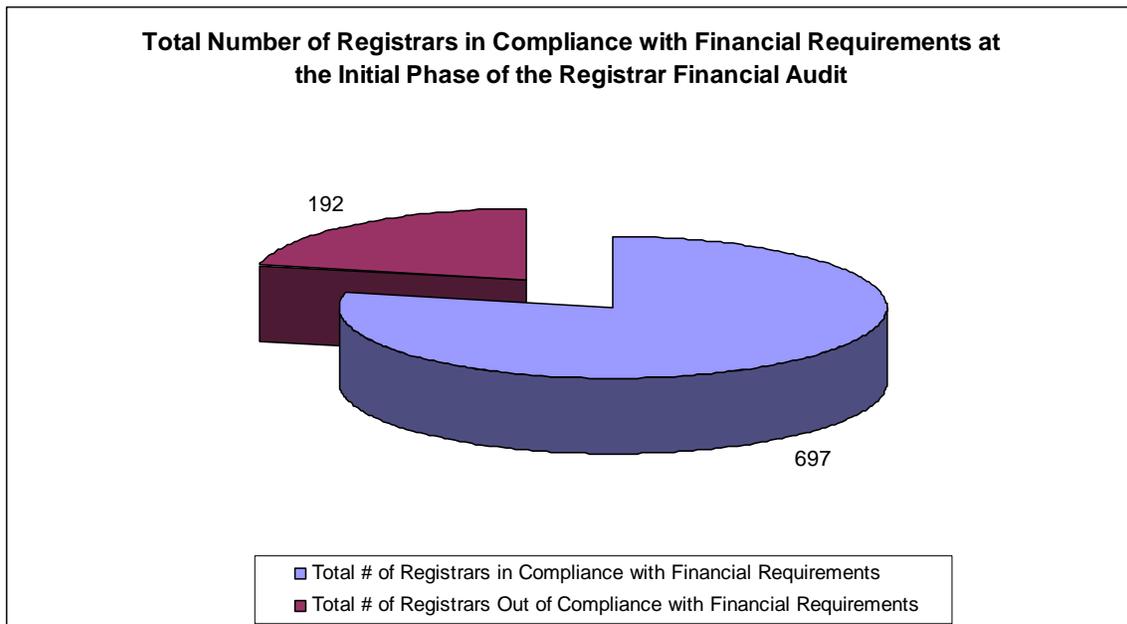
Stacy K. Burnette  
Director  
Contractual Compliance

### Findings

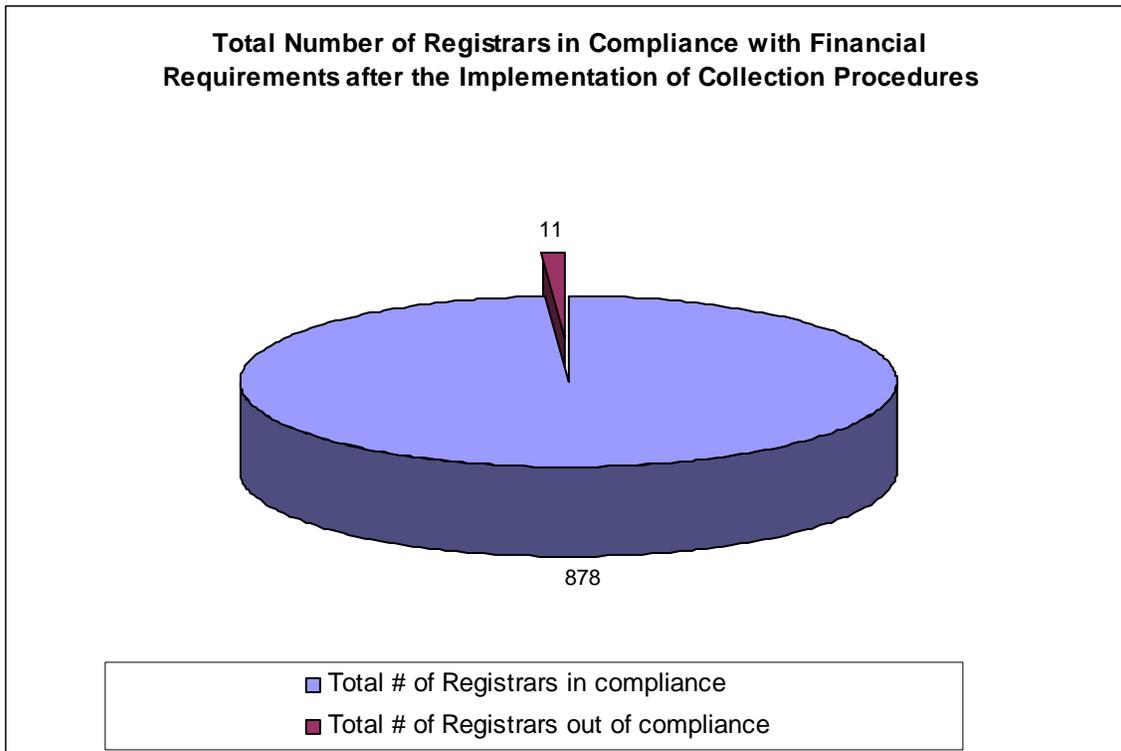
- As part of the Registrar Financial Audit process, ICANN staff examined ICANN's financial records related to approximately 889 registrars. During the audit, ICANN found that 697 registrars, or 78.4%, were compliant with RAA Section 3.9 regarding the timely payment of yearly accreditation fees and variable accreditation fees.
- As part of the Registrar Financial Audit process, ICANN found 192 registrars, or 21.6%, had invoices that were 30 days or more past due.
- After issuing notices of delinquency to 192 registrars having invoices that were 30 days or more overdue, 165 registrars made payments or payment arrangements with ICANN.
- After issuing notice of breach letters to 27 registrars, 9 registrars made payments or payment arrangements.

- ICANN collected approximately \$750,000.00 in delinquent fees and \$572,000.00 was committed to ICANN as a result of payment arrangements made with registrars.
- ICANN’s delinquent debt was reduced to approximately \$149,000.00 from the original delinquent debt total of \$1,471,000.00 as a result of the implementation of a collections procedure to address delinquent accounts.
- After contacting registrars via telephone that received notice of breach letters, 7 registrars made payments or payment arrangements.
- This audit resulted in 11 registrars being considered for termination based on their failure to pay fees as required by RAA Section 3.9.
- Of the 192 registrars initially identified as delinquent, 181, or 94%, either paid their delinquent fees or made arrangements, and are performing based on those arrangements, to pay their delinquent fees. This figure brought the total percentage of registrars in compliance with RAA requirements regarding the payment of fees to 98.7%.

Figure IV-2 illustrates the number of registrars found in compliance before collection procedures were implemented and the number of registrars found in compliance after the implementation of collection procedures.



**Figure IV-2(a) – Number of Registrars Found in Compliance Before Collection Procedures were Implemented**



**Figure IV-2(b) – Number of Registrars Found in Compliance After Collection Procedures were Implemented**

**Follow-Up Actions**

- ICANN will closely monitor those registrars that made payment arrangements to ensure that they fulfill their payment promises.
- ICANN will consider the facts in each of the 11 termination cases and determine the best way to proceed with the protection of registrants as a primary focus.
- ICANN will provide transition assistance to those registrars that no longer wish to own and operate ICANN-Accredited Registrars while concurrently pursuing payment for past due invoices.
- ICANN will engage in quarterly Registrar Fee Audits as such audits have resulted in increased financial responsibility and compliance by the registrar community.

**Information Regarding Registrars Being Considered for Termination**

- One registrar currently being considered for termination has approximately 6,700 names under management;
- Two registrars currently being considered for termination have approximately 1500 names under management; and
- The remaining eight registrars currently being considered for termination have 400 or less names under management.

## **D. REGISTRY FEES AUDIT**

ICANN conducted an internal Registry Fees Audit to assess whether registries and sponsors are complying with the terms of their agreements regarding the timely payment of required fees. ICANN audited registry operators/sponsors for the following top-level domains: .aero, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, and .travel. ICANN did not audit the .tel and .asia TLDs, as they did not have any registrations at the time of ICANN's audit.

### **Audit Objectives**

The general objectives of the Registry Fees Audit were to:

- Assess how many registries and sponsors had delinquent accounts in violation of their agreements;
- Notify registries and sponsors identified as delinquent and provide a reasonable time for cure;
- Encourage compliance with Registry and Sponsorship Agreement requirements regarding the timely payment of fees;
- Report findings from the audit and provide information regarding the follow-up actions taken.

### **Methodology**

The methodology for the Registry Fees Audit was determined by staff before the audit commenced. ICANN's Financial Management staff developed a customer aging document that included the current status of all registries' and sponsors' accounts. An analysis of the customer aging document revealed that all of the registries' and sponsors' accounts were current except for two companies that had previously made payment arrangements with ICANN and were performing based on those payment arrangements. As a result, ICANN did not send any notices of delinquency or notices of breach to any registries or sponsors because all were deemed compliant.

### **Findings**

- 12 out of 14 registries'/sponsors' accounts were found current;
- 2 of 14 registries/sponsors had entered into payment arrangements with ICANN and were performing based on those payment arrangements;
- ICANN will continue to closely monitor those registries/sponsors that made payment arrangements to ensure that they fulfill their payment promises.

## E. DATA RETENTION AUDIT

### Executive Summary

ICANN conducted a Data Retention Audit of all ICANN-Accredited Registrars to assess the data retention and disaster recovery practices of the registrar community. This audit was based on requirements contained in RAA Section 3.4, titled *Retention of Registered Name Holder and Registration Data*. A registrar is required to maintain its own electronic database for each active registered name sponsored within each TLD for which the registrar is accredited. Registrar responsibilities concerning the maintenance of records relating to dealings with the registry operators and registered name holders can be found at <http://www.icann.org/registrars/ra-agreement-17may01.htm>.

The Data Retention and Disaster Recovery Questionnaire was designed to obtain information from registrars about whether they have processes in place to regain access to data necessary to resume critical business operations after a natural or human-induced disaster and to verify compliance with RAA requirements for data retention. Each registrar was provided with a unique data retention audit identification number and directed to a designated URL to complete the online survey questions pertaining to their disaster recovery retention plan. Of the 895 registrars that were sent notices, 449 responded by the 18 June 2007 deadline. After follow-up notices were transmitted, 304 registrars responded by the extended deadline, 28 June 2007, and an additional 60 registrars responded after the extended deadline, bringing the response rate to 91%. The Contractual Compliance staff then contacted the remaining 82 nonresponsive registrars again by email, fax and telephone. An additional 50 registrars responded after ICANN's third attempt to contact nonresponsive registrars, bringing the total response rate to 96%.

ICANN found the following:

- 99.8% of active registrars reported that they are maintaining registration data submitted in electronic form to the registry operators for at least the term of the RAA, plus three years, pursuant to RAA Section 3.4.2.
- 99.8% of active registrars reported that they are maintaining in electronic form records of the accounts of all registered name holders with registrar, including dates and amounts of all payments and refunds for at least the term of the RAA, plus three years, pursuant to RAA Section 3.4.2.
- 93.3% of registrars responded yes when asked if they could make registration data available for inspection by ICANN if given seven days notice.
- 84% of registrars reported that they have a written continuity plan to address potential natural disasters, operational/technical failures, malicious business interference (hacking), acts of terrorism or other violence.

These statistics are based on the registrar responses to the Data Retention and Disaster Recovery Survey questions. The registrars that do not have names under their management are deemed inactive by ICANN. These inactive registrars represent 5.4% of the total number of registrar responses.

### **Introduction**

One of the ways in which ICANN monitors contractual compliance with RAA requirements is through contract audits. The Data Retention Audit was designed to assess the data retention practices within the registrar community.

With the increasing reliance on computer software systems to store registrant registration data, protective measures are critical to aid data recovery in a natural or human-induced disaster. This audit was intended to determine which registrars are in compliance with RAA requirements and to emphasize the importance of having a contingency plan in place. Additionally, the Data Retention Audit was intended to encourage registrars to authenticate backup of critical registrant data, to ensure that data is backed up on a reasonably frequent basis, and to encourage registrars to follow consistent verification procedures to ensure the integrity of data after the transmission or storage of data. Finally, it was ICANN's intention to assess whether registrars have protective measures in place to secure registration data. These areas of inquiry and the responses received have assisted ICANN in identifying potential issues that could impact the stability, reliability and security of the Internet.

The findings of this audit were based exclusively on registrar responses to survey questions and, in certain cases, responses to follow-up questions posed by Contractual Compliance staff. ICANN's Contractual Compliance Department would like to thank all registrars that participated in the Data Retention Audit.

### **Audit Objectives**

The general objectives of the Data Retention Audit were to:

- Assess data retention and disaster recovery practices of the registrar community.
- Assess registrar compliance with data retention requirements found in RAA Section 3.4.
- Verify that all registrars are maintaining records in electronic form as required in RAA Section 3.4.2.
- Determine how backup data is maintained and what registration data is currently stored.
- Follow-up with registrars identified as noncompliant with RAA requirements.
- Initiate breach proceedings against noncompliant registrars that fail to come into compliance within a reasonable period of time.

## **Methodology**

ICANN staff determined the methodology used for the Data Retention Audit based on collaborative input from the Compliance, Registrar Liaison, and Information Technology Departments to construct a survey that would best assess registrar data retention compliance requirements and registrar disaster recovery contingency planning. The initial planning phase required a thorough examination of RAA Section 3.4 to create survey questions that would allow registrars to report on their data retention practices. The Registrar Data Retention and Disaster Recovery survey contained 14 multiple choice questions divided into four categories:

- Registrar Accreditation Requirements Regarding Data Retention
- Contingency Planning and how back-up data is maintained
- Level of insurance coverage
- Demographic Data

ICANN's IT Department completed the following tasks:

- Generated the online survey
- Created the link for all registrars to access the survey
- Provided a unique data retention audit number for each registrar
- Transmitted an electronic notice to all registrars

## **Findings**

### **I. Registrar Accreditation Requirements Regarding Data Retention**

The first set of multiple choice questions were composed from requirements contained in RAA Section 3.4, titled *Retention of Registered Name Holder and Registration Data*. Registrars are required to maintain records such as registration data, registration applications, confirmations, modifications or terminations, as well as records of the accounts of all registered name holders including dates and amounts of all payments and refunds for at least the term of the RAA, plus three years. A total of 863 registrars responded to the audit, with an approximate 96% compliance rate among registrars. The majority of registrars maintained these records by using a database.

Table IV-1 reflects the percentage/number of registrars that responded to Q01–Q05 in Category I. Registrar Accreditation Requirements Regarding Data Retention.

**Table IV-1 – Category I: Registrar Accreditation Requirements Regarding Data Retention**

<b>Data Retention Audit and Disaster Recovery Questions</b>		
<b>Question Number</b>	<b>Survey Questions</b>	<b>% or #of Registrar Responses</b>
Q01	Pursuant to Section 3.4.2 of the RAA, your registrar is required to maintain specific records relating to its dealings with registry operators and registered name holders. Is your registrar maintaining records, in electronic form, of the submission date and time, and the content, of all registration data (including updates) submitted in electronic form to the registry operators for at least the term of the RAA, plus three years?	Yes = 95.4% No = 2.9% Not Sure = 1.7%
Q02	As required by Section 3.4.2 of the RAA, is your registrar maintaining records, in electronic, paper or microfilm form, of all written communications constituting registration applications, confirmations, modifications or terminations and related correspondence with Registered Name Holders, including registration contracts for at least the term of the RAA, plus three years?	Yes = 96% No = 3% Not Sure = 1%
Q03	As required by Section 3.4.2 of the RAA, is your registrar maintaining, in electronic form, records of the accounts of all Registered Name Holders with Registrar, including dates and amounts of all payments and refunds for at least the term of the RAA, plus three years?	Yes = 96% No = 2.9% Not Sure = 1.1%
Q04	Regarding your answers to questions 1, 2, and 3, in what form are these records retained? (check all that apply) *	Database = 805 Flat file = 128 Other = 122
Q05	If given 7 days notice, can your registrar make the records described in questions 1, 2 and 3 above available for inspection by ICANN?	Yes = 93.3% No = 6.7%

## **II. Contingency Planning and How Backup Data Is Maintained**

The second set of multiple choice questions were aimed at assessing contingency planning mechanisms in place by registrars and to determine how backup data is maintained and verified. ICANN observed that 82.5% of the 863 registrars that responded to the survey have a contingency plan in place to address a potential natural or human-induced disaster. Registrars that did not have a contingency plan in place were contacted by ICANN staff. Some of the contingency plans provided by registrars that required further follow-up consisted of the use of Network Operations Centers (NOCs) to monitor, log and redirect reported problems; retention of off-site and on-site backup procedures and verification practices of all business and operational data; as well as archiving data and mirroring the database in different geographical locations. The majority

of registrars that were contacted to provide further explanation or a corrective action plan reported processes in place to provide provisions for registration data and the ability to transfer the data if necessary. The registrars that did not have a contingency plan in place either worked with their information technology department to construct one, or were unaware that a contingency plan was necessary or did not have a contingency plan based on the low volume of customers under their management.

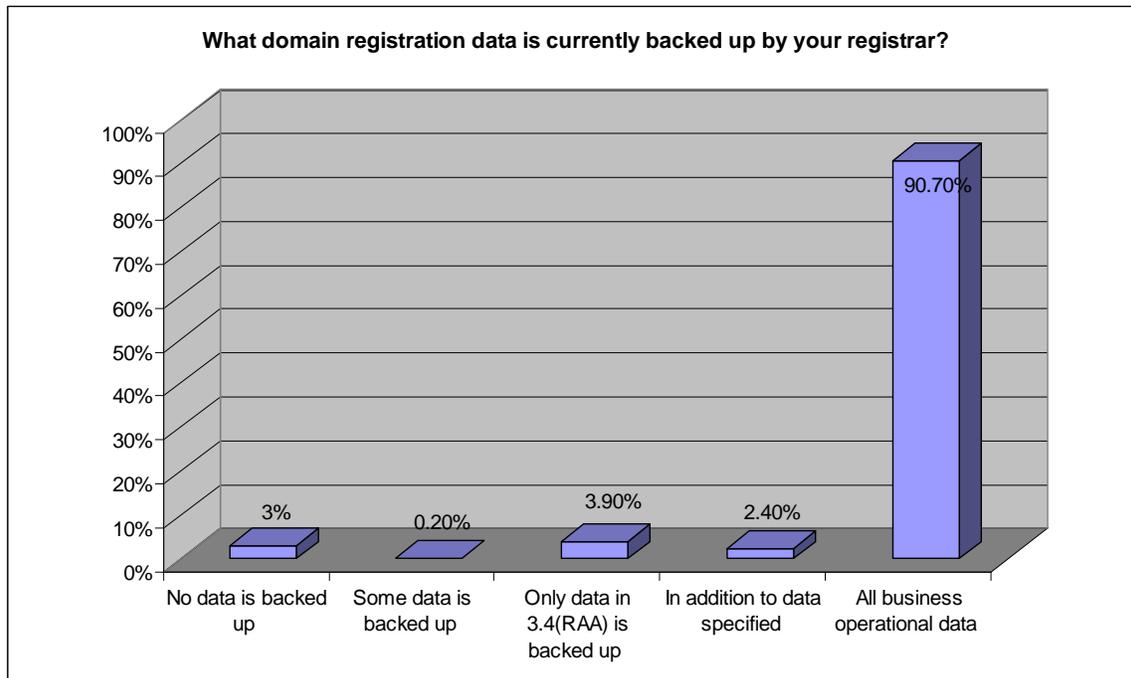
Table IV-2 reflects the number of registrars that responded to Q06-Q13 in Category II. Contingency Planning and how back-up data is maintained.

**Table IV-2 – Category II: Contingency Planning and How Backup Data Is Maintained**

<b>Data Retention Audit and Disaster Recovery Questions</b>		
<b>Question Number</b>	<b>Survey Questions</b>	<b>% or #of Registrar Responses</b>
Q06	Does your registrar have a written continuity plan to address potential: (check all that apply)*	Natural Disaster = 499 Operational Failures = 711 Malicious interference = 687 Terrorism = 573 N/A (no contingency plan) = 135
Q07	Does your contingency planning, if any, direct or allow provision of registration data to ICANN or an accredited registrar in the event of a longer than temporary business disruption?	Yes =82.5% No = 7.5% N/A = 10%
Q08	Does your contingency planning, if any, direct or allow provision of registration data to ICANN or an accredited registrar in the event of a longer than temporary business disruption?	More freq than daily = 46.9% Daily = 45.4% Weekly = 3.3% Monthly = .35% Less freq than monthly = .35% Never = 3% Non-time based schedule =.71%
Q09	What domain registration data is currently backed up by your registrar?	No data is backed up = 3% Some data is backed up = .2% Only data in 3.4(RAA) is backed up = 3.9% In addition to data specified = 2.4% All business operational data = 90.7%
Q010	Which of the following non-domain-registration data, if any, is currently backed up by your registrar(s)? (check all that apply) *	Hosted data = 652 Zone data = 647 N/A (registrar does not provide hosting or DNS services) = 111
Q11	How is backup data maintained? (check all that apply)*	Data backups are retained on-site = 553 Data backups are retained off-site = 446 Data backups are retained off-site geo div = 269 Data backups off-site third party = 96 Data backups off-site service provider = 54

Data Retention Audit and Disaster Recovery Questions		
Question Number	Survey Questions	% or #of Registrar Responses
Q012	Is backed up data validated or otherwise verified to ensure its integrity after transmission or storage?	Yes = 73.2% No = 21.3% Not sure = 5.1% N/A (no back-ups) = .4%
Q13	Besides performing backups, to what extent, if any, does/do your registrar(s) utilize redundant technology to minimize disruption in the event of technical failure? (check all that apply)*	Redundant local storage (e.g. RAID) = 741 Redundant or clustered servers = 630 Redundant connectivity = 699 Miscellaneous redundant = 726 Other = 139
*(check all that apply) Registrars were allowed to answer more than once.		

Figure IV-3 illustrates the domain registration back-up practices of the registrar community revealed in response to Q9.



**Figure IV-3 – Registrar Domain Registration Backup Practices**

### III. Level of Insurance Coverage

Pursuant to RAA Section 3.10, registrars are required to maintain a commercial general liability insurance policy of at least US\$500,000 (or the foreign equivalent) for the term of their agreement. ICANN observed that 49.2% of the registrars that responded to the survey exceed the minimum requirement and 42.8% had commercial general liability policy with at least the minimum required liability limit (\$500,000USD) and additional coverage for Errors and Omissions.

Table IV-3 reflects the percentage of registrars that responded to Q14 in Category III. Level of Insurance Coverage.

**Table IV-3 – Category III. Level of Insurance Coverage**

Data Retention Audit and Disaster Recovery Questions		
Question Number	Survey Questions	% or #of Registrar Responses
Q14	What level of insurance coverage does your registrar maintain?	Minimum = 8% Exceeding minimum =49.2% Additional = 42.8%

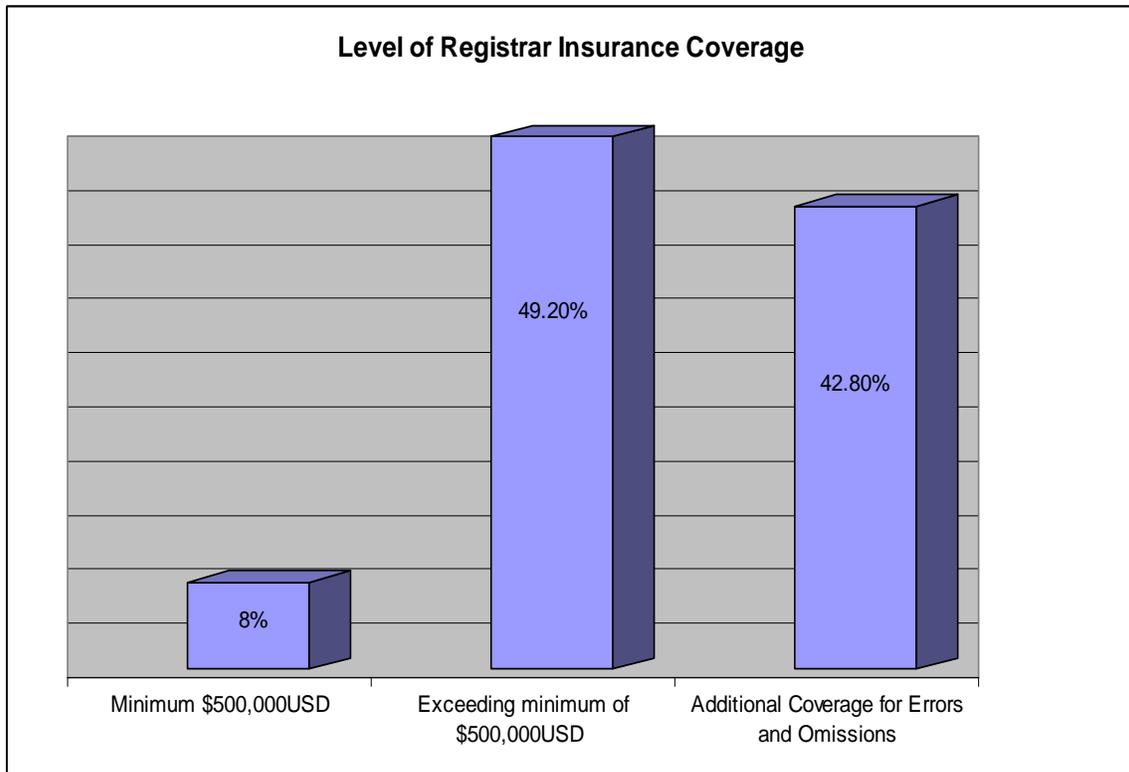


Table IV-4 reflects the percentage of registrars that responded to Q15-Q17 in Category IV. Demographic Data.

**Table IV-4 – Category IV. Demographic Data**

<b>Data Retention Audit and Disaster Recovery Questions</b>		
<b>Question Number</b>	<b>Survey Questions</b>	<b>% or #of Registrar Responses</b>
Q15	Approximately how many gTLD registrations are affected by your registrar's data retention procedures?	Less than 1,000 = 44.2% 1,000-9,999 = 19.4% 10,000 - 99,999 = 8.6% 100,000-999,999 = 7.3% 1,000,000+ = 20.5%
Q16	Approximately how many ccTLD registrations are affected by your registrar's data retention procedures?	Less than 1,000 = 63.3% 1,000-9,999 = 5.3% 10,000 - 99,999 = 14.7% 100,000-999,999 = 16.7% 1,000,000+ = 17.2%
Q17	Approximately how many domain name customers are affected by your registrar's data retention procedures?	Less than 100 = 21% 100-999 = 29.5% 1,000-9,999 = 17.2% 10,000+ = 32.3%

A copy of the Registrar Data Retention Audit Survey appears on the following pages.



**Registrar Data Retention Audit  
Response Date: 18 June 2007,**

**Registrar:  
IANA-ID:**

**Please respond by 18 June 2007**

**Pre-question**

**0. Does your registrar have any domain names under management?**

- Yes
- No

**Registrar Accreditation Agreement Requirements Regarding Data Retention**

**1. Pursuant to Section 3.4.2 of the RAA, your registrar is required to maintain specific records relating to its dealings with registry operators and registered name holders. Is your registrar maintaining records, in electronic form, of the submission date and time, and the content, of all registration data (including updates) submitted in electronic form to the registry operators for at least the term of the RAA, plus three years?**

- Yes
- No
- Not sure

**2. As required by Section 3.4.2 of the RAA, is your registrar maintaining records, in electronic, paper or microfilm form, of all written communications constituting registration applications, confirmations, modifications or terminations and related correspondence with Registered Name Holders, including registration contracts for at least the term of the RAA, plus three years?**

- Yes
- No
- Not sure

**3. As required by Section 3.4.2 of the RAA, is your registrar maintaining, in electronic form, records of the accounts of all Registered Name Holders with Registrar, including dates and amounts of all payments and refunds for at least the term of the RAA, plus three years?**

- Yes
- No
- Not sure

**4. Regarding your answers to questions 1, 2, and 3, in what form are these records retained? (check all that apply)**

- a. Database
- b. Flat file
- c. Other

**5. If given 7 days notice, can your registrar make the records described in questions 1, 2, and 3 above available for inspection by ICANN?**

- Yes
- No

#### **Contingency Planning**

**6. Does your registrar have a written continuity plan to address potential: (check all that apply)**

- a. Natural disasters
- b. Operational/technical failures
- c. Malicious business interference (hacking)
- d. Acts of terrorism or other violence
- e. n/a (no written continuity plan)

**7. Does your contingency planning, if any, direct or allow provision of registration data to ICANN or an accredited registrar in the event of a longer than temporary business disruption?**

- yes

- no
- n/a (no contingency planning)

**8. How frequently does your registrar perform backup of critical registrant data (i.e. the data fields that must be retained pursuant to section [3.4 of the Registrar Accreditation Agreement](#))?**

- More frequently than daily
- Daily
- Weekly
- Monthly
- Less frequently than monthly
- Never
- According to a non-time-based schedule (e.g. after every N transactions)

**9. What domain registration data is currently backed up by your registrar?**

- No data is backed up
- Some of the data specified in section 3.4 of the RAA is backed up
- Only the data specified in section 3.4 of the RAA is backed up
- In addition to the data specified in section 3.4 of the RAA, all underlying customer data (in the case of “private” or “proxy” registrations) is backed up
- All business operational data is backed up (including the data elements specified in section 3.4 of the RAA and all other domain name customer data)

**10. Which of the following non-domain-registration data, if any, is currently backed up by your registrar(s)? (check all that apply)**

- a. Hosted data (in the case of web, email, and other hosting customers)
- b. Zone data (for customers using your nameservers)
- c. n/a (registrar does not provide hosting or DNS services)

**11. How is backup data maintained? (check all that apply)**

- a. Data backups are retained on-site
- b. Data backups are retained off-site
- c. Data backups are retained off-site in a distinct and geographically diverse location
- d. Data backups are retained off-site by a third party data storage provider
- e. Data backups are retained off-site by a registrar service provider other than a registry (e.g. back-end provider or batch pool operator retains an additional copy of registrant or other data)

**12. Is backed up data validated or otherwise verified to ensure its integrity after transmission or storage?**

- Yes
- No
- Not sure
- n/a (no backups)

**13. Besides performing backups, to what extent, if any, does/do your registrar(s) utilize redundant technology to minimize disruption in the event of technical failure? (check all that apply)**

- a. Redundant local storage (e.g. RAID) of registration data
- b. Redundant or clustered servers
- c. Redundant connectivity
- d. Miscellaneous redundant infrastructure (e.g. power, HVAC, etc.)
- e. Other (please specify: )

**14. What level of insurance coverage does your registrar maintain?**

- Only the minimum required by the RAA (\$500,000 USD Commercial General Liability policy (or the foreign equivalent))
- A Commercial General Liability policy (or the foreign equivalent) with policy limits exceeding the minimum (\$500,000 USD)
- A Commercial General Liability policy with at least the minimum

required liability limit (\$500,000 USD) and additional coverage for Errors and Omissions

### Demographic Data

**15. Approximately how many gTLD registrations are affected by your registrar's data retention procedures?**

- Less than 1,000
- 1,000-9,999
- 10,000-99,999
- 100,000-999,999
- 1,000,000+

**16. Approximately how many ccTLD registrations are affected by your registrar's data retention procedures?**

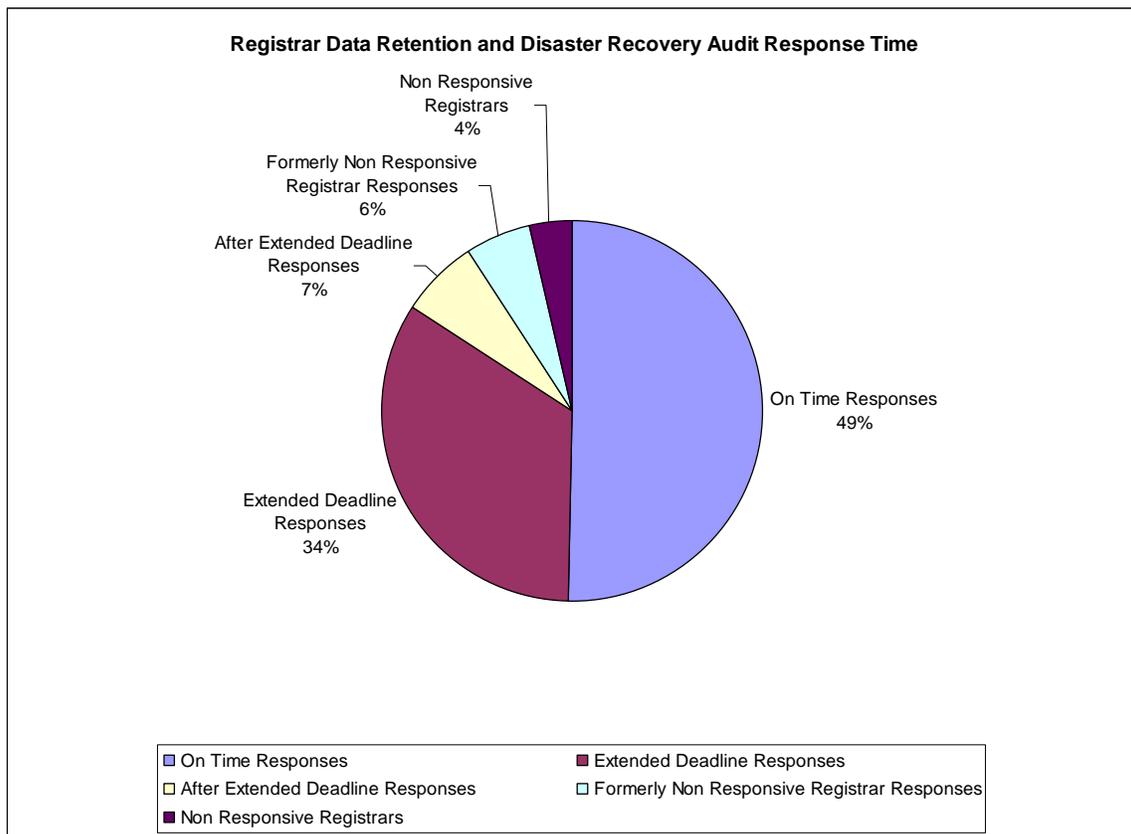
- less than 1,000
- 1,000-9,999
- 10,000-99,999
- 100,000-999,999
- 1,000,000+

**17. Approximately how many domain name customers are affected by your registrar's data retention procedures?**

- less than 100
- 100-999
- 1,000-9,999
- 10,000+

Registrars were given a deadline to respond to the Registrar Data Retention and Disaster Recovery Audit Survey. Of the 895 registrars that were sent notices, 449 responded by the deadline. After follow-up notices were transmitted, 304 registrars responded by the extended deadline and an additional 60 registrars responded after the extended deadline bringing the response rate to 91%. The Compliance staff then contacted the remaining 82 nonresponsive registrars again by email, fax and telephone. An additional 50 registrars responded after the third attempt bringing the total response rate to 96%.

Figure IV-4 illustrates the Registrar Data Retention and Disaster Recovery Audit Response.



**Figure IV-4 – Registrar Data Retention and Disaster Recovery Audit Response**

The analysis of the audit results was broken down into several components. The preliminary question was designed to categorize registrars that had no domain names under their management. Registrars that had no names under their management are deemed inactive by ICANN. Inactive registrars are not expected to have a contingency plan in place because they have no names to manage. Consequently, the Compliance team decided not to follow-up with inactive registrars that consistently responded “no” to all questions pertaining to

the following sections: Registrar Accreditation Requirements Regarding Data Retention, and Contingency Planning and How Backup Data Is Maintained. The remaining registrars that answered “N/A,” “No,” “Never,” “Less frequently than monthly,” “Non-time based schedule,” “Some,” “None” and “Not sure” to Questions 1–12 were contacted by ICANN staff to provide an explanation or a corrective action plan.

### **Observations**

- The survey results reveal that almost all ICANN-Accredited Registrars reported that they are compliant with registrar data retention requirements.
- The response rate to the Data Retention Audit was high.
- 42 of the initial 82 nonresponsive registrars are located in North America.
- 18 of the initial 82 nonresponsive registrars are located in Europe.
- Eleven of the initial 82 nonresponsive registrars are located in Asia.
- Eight of the initial 82 nonresponsive registrars are located in the Middle East.
- Three of the initial 82 nonresponsive registrars are located in Australia/Pacific.

### **Follow-Up Actions**

In 2008, ICANN will conduct site visits and request data from registrars to verify the information provided in the Data Retention Audit.

Nonresponsive registrars remain a focus for the Contractual Compliance Department. ICANN’s Compliance Department informed registrars that failure to respond to the survey may lead to further investigation by ICANN, including site visits and comprehensive compliance assessments. ICANN has commenced investigations regarding the 32 nonresponsive registrars.

ICANN’s Compliance Department will continue to take aggressive steps to ensure compliance and to improve the overall responsiveness from registrars when contacted by ICANN. ICANN requests that registrars respond to all communications sent from ICANN’s Contractual Compliance Department in a timely manner.

## **F. REGISTRY CODE OF CONDUCT AUDIT**

### **Executive Summary**

ICANN performed a Registry Code of Conduct Audit for all registries and sponsors to determine whether possible contract violations occurred due to the sharing of employees, data, storage facilities and account management functions with registrars.

Each registry and sponsor was given a certification letter related to specific provisions in the respective agreements and was asked to submit a formal sworn statement signed by a corporate officer and witnessed by a notary public or by an officer who can administer oaths and declarations signed and stamped to authenticate the documents. In addition to the certification letters, the registries and sponsors were given a Request for Information that contained pertinent questions addressing the process taken by each registry and sponsor to provide equivalent access to registrars under their respective registry management.

Due to the confidential nature of the information submitted by each registry or sponsor concerning their specific business practices and operations, detailed information regarding their business operations is not included in this report. However, information regarding specific areas of compliance is reported here. Among the 14 registries and sponsors examined, 12 were found in compliance with the terms and conditions stated in their Registry and Sponsorship Agreements regarding Code of Conduct matters.

### **Audit Objectives**

The general objectives of the Registry Code of Conduct Audit were to:

- Ensure equivalent treatment with respect to registry services to all ICANN-Accredited Registrars.
- Specify how many IP addresses had been allotted for each ICANN-Accredited Registrar to connect to the shared registration system gateway for the TLD via the Internet.
- Verify that all ICANN-Accredited Registrars were sent the most recent version of the toolkit software.
- Explain how the customer support personnel were made available to each registrar in the registry.
- Determine what protective measures are in place to prevent registry access to proprietary registrar data by affiliates, subsidiaries, or other related entities.

### **Methodology**

The methodology for the Code of Conduct Audit required a thorough analysis of the registry operators' and sponsors' agreements to create certification letters verifying that the registries and sponsors were compliant with the terms and conditions stated in their agreements.

Each registry operator and sponsorship agreement is different. Accordingly, each audit was tailored to address the specific shared registration system gateway for the TLD stipulated in the agreements defined as Access to Registry Services in Article VII of the Registry Agreement, *Use of ICANN-Accredited Registrars*, as set forth in Section 3.6 of the Sponsorship Agreement, and/or Code of Conduct in Appendix I of the Registry Agreement.

All registries and sponsors were asked to have the certification letters signed by a corporate officer and notarized. Comprehensive and detailed responses were requested from each registry or sponsor to the Request for Information. All documents were to be sent via courier to ICANN by 11 June 2007.

ICANN staff completed the following tasks:

- Drafted certification letters based on specific requirements in the relevant registry/sponsor agreements.
- Transmitted the Request for Information and certification letters to each registry and sponsor.
- Logged all notarized certification letters and analyzed all registries and sponsors responses submitted from the Request for Information.
- Completed follow-up action with registries and sponsors for further explanation as needed.

ICANN sent each registry or sponsor a Request for Information questionnaire and a certification letter based on the specific terms and conditions set forth in each registry or sponsor agreement. The Code of Conduct Audit was classified under the three separate headings defined according to the registry or sponsor's respective registry agreements. A copy of the audit notification letter, the declaration statement and the Request for Information is provided below:

## **I. Access to Registry Services**

Dear Registries and Sponsors:

ICANN is conducting an Access to Registry Services Audit. Attached hereto you will find an Access to Registry Services Certification letter and a Request for Information. The letter must be signed by a corporate officer and notarized. Your responses to the Request for Information should be comprehensive. All documents must be sent by courier to:

The Internet Corporation for Assigned Names and Numbers  
Attention: Stacy Burnette  
4676 Admiralty Way, Suite 330  
Marina del Rey, California 90292  
USA

We ask that all correspondence is postmarked by 11 June 2007. Thank you for your prompt attention to this matter. Please feel free to contact Constance Brown at (310) XXX-XXXX should you have any questions.

Regards,

Stacy K. Burnette  
Director  
Contractual Compliance  
The Internet Corporation for Assigned Names and Numbers  
4676 Admiralty Way  
Suite 330  
Marina del Rey, CA 90292

## Access to Registry Services Certification

(Insert registry or sponsor), acting in its capacity as the Registry Operator, certifies that (insert registry or sponsor) is complying with the terms and conditions as set forth in Article VII of the Registry Agreement titled *Access to Registry Services*.

- (i) All registrars (including any registrar affiliated with Registry Operator) were able to connect to the shared registration system gateway for the TLD via the Internet by utilizing the same maximum number of IP addresses and SSL certificate authentication;
  - (ii) Registry Operator has made the current version of the registrar toolkit software accessible to all registrars and has made any updates available to all registrars on the same schedule;
  - (iii) All registrars had the same level of access to customer support personnel via telephone, email and Registry Operator's website;
  - (iv) All registrars had the same level of access to registry resources to resolve registry/registrar or registrar/registrar disputes and technical and/or administrative customer service issues;
  - (v) All registrars had the same level of access to data generated by Registry Operator to reconcile their registration activities from Registry Operator's Web and ftp servers;
  - (vi) All registrars were able to perform basic automated registrar account management functions using the same registrar tool made available to all registrars by Registry Operator; and
  - (vii) The shared registration system has not included, for purposes of providing discriminatory access, any algorithms or protocols that differentiate among registrars with respect to functionality, including database access, system priorities and overall performance.
- (b) Registry Operator has not acted as a registrar with respect to the TLD.
- (c) Registry Operator has not acquired, directly or indirectly, control of, or a greater than fifteen percent ownership interest in, any ICANN-Accredited Registrar.

This Certification is dated this the \_\_\_\_ day of June, 2007.

(insert registry or sponsor) By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

The Access to Registry Services certification letter was sent to nine registries or sponsors. A copy of the Request for Information questions is provided below:

## Request for Information

1. What procedures are followed by (insert registry name) and its subcontractors to ensure that all ICANN-Accredited Registrars in the (insert TLD) registry are provided nondiscriminatory access to registry services?
2. Please specify how many IP addresses (insert Registry name) has allotted for each ICANN-Accredited Registrar to connect to the shared registration system gateway for the TLD via the Internet.
3. Please verify that all ICANN-Accredited Registrars in the (insert TLD) registry have been sent updates to the most recent version of the toolkit software.
4. Please explain how (insert registry name) customer support personnel are made available to each registrar in the (insert TLD) registry.
5. What resources does (insert registry name) make available to registrars to resolve issues, such as, registry/registrar disputes, registrar/registrar disputes or technical and/or administrative customer service issues?
6. How do you ensure that registrars in the (insert TLD) registry have equivalent access to data generated by (insert registry name) to reconcile their registration activities?

## **II. Use of ICANN-Accredited Registrars**

Dear Registries and Sponsors:

ICANN is conducting an audit regarding the Use of ICANN-Accredited Registrars. Attached hereto you will find a Certification letter regarding the Use of ICANN-Accredited Registrars and a Request for Information. The letter must be signed by a corporate officer and notarized. Your responses to the Request for Information should be comprehensive. All documents must be sent by courier to:

The Internet Corporation for Assigned Names and Numbers  
Attention: Stacy Burnette  
4676 Admiralty Way, Suite 330  
Marina del Rey, California 90292  
USA

We ask that all correspondence is postmarked by 11 June 2007. Thank you for your prompt attention to this matter. Please feel free to contact Constance Brown at (310) XXX-XXXX should you have any questions.

Regards,

Stacy K. Burnette  
Director  
Contractual Compliance  
The Internet Corporation for Assigned Names and Numbers  
4676 Admiralty Way  
Suite 330  
Marina del Rey, CA 90292

### **Certification Re: Use of ICANN-Accredited Registrars**

(Insert sponsor) acting in its capacity as the Sponsor, certifies that (insert sponsor) is complying with the terms and conditions as set forth in section 3.6 of the Sponsorship Agreement titled *Use of ICANN-Accredited Registrars*.

1. Sponsor has entered its standard written agreement authorizing the provision of Registry Services (its Authorizing Agreement) with any ICANN-Accredited Registrar so selected that wishes to enter an Authorizing Agreement and is able to comply with its terms.
2. Sponsor has required Registry Operator to provide equivalent treatment with respect to Registry Services to all ICANN-Accredited Registrars that are in compliance with a currently effective Authorizing Agreement.

This Certification is dated this the \_\_\_\_\_ day of June, 2007.

(insert sponsor) By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

The Use of ICANN-Accredited Registrars certification letter was sent to three sponsoring organizations. A copy of the Request for Information question is provided below:

#### **Request for Information**

What steps are taken by (insert registry name) to ensure that the Registry Operator is providing equivalent treatment with respect to Registry Services to all ICANN-Accredited Registrars that are in compliance with a currently effective Authorizing Agreement?

### III. Code of Conduct

#### Code of Conduct Certification

The (insert registry or sponsor), acting in its capacity as the Registry Operator, certifies that (insert registry or sponsor) is complying with the terms and conditions as set forth in Appendix I of the Registry Agreement titled *Registry Code of Conduct*.

1. Other than in connection with the distribution of dividends or other profits to (insert registry or sponsor) members and shareholders, (insert registry or sponsor) has not, and have not required that its subcontractors directly or indirectly, show any preference or provide any special consideration to any DNS registry operator or ICANN-Accredited Registrars in the (insert tld) Registry versus any other DNS registry operator or ICANN-Accredited Registrars in the (insert TLD) Registry, as those terms are defined by ICANN, including the registry or registrar owned by a member of (insert registry or sponsor).
2. All ICANN-Accredited Registrars in the (insert tld) Registry had equal access to Registry Services provided by (insert registry or sponsor) as set forth in Appendix H.
3. (Insert registry or sponsor) and its members and subcontractors have not in any way attempted to warehouse or register domain names in their own right, except for names designated for operational purposes in compliance with Subsections 3.6.1 and 3.6.2 of the Registry Agreement. In its Monthly Report to ICANN, (insert registry or sponsor) included a list of all names designated for operational purposes.
4. Any shareholder, subsidiary, affiliate, or other related entity of (insert registry or sponsor) that also operates as a provider of registrar services has maintained separate books of account with respect to its registrar operations separate from those of (insert registry or sponsor).
5. Neither (insert registry or sponsor), nor its shareholders, subsidiaries, affiliates, or other related entities have not had access to user data or proprietary information of an ICANN-Accredited Registrar, except as necessary for registry management and operations.
6. (Insert registry or sponsor) has ensured that no user data or proprietary information from any ICANN-Accredited Registrar is disclosed to its affiliates, subsidiaries, or other related entities, except as necessary for registry management and operations.
7. Confidential information about (insert registry or sponsor)'s business services has not been shared with employees of any DNS registry operator or ICANN-Accredited Registrars, except as necessary for registry management and operations.

8. No member of (insert registry or sponsor)'s Board of Directors has simultaneously served on the Board of Directors of an ICANN-Accredited Registrar that obtains Registry Services from (insert registry or sponsor).
9. No employee of (insert registry or sponsor) holds greater than 5% interest, financial or otherwise in a company that obtains Registry Services from (insert registry or sponsor).
10. No employee of (insert registry) is also an employee of any (insert registry) subsidiary, affiliate or other related entity that also operates as an ICANN-Accredited Registrar.
11. (Insert registry) has ensured that no user data from or proprietary information of any registry operated or controlled by (insert registry) is disclosed to any other registry operated or controlled by (insert registry).
12. (Insert registry) has not attempted to itself determine any entity's right to a particular domain name, and does not have means to verify such rights.
13. (Insert registry) has conducted internal neutrality reviews on a regular basis.

This Certification is dated this the \_\_\_\_ day of June, 2007.

(Insert registry)

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

The Code of Conduct certification letter was sent to two registries. A copy of the Request for Information questions is provided below:

## Request for Information

1. What procedures are followed by (insert name) and its subcontractors to ensure that all ICANN-Accredited Registrars in the (insert TLD) registry are shown nonpreferential treatment?
2. Please send the most current (insert registry name) Equivalent Access Certificate pursuant to section 3.5.2, "Registry Operator shall certify to ICANN every six months, using the objective criteria set forth in Appendix H, that Registry Operator is providing all such ICANN-Accredited Registrars with equivalent access to its Registry Services, including to its shared registration system."
3. What protective measures are in place to ensure that any shareholder, subsidiary affiliates or other related entity of (insert registry name) maintains separate books of account with respect to its registrar operations?
4. Please specify what protective measures are in place to prevent registry access to proprietary registrar data by (insert registry name) affiliates, subsidiaries, or other related entities.
5. Have there been any cases where disclosure of proprietary information from any ICANN-Accredited Registrar was necessary per items 5 and 6 of Appendix I? If so, please provide details.
6. What protective measures are in place to control confidential information? How can you ensure that shareholders, subsidiary affiliates or other related entities of (insert registry name) are not given access to user data or proprietary information?
7. Please confirm that no member of (insert registry name) Board of Directors simultaneously serves on the Board of Directors of an ICANN-Accredited Registrar that obtains Registry Services from (insert registry name).
8. Are there any employees of (insert registry name) that hold a more than 5% interest, financial or otherwise in a company that obtains Registry Services from GNR?
9. Are there any employees of (insert registry name) that are also employees of any (insert registry name) subsidiary, affiliate or other related entity that also operates as an ICANN-Accredited Registrar?
10. Please provide a copy of the most current internal neutrality review conducted by (insert registry name).

At the conclusion of the audit, each registry and sponsor was given its results, an explanation of any areas in need of further explanation and a deadline to respond.

## **Findings**

ICANN examined responses received from 14 registries and sponsors to the Request for Information documents transmitted in conjunction with the Code of Conduct Audit. The following is an overview showing the various issues ICANN encountered during the compliance review associated with the Code of Conduct requirements. These statistics are based on results compiled from data received by the registries and sponsors:

- 86% of registries/sponsors reported that they provide equal treatment with respect to registry services to all ICANN-Accredited Registrars.
- 86% of registries/sponsors reported that they provide the same level of access to customer support personnel to all ICANN-Accredited Registrars.
- 86% of registries/sponsors reported that all ICANN-Accredited Registrars were sent the most recent version of the toolkit software.
- 86% of registries/sponsors reported having sufficient protective measures in place to prevent access to proprietary registrar data by affiliates, subsidiaries or other related entities.
- 86% of registries/sponsors reported that they do not have any employees that are also employees of an ICANN-Accredited Registrar.
- ICANN is currently in communication with the remaining two registries/sponsors that have not provided sufficient information to verify compliance to ensure that these registries/sponsors are aware of what is needed to be considered compliant and are given a sufficient time period to correct the problems identified by ICANN.
- To verify the registry Code of Conduct practices reported, in 2008 ICANN will conduct registry site visits and request documentation to verify the information provided as part of this audit.

The following categories required further follow-up by ICANN to assess compliance:

### **IP Address Allocation and Distribution**

Four registries or sponsors were asked to provide extensive information regarding IP address allocation or distribution. Specifically, the eligibility requirements in place to determine how to receive more IP addresses; how many total IP addresses are allocated for all registrars; and how do you restrict access to registrars' respective allocated IP addresses.

### **Nonpreferential Treatment**

Two registries or sponsors were asked to explain the technical and procedural measures involved in the eligibility and name selection process for registrars under the registry's management to ensure equivalent treatment; registries or sponsors were asked to include the steps taken and the security measures in place to ensure the registry is providing equivalent treatment; finally, how do you

ensure that registrars in the registry have equivalent access to data generated by the registry to reconcile their registration services.

### **Protective Measures and Discriminatory Access**

Eight registries or sponsors were asked to describe what measures are in place to prevent shareholders, subsidiary affiliates or other related entities from looking at data; provide a detailed description of the processes in place to ensure that the books of accounts are kept separately; provide a detailed description of the processes used by registrars to prevent discriminatory access to registry services; provide a detailed response outlining the protective measures that are in place to prevent registry access to proprietary registrar data and include the technical measures that are in place.

### **Recent Version of the Toolkit Software**

Two registries or sponsors were asked how registrars can access the most recent toolkit and if it is available to the public and to provide the URL.

### **Neutrality Review Certification**

One registry or sponsor was asked to provide adequate detail about the steps undertaken in the review to ensure that the registry or sponsor was complying with all the provisions in their agreement.

### **External Registry Operator**

Two registries or sponsors were asked to provide further explanation to the responses submitted.

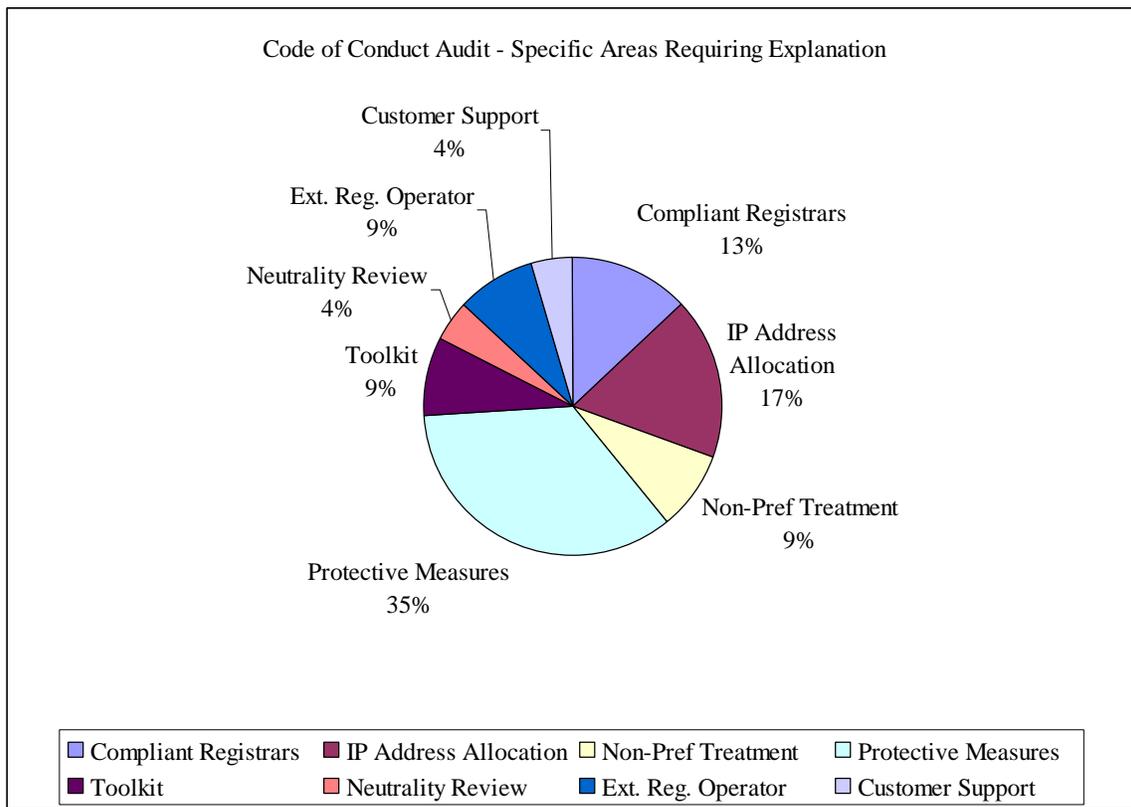
ICANN is aware of the type of arrangement in which registries use an external registry operator; however, we address our correspondence with the entity that has the agreement with ICANN. To provide ICANN with the level of detail required to be considered compliant, ICANN allowed the registries and sponsors to forward questions to the external registry operator for assistance as needed.

### **Customer Support/Resolving Disputes**

One registry or sponsor was asked what resources does the registry or sponsor make available to registrars to resolve issues such as registry/registrar disputes, registrar/registrar disputes or technical and/or administrative customer service issues.

After the initial analysis, three registries or sponsors were in compliance with all areas tested. ICANN staff requested the remaining 11 registries or sponsors to provide extensive information about their operations.

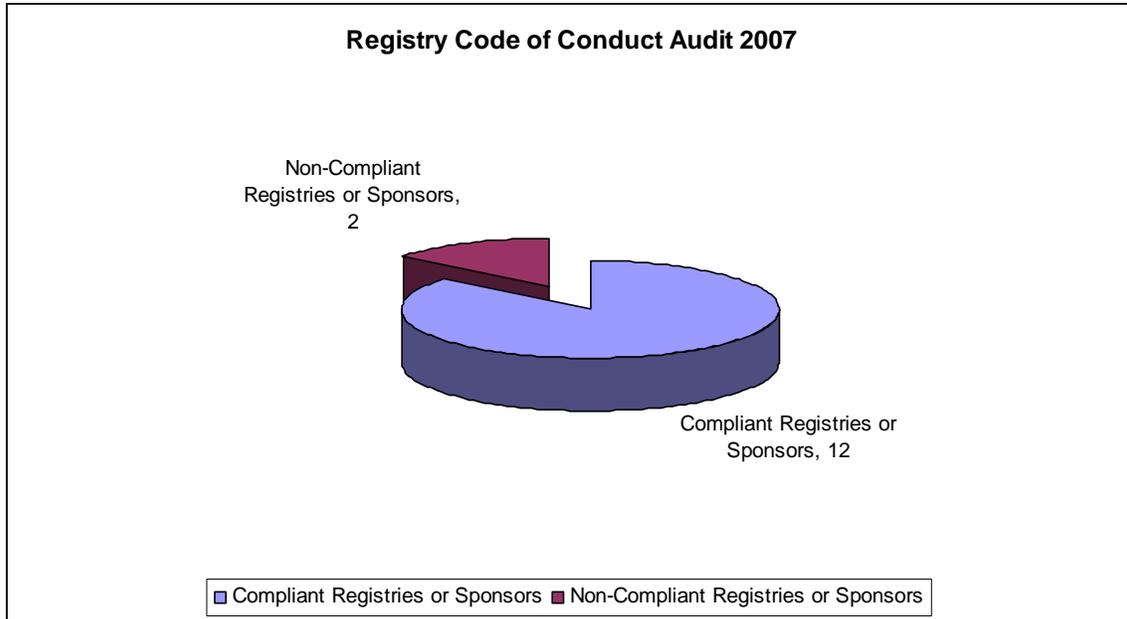
Figure IV-5 displays the compliance areas that required follow-up:



**Figure IV-5 – Compliance Areas Requiring Follow-Up**

After all compliance efforts were completed, of the remaining 11 registries and sponsors, nine were considered compliant after providing ICANN with the requested follow-up information.

Figure IV-6 illustrates the Registry Code of Conduct Compliance findings:



**Figure IV-6 – Registry Code of Conduct Compliance Findings**

Based on the requirements in each agreement, registries and sponsors were considered compliant if they:

- Provided the notarized certification letter signed by a corporate officer.
- Ensured equivalent treatment with respect to registry services to all ICANN-Accredited Registrars.
- Specified how many IP addresses had been allotted for each ICANN-Accredited Registrar to connect to the shared registration system gateway for the TLD via the Internet.
- Verified that all ICANN-Accredited Registrars were sent the most recent version of the toolkit software.
- Explained how the customer support personnel were made available to each registrar in the registry.
- Determined what protective measures are in place to prevent registry access to proprietary registrar data by affiliates, subsidiaries, or other related entities.
- Provided a neutrality review certification document that provided adequate detail about steps undertaken in the review to ensure that the registry or sponsor and its owners complied with all the provisions of the registry or sponsor's agreement.

**Follow-Up Actions**

- ICANN will contact the registries and sponsors that have outstanding information needed to complete this audit.
- ICANN will use the information provided by the registries and sponsors from this audit to evaluate and identify potential areas of reform to be considered by the ICANN community.
- ICANN will use the data provided in this audit as an accountability framework mechanism to assess future compliance work including on-site audit visits by ICANN staff.

## **G. WHOIS DATA PROBLEM REPORT SYSTEM**

### **Community Experiences with the InterNIC Whois Data Problem Report System**

#### **Executive Summary**

This report summarizes ICANN's experience with the operation of the Whois Data Problem Report System (WDPRS) during a 12-month reporting period that ended 28 February 2007. ICANN developed this system to receive and track complaints about inaccurate or incomplete Whois data entries. Individuals who encounter such entries can notify ICANN by completing an online form, which is then forwarded to the registrar of record for appropriate action. The WDPRS is one of the tools that ICANN uses to improve the accuracy of Whois data.

Through the WDPRS, ICANN can track how many reports are filed and confirmed by the reporter so they may be sent to the registrar of record. After 45 days, ICANN asks the person filing the report to complete the process by performing a follow-up review, which involves checking the Whois data again and indicating whether (1) the data was corrected; (2) the domain name was deleted; (3) the data was unchanged; or (4) there is some other disposition.

The WDPRS is one of the tools used by ICANN to improve Whois data accuracy and assist users in resolving Whois data accuracy disputes. In collaboration with the Internet community, ICANN will continue to explore measures to improve compliance with Whois provisions in ICANN agreements. The information provided through this report indicates that ICANN's current tools, including the WDPRS, continue to serve as valuable resources for users attempting to resolve Whois data accuracy claims.

In the most recent reporting period, there were 50,189 reports for which ICANN received follow-up responses during the year. Of these, 34,029 unique domain names were subject to reports. Thus, 16,160 duplicate reports were submitted.

As in previous years, a great majority of reports were filed by a small number of individuals. One individual this year filed nearly 40% of all reports received. The top 20 contributing individuals accounted for over 83% of the 50,189 reports. The fact that less than 1% of reporters accounted for almost 90% the reports presents an issue for statistical analysis of the data. The methodology we use for analysis depends on the judgments of the reporters, and hence any bias or skew in the judgments of that industrious 1% may affect the conclusions drawn. Because of this concern, ICANN staff did an independent analysis of approximately 16,000 of the domain names (described below) and the report indicates differences between the data sets.

The analysis performed on the data indicates that approximately 35% of the names reported were corrected, suspended, or are no longer registered (a total of 11,910 names fall in these categories). This number of names identified as corrected is 3,978 lower than the number in last year's report. This drop is believed to be due primarily to three reasons: ICANN tightened the definition of

names qualifying as “suspended,” reducing that number; rather than deleting names, some registrars are believed to “park” the names, with the registrant’s use of the name apparently disabled; and a reduction in the preciseness of reports furnished by reporters.

The total number of reports handled by the WDPRS during this reporting period (50,189) was slightly lower than the number of reports handled by the WDPRS in the last reporting period (51,664). This was likely due to the implementation of a limiter that prevents users from filing reports regarding domain names that were reported within the prior five days. On 1 June 2006, ICANN initiated use of a “limiter” at <http://wdprs.internic.net> to prevent abusive report submissions. ICANN has noted previously that some users of the WDPRS have abused the system by filing redundant, repetitive reports in short amounts of time. Registrars have complained that these notices can often be attributed to the manner in which a domain name is used (e.g., to send spam), but not necessarily to inaccurate Whois data. Registrars further observed that these redundant reports adversely impact their ability to timely act on legitimate, unique complaints. The use of the limiter has allowed the WDPRS to handle reports involving an additional 8,810 domain names over last year, while decreasing the aggregate number of reports by 1,475.

### **Applicable Provisions of the ICANN Registrar Accreditation Agreement**

The [RAA](#), which governs the relationship between ICANN and all accredited registrars, sets out several obligations for registrars with regard to Whois data accuracy. Specifically, registrars must:

- Require each registrant to submit (and keep updated) accurate contact details (RAA ¶ 3.7.7.1 <<http://www.icann.org/registrars/ra-agreement-17may01.htm#3.7.7.1>>).
- Provide both a web-based and Port 43 Whois service providing access to complete contact information for all TLDs covered under the RAA (RAA ¶ 3.3.1 <<http://www.icann.org/registrars/ra-agreement-17may01.htm#3.7.7>>).
- Require registrants to agree that willfully submitting inaccurate contact details (or failing to respond within 15 days to an inquiry regarding accuracy) shall be a basis for cancellation of the registration (RAA ¶ 3.7.7.2 <<http://www.icann.org/registrars/ra-agreement-17may01.htm#3.7.7.2>>).
- Take reasonable steps to investigate and correct the contact details in response to any reported inaccuracy (RAA ¶ 3.7.8 <<http://www.icann.org/registrars/ra-agreement-17may01.htm#3.7.8>>).

### **Implementation of the Whois Data Problem Report System (WDPRS)**

To assist registrars in complying with the contractual obligations outlined above, ICANN implemented the Whois Data Problem Report System (WDPRS) on 3 September 2002. The goal of the WDPRS is to streamline the process for receiving and tracking complaints about inaccurate and incomplete Whois data,

and thereby help improve the accuracy of Whois data. Since launching the WDPRS, several improvements were made to simplify the reporting process and automate the report investigation and registrar notification processes. Further technical enhancements are planned that will allow for enhanced statistical reporting of registrar report handling to ICANN Compliance staff.

Reports of inaccurate Whois data under the WDPRS are submitted through the InterNIC website, operated by ICANN as a public resource containing information relating to domain registration services. The centerpiece of the WDPRS is a centralized online form, available at <http://wdprs.internic.net>, for submitting reports about Whois data inaccuracies. The form requests Internet users (called “reporters” in this context) to specify the domain name they believe is inaccurate and their name and email address. After submitting this information, the reporter is shown the Whois record for that domain name, and asked to specify the inaccuracy or inaccuracies. The system then sends the reporter an email request for confirmation of the report. The reporter then has five days to acknowledge the request or the report will be deleted.

Once the report is confirmed by the reporter, it is automatically forwarded to the registrar of record for handling. Forty-five days later, a follow-up questionnaire is sent to the reporter, asking whether the inaccurate data was corrected, whether the name was deleted, whether there was no change, or whether there was some other disposition. The aggregate data collected during this final step is used by ICANN compliance staff to follow up with registrars as needed to ensure compliance with the requirements of the Registrar Accreditation Agreement.

### **Statistics from Operation of the WDPRS**

The following sections provide a statistical summary of operation of the Whois Data Problem Report System. These statistics cover the operation of the system from the last report’s cut-off date of 28 February 2006 until this year’s cut-off date of 28 February 2007. It includes information concerning (1) the number of Whois data inaccuracies reported; (2) the number of unique domain names with reported inaccuracies; and (3) registrar handling of the submitted reports.

### **Reported Data Inaccuracies**

A total of 50,189 confirmed Whois Data Problem Reports, involving 34,029 unique domain names, were completed by the submission of a follow-up report by the reporter during this reporting period. The 2006 report indicated that 51,664 submissions had been confirmed during that reporting period, involving 25,219 unique domain names.

On a per TLD basis, .com represented 74.43% of confirmed reports, with .net and .info constituting 13.36% and 8.28%, respectively. When scaled by the total number of registrations in each TLD, .info domain names were the subject of the most reports. Approximately 7 domain names were subject to report(s) for every 10,000 .info registrations. The statistics for these and the other gTLDs are included in Table IV-5.

**Table IV-5 – Reports of Inaccuracies by Total Number and Percentage by Registry**

TLD	# Reports	% Reports	Reports per 10,000 registrations	# Unique Reports	% Unique Reports	Unique Reports per 10,000 registrations*
.com	37,357	74.43%	6.35	25,136	73.87%	4.27
.net	6,707	13.36%	7.75	4,734	13.91%	5.47
.info	4,154	8.287%	10.98	2,563	7.53%	6.77
.biz	484	.97%	3.10	311	.91%	1.98
.org	1,482	2.95%	2.70	1281	3.76%	2.33
.name	4	< .01%	0.18	4	< 0.01%	0.175
<b>Total</b>	<b>50,189</b>	<b>100%</b>	<b>6.39</b>	<b>34,029</b>	<b>100%</b>	<b>4.33</b>

\* Based on registrations as of 30 November 2006.

It is unclear why .info names were the subject of more WDPRS reports per 10,000 registrations than the other TLDs. (The .info ratio has dropped from last year.) This TLD has been offered by some registrars at promotional prices—in some cases .info names have been offered at no cost—but further research into the relationship between domain price and Whois data accuracy is needed before any conclusions are made.

A total of 2,437 different individuals submitted reports. On average, each reporter submitted approximately 24 reports, while some individuals submitted significantly more. Out of a total of 50,189 confirmed reports, the number of reports per individual for the top 20 reporters is as follows:

**Table IV-6 – Number of Reports Submitted by Top 20 Reporters**

Top 20 Reporters	# Reports Submitted
1	19,873
2	3,408
3	2,926
4	2,848
5	2,366
6	2,282
7	2,261
8	1,412

<b>Top 20 Reporters</b>	<b># Reports Submitted</b>
9	1,394
10	1,263
<b>Total</b>	<b>40,033</b>

As this table shows, fewer than 0.5% of all those who filed reports (10 people) were responsible for over 87% (40,033 out of 50,189) of all Whois inaccuracy reports submitted to ICANN during the reporting period. The 2006 report indicated that the top 20 reporters were responsible for over 59% (30,843 out of 51,664) of Whois inaccuracy reports. It is interesting to note that during the most recent reporting period, one user filed approximately 40% (19,873 out of 50,189) of all the Whois inaccuracy reports submitted to ICANN—a record. Nevertheless, individuals are also reporting single domains when they discover a problem—there were 1,086 individuals who submitted exactly one report.

From both anecdotal information received by ICANN and text accompanying the body of WDPRS reports received, we conclude that most, if not all, of the high volume reporters are driven by a concern about abuses involving email. In approximately 53% of the reports filed, the reporter indicated “spam,” “phishing,” or “fraud” in the comments accompanying the reports.

### **Unique Domain Names**

A total of 34,029 unique domain names were the subject of Whois Data Problem Reports during this review period. As reported above, there were a total of 50,189 reports confirmed and completed. Accordingly, 16,160 of the reports were duplicate submissions.

In reviewing the 20 most-reported domain names, it appears that all were appropriately deleted, suspended, or corrected.

### **Registrar Handling**

The following table characterizes the state of the reported Whois records as indicated by the follow-up reports provided to ICANN by the reporter.

**Table IV-7 – Status of Reported Whois Records**

<b>Status</b>	<b>Domain Names</b>	<b>%</b>
Inaccuracy Corrected	1,152	3.4 %
Domain Deleted	1,973	5.8 %
Other	1,917	5.6 %
Data Unchanged	28,978	85.2 %
<b>Total</b>	<b>34,029</b>	<b>100 %</b>

To better understand the nature of the reports marked “Other” or “Data Unchanged” ICANN staff reviewed 16,471 of the underlying Whois records and made the following observations: approximately 29% had in fact been deleted or suspended. Approximately 40% of them had Whois data that appeared to be accurate (note, however, that it is quite possible to supply Whois information that looks completely plausible, but is in fact bad). About 31% of the records appeared incomplete or clearly inaccurate.

**Table IV-8 – ICANN Findings of Status of Whois Records**

	<b>“Unchanged” or “Other” Domains Reviewed by ICANN Staff</b>	
<b>Actual Status</b>	<b>Domain Names</b>	<b>%</b>
Suspended	3,240	19.7 %
Domain Deleted	1,514	9.2 %
Incomplete or Clearly Inaccurate Data	5,080	30.8 %
Whois Contained Plausible Data	6,637	40.3 %
<b>Total Domains Reviewed</b>	<b>16,471</b>	<b>100 %</b>

Combining the suspended or deleted domain names noted by ICANN staff with the user reports of corrected, suspended, or deleted domain names, we arrive at an estimate of 35% of reported domain names with bad data that were corrected, suspended, or no longer registered. An additional 28% of domains with clearly bad information were not changed. This leaves approximately 37% of reported domains’ Whois data without obvious errors.

**Table IV-9 – Disposition of Unique Domains**

	<b>Estimated Disposition of Unique Domains</b>
Whois Corrected	3.4%
Domain Deleted	14.2%
Domain Suspended	17.9%
Whois Inaccurate or Incomplete	27.9%
Plausible Whois	36.6%

There are a number of explanations for the relatively high number of “unchanged” dispositions reported. The reporter may not have correctly interpreted the Whois data. Similarly, the domain name in question may have been placed in Registrar Hold status by the registrar, which would effectively prevent the domain name from functioning in any meaningful way, but this might

not have been understood by the reporter. Additionally, a reporter might have been motivated to inaccurately report an “unchanged” status, believing this would punish a registrant or registrar perceived to be causing or allowing the transmission of spam or phishing email. Anecdotal evidence also indicates some registrars or their resellers may have effectively suspended users’ use of domain names without deleting the names or placing them in clientHold status by resetting the nameservers to cause the domain name not to resolve or to resolve to a page controlled by the registrar. This apparent practice will be more closely investigated by ICANN to ascertain whether such measures comply with the Whois data accuracy requirements of the Registrar Accreditation Agreement.

In reviewing the number of reports filed per registrar, no pattern emerged in relation to registrar size and number of reports. Those registrars with larger numbers of unresolved WDPRS reports will be subjected to additional auditing later in the year.

### **Impact of WDPRS**

Several conclusions can be drawn concerning the impact of the WDPRS.

ICANN’s Whois Data Problem Report System continues to have a measurable impact on the accuracy of Whois data. Of the 34,029 unique domain names subject to WDPRS reports during this review period, we estimate that approximately 12,054 (35.4%) were deleted or suspended, or had correct Whois data supplied. An additional 12,449 (36.6%) domains had what appeared to be plausible Whois data, although practical constraints limited our ability to verify their accuracy with certainty.

The number of unique domain names subject to WDPRS reports increased.

Through ongoing monitoring of WDPRS complaints, ICANN has learned that some registrars did not purportedly receive forwarded complaints from ICANN due to spam-filtering or similar problems. ICANN has worked with several registrars to address this problem and will continue educational efforts to ensure greater compliance going forward.

ICANN will commence comprehensive Whois public access and data accuracy audits in 2007 as part of its updated Contractual Compliance Program. Scheduled dates for these audits have been published on ICANN’s compliance webpage at <http://www.icann.org/compliance/>. These audits are intended to ensure compliance with ICANN agreements; registrar/registry outreach events are also planned throughout 2007 to aid in these efforts.

Although the 34,029 reported names with inaccurate Whois comprise a small fraction of the nearly 80 million gTLD registrations, ICANN continues its resolve to improve Whois data accuracy through community education and enforcement of its contracts with registrars. In addition, there is a presumption that these 34,000-plus complaints were targeted at registrations that are sources of improper behavior and therefore curtailed that activity from those domain names.

Going forward, ICANN will continue to improve the WDPRS tool and take steps to improve Whois accuracy overall. Areas of improvement will include increased implementation of and reliance on automation and on-line reporting tools and augmented staffing of the ICANN contractual compliance function so that patterns of noncompliance can be aggressively pursued.

## V. CONCLUSION

The Contractual Compliance Department conducted its first series of registrar and registry contractual compliance audits since the creation of the Contractual Compliance Department in November 2006. The seven audits conducted during the reporting period, Registrar Primary Contact Audit, Registrar Website Audit, Registrar Fees Audit, Registry Fees Audit, Registrar Data Retention Audit, Registry Code of Conduct Audit and the Report on the Whois Data Problem Report System, resulted in the collection of valuable registrar and registry data that will be used to conduct future, more in-depth audits and to determine the validity of information provided by registrars and registries in response to ICANN inquiries.

During the process of conducting the registry and registrar contractual compliance audits, the Contractual Compliance Department learned several lessons including, but not limited to the following:

1. Most registrars and registries are polite and are genuinely interested in coming into compliance and remaining in compliance;
2. An appreciable number of registrars do not respond to ICANN's contractual compliance audit notices until ICANN sends repeated notices;
3. Significant staff time must be allotted to follow up with nonresponsive registrars;
4. The growing population of registrars often presents challenges in terms of data collection and data analysis; and
5. Site visits are necessary to verify contractual compliance audit responses.

The Contractual Compliance Department has analyzed the lessons learned during the reporting period to develop systems and processes to better address problems when they arise in the future.

The Contractual Compliance Department's experience with the Registrar and Registry communities during the reporting period was positive and the audit results reported herein reveal that overall registrar and registry compliance has improved. The Contractual Compliance Department will use its past experiences as building blocks to develop and maintain a Contractual Compliance Department that will benefit all members of the global Internet community by preventing harmful inconsistencies, unauthorized practices and unfair advantages.

To ensure that the Contractual Compliance Program continues to improve and address matters of interest to the community, ICANN encourages the community to register comments at [compliancecomments@icann.org](mailto:compliancecomments@icann.org). Posted comments can be viewed at <http://forum.icann.org/lists/compliancecomments>.

5.7.1 Domain tasting issues report  
Outcomes Report of the Ad Hoc GNSO  
Working Group on Domain Tasting, October  
2007

<http://gnso.icann.org/drafts/gnso-domain-tasting-adhoc-outcomes-report-final.pdf>

# **OUTCOMES REPORT OF THE GNSO AD HOC GROUP ON DOMAIN NAME TASTING 4 October 2007**

**Group Chair: Mike Rodenbaugh  
ICANN Staff: Olof Nordling, Patrick Jones**

## **STATUS OF THIS DOCUMENT**

This is the final version of the Outcomes Report from the GNSO ad hoc group on Domain Name Tasting, submitted to the GNSO Council on 4 October, 2007.

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# 1 Executive summary

## 1.1 Background

Following a request from the At-Large Advisory Committee in spring 2007, the GNSO Council called for an Issues Report on Domain Tasting from ICANN Staff in May 2007. This Issues Report, available at <http://gnso.icann.org/issues/domain-tasting/gnso-domain-tasting-report-14jun07.pdf> was discussed at the ICANN San Juan meeting, where the GNSO Council on 27 June 2007 (minutes at <http://gnso.icann.org/meetings/minutes-gnso-27jun07.shtml>) resolved to establish an ad hoc group for further fact-finding on the practice of domain tasting.

Based on the questions identified in the Issues Report, the group conceived a Request for Information that was launched on the ICANN website on 10 August and also as an on-line form on BigPulse. The deadline for responses was set to 15 September, in view of the holiday season. The GNSO Council, at its meeting 9 August (minutes at <http://gnso.icann.org/meetings/minutes-gnso-09aug07.shtml>) decided to defer the reporting deadline for the group until 4 October, in view of handling the outcomes at the Council meeting 11 October.

Further information retrieval launched by the group included analysis of monthly registry reports, answers from several ccTLDs about their domain tasting experiences, a questionnaire to Uniform Domain Name Dispute Resolution Policy (UDRP) service providers regarding their views and experiences, a supplemental request for information conducted by the Intellectual Property Constituency (IPC) targeting trademark owners and their representatives, a submission about registrars' use of the Add Grace Period (AGP) and a sample zone file data study that was contemplated but has not been done. However, VeriSign has not provided a substantive answer to a request about specific statistical data. An overview of the findings is given below.

## 1.2 Outcomes summary

The RFI enabled respondents to categorize themselves in one or more categories. It prompted over 200 responses, mostly from intellectual property rights (IPR) owners and registrants/users, with a clear majority of respondents claiming that the disadvantages with domain tasting outweigh the benefits. Most are in favour of reducing domain tasting by eliminating the AGP, although many alternative means are also suggested by respondents. Domain name registrations for free are regarded by most as facilitating domain tasting and a majority of respondents suggest that ICANN should stipulate minimum registration fees, while some state that such action is outside of ICANN's mandate. A number of respondents provide examples, statistics and suggested sources of additional information.

Graphs based on data from monthly registry reports, mainly from .com and .net, show a marked increase in total number of deletes in recent years and also an increase of the fluctuation of net additions over time. Recent data on deletes within the AGP show that a small number of registrars are responsible for the overwhelming majority of such deletes.

Input from a group of ccTLD registry operators show that domain tasting is a comparatively rare phenomenon for most in this group. The different main factors put forward for this state of affairs are absence of AGP, monthly pricing modes and provisions for activation on payment. A few have experienced domain tasting and acted against it, while at least one has introduced domain tasting as a service, for a fee.

The Intellectual Property Constituency conducted a Supplemental RFI, the outcome of which is summarized in section 4.3 with the full results featuring in Annex 5.

A submission from a group of registrars indicates several other uses of the AGP unrelated to domain tasting, as further developed in section 4.4.

### 1.3 Draft Terms of Reference for a PDP

As requested, the group has drafted Terms of Reference to be considered in the case the GNSO Council opts for launching a Policy Development Process on domain tasting. The draft ToR identifies two crucial aspects to be considered by each Constituency and for which consensus would be sought - the overall assessment of the impacts of domain tasting, based on available data, and the considerations of which measures to take. See Sec. 5.1 for the draft ToR.

### 1.4 Next steps

The GNSO Council may choose to launch a PDP based on the proposed ToR, or a modified ToR, and/or to recommend further research (see Sec. 5.2) on the impact of potential countermeasures to domain tasting practices - or on refining the specific data about domain tasting. The actions are not mutually exclusive, but call for time phasing and coordination if launched in parallel

## 2 Objective

- 2.1 This report is submitted in response to the request from the GNSO Council on 27 June, 2007 to provide additional data on the practice of domain tasting.
- 2.2 The purpose of this report is to identify further data on the substance matter, as a basis for decisions on further steps, to give an update on alternative paths to address domain tasting practices and to suggest draft Terms of Reference should the GNSO Council decide to proceed with a Policy Development Process regarding domain tasting.

## 3 Background

### 3.1 Process background

- Following a request from the At-Large Advisory Committee in spring 2007, the GNSO Council called for an Issues Report on Domain Tasting from ICANN Staff in May 2007. This Issues Report, available at <http://gnso.icann.org/issues/domain-tasting/gnso-domain-tasting-report-14jun07.pdf> was discussed at the ICANN San Juan meeting, where the GNSO Council on 27 June 2007 (minutes at <http://gnso.icann.org/meetings/minutes-gnso-27jun07.shtml>) resolved to establish an ad hoc group for further fact-finding on the practice of domain tasting.
- The GNSO Council resolution reads as follows:  
*“The GNSO Council resolves:*
  - 1) *To acknowledge the Issues Report on Domain Tasting;*
  - 2) *To create a small, ad hoc group of GNSO representatives to direct and consider further research on domain tasting, including but not limited to examination of questions posed on page 30 of the issues report, and to draft terms of reference for a possible GNSO policy development process in a timely way;*
  - 3) *To direct the ICANN staff to work with the ad hoc group to gather further information and data about the domain tasting issue and make further recommendations on effectively scoping a PDP;*
  - 4) *To consider the further research and terms of reference, receive a status report on non-PDP mechanisms regarding domain tasting, and to consider whether to launch a policy development process on domain tasting at the September 2007 GNSO Council meeting.”*
- Five volunteers signed up for the ad hoc group at the Council meeting, and Mike Rodenbaugh/BCUC was appointed as chair. More participants volunteered as the launch of the group was announced via the GNSO Constituencies and a dedicated mailing list was established as [gnso-dt-wg], with subscribers as listed in Annex 1. To keep the foreseen weekly conference calls manageable, the chair requested each Constituency to appoint no more than two members for the calls. 10 conference calls were held, on 17 and 25 July, 1, 8 and 22 August, 5, 12, 18 and 26 September, and 3 October.

- Based on the questions identified in the Issues Report, the group conceived a Request for Information (RFI) that was launched on the ICANN website on 10 August and also as an on-line form on BigPulse. The deadline for responses was set to 15 September in order to allow enough time for responses after the holiday season. The GNSO Council, at its meeting 9 August (minutes at <http://gns0.icann.org/meetings/minutes-gns0-09aug07.shtml>) decided to defer the reporting deadline for the group until 4 October, in view of handling the outcomes at the Council meeting 11 October.
- Further information retrieval tracks launched or contemplated by the group included:
  - analysis of monthly registry reports
  - inquiries to ccTLDs about their experiences with domain tasting
  - requests for information from constituency members prepared and conducted by the constituencies
  - a questionnaire to UDRP service providers about their experiences with domain tasting
  - straw poll of registrars regarding other uses of the AGP
  - sample zone file data study
  - analysis of more detailed statistics from VeriSign
- The Outcomes Report was reviewed as successive drafts by the ad hoc group, both on the list and on two conference calls, before being finalized and submitted to the GNSO Council.

### 3.2 Issue Background

- The issue background has largely been covered in the aforementioned Issues Report, available at <http://gns0.icann.org/issues/domain-tasting/gns0-domain-tasting-report-14jun07.pdf>.
- Certain developments since the Issues Report was finalized deserve to be mentioned, in particular that the Public Interest Registry (PIR), the operator of the registry for .org, introduced a 0.05 USD fee per domain deleted for registrars deleting more than 90% of their registrations within the AGP, a measure that in practice relates to option “C” among the means referred to in the RFI, questions 7 and 10. [Statistics](#) show that this reduced such deletes substantially, from 2.4 millions in May

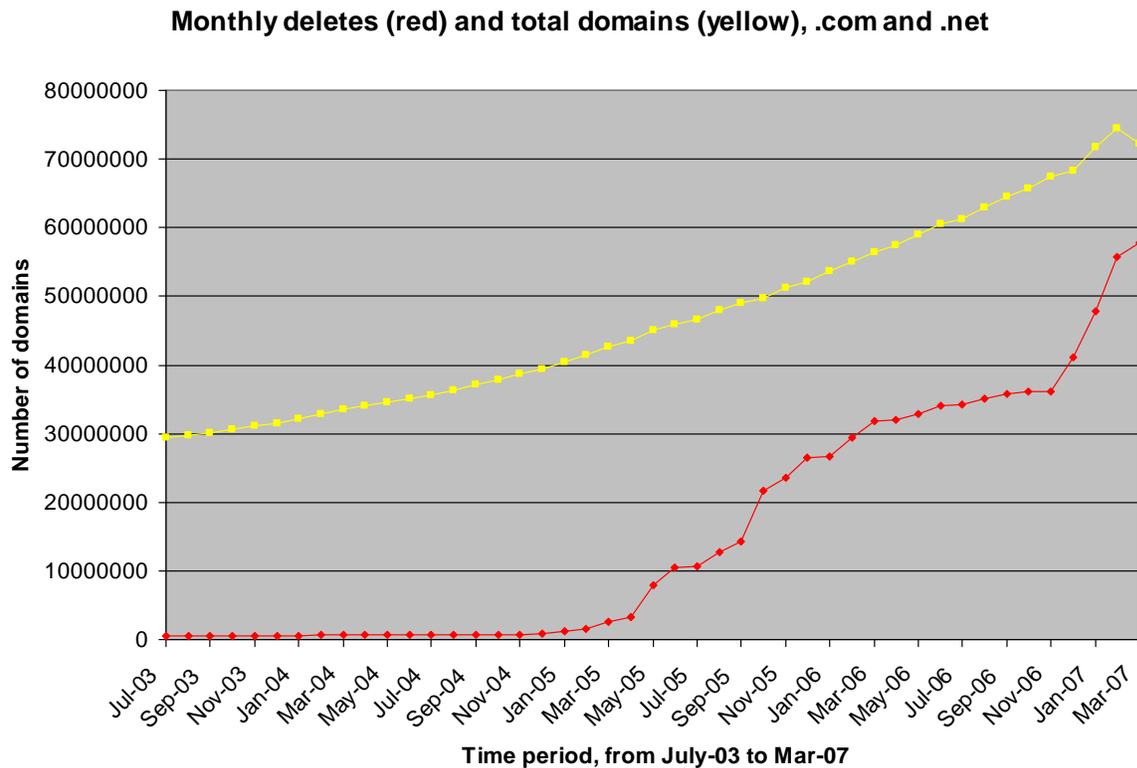
to 152,700 in June. At the ICANN meeting in San Juan, a PIR representative is on record as stating that most of the domain tasting was performed by two entities, both of which discontinued the practice as a consequence of the measure.

- It can also be noted that the SSAC is preparing a study on “domain front-running”, when a party gathers information in various ways on whether a particular name is of interest and registers that as a domain name based on such information.

## 4 Outcomes

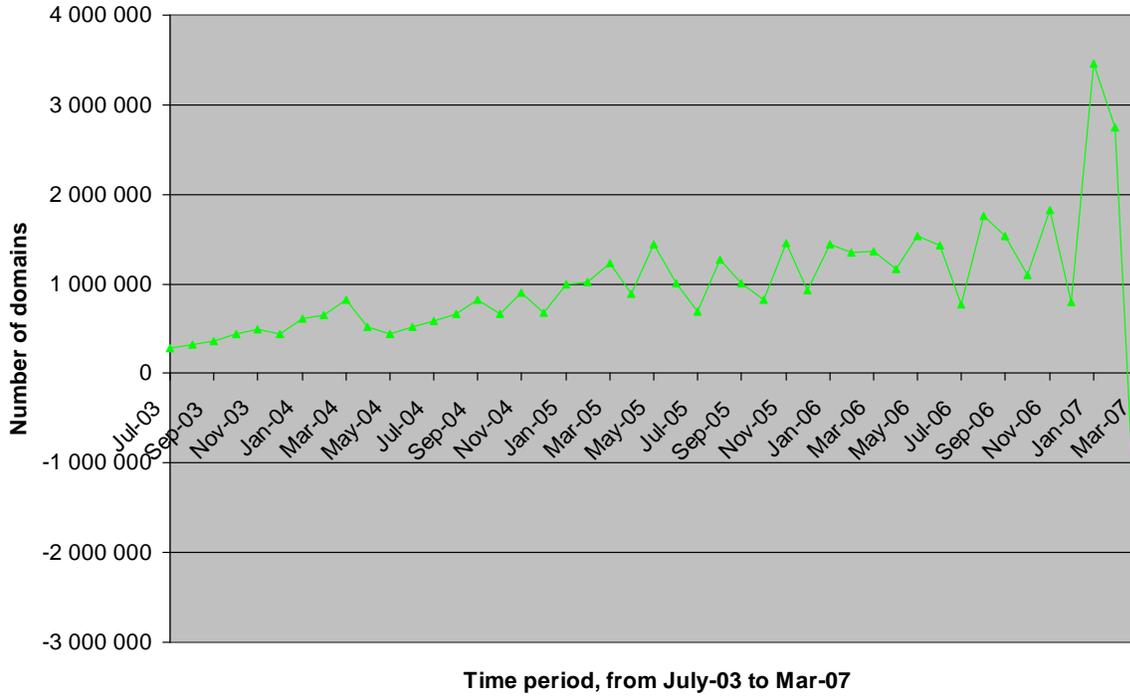
### 4.1 Analysis of Registry Monthly Reports

Based on data in the registries' monthly reports to ICANN, a couple of graphs have been developed by ICANN staff, as presented below. The focus has been on data for .com and .net, being the two gTLDs with the highest incidences of domain tasting.



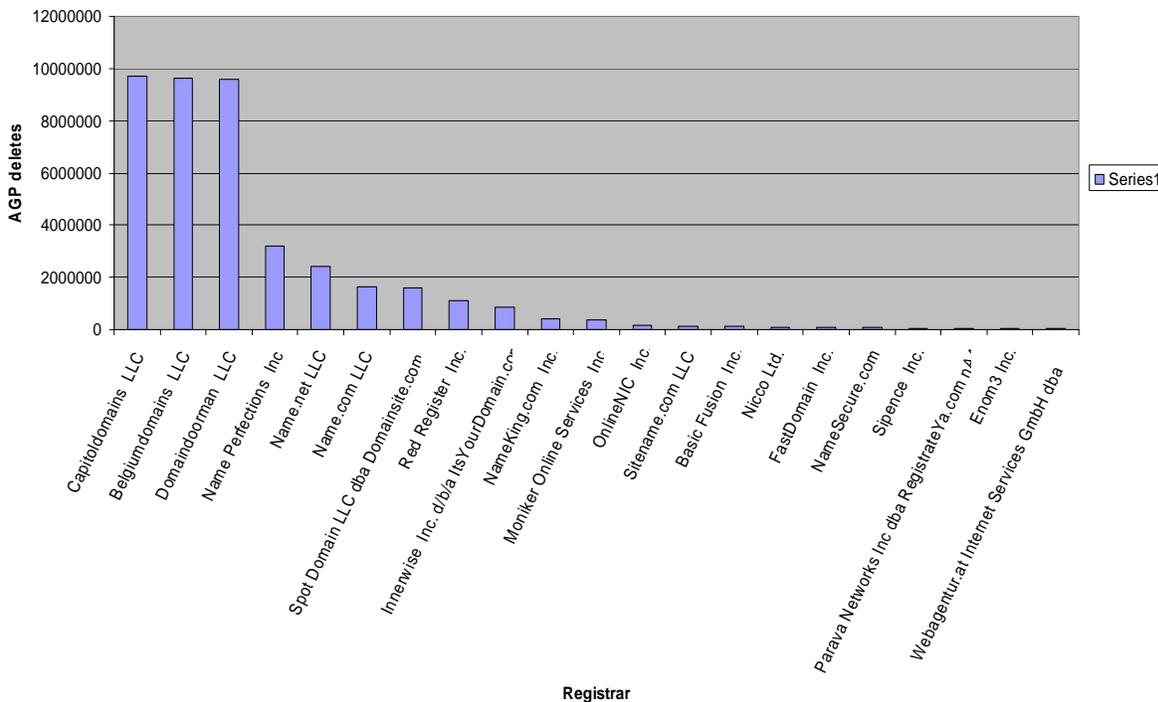
This graph clearly shows how the total number of deletes remained stable at a low level until early 2005, when a phase of marked increase starts, followed by an inflection point in the graph late 2006 marking an accelerated increase.

### Net monthly additions, .com and .net



The net monthly additions, as illustrated in this graph, display a pattern of increasing fluctuations.

AGP deletes top 20 April -07



Information on deletes within the AGP was only recently made publicly available by VeriSign. The above diagram is based on the April 2007 data for such deletes regarding .com and shows the most active registrars in this respect. It can be noted that the Whois records for the three registrars with the highest numbers of deletes within AGP all display the same address in Miami, Florida; the same phone number; and the same corporate formation date, indicating that these registrars are interrelated.

Registry representatives from PIR (.org registry) and NeuStar (.biz) provided more detailed data on deletes within the AGP and analyzed it as follows:

Data for the .org registry show a total of 4,997,048 deletes within the AGP during the period January – June 2007. For these cases the table below shows the range of repetition. For example, in the 4 to 10 range, a domain name was created/deleted no less than 4 times and no more than 10 times during this 6 month period.

Number of Times Deleted	Count	Percentage
1	4,141,477	82.9%
2-3	785,688	15.7%
4-10	66,955	1.3%
10+	2,928	.1%
Total	4,997,048	100%

For the same time period in .biz, there were between 20,000 and 45,000 deletes within the AGP per month for a total of approximately 195,000. Out of this total:

- 183,935 names were not re-registered and deleted. In other words, they could have been re-registered on a permanent basis, but not tasted again.
- 402 names were deleted and re-registered more than 10 times total during that 6 month period (\*\*probable but not confirmed kiting)
- 1503 names were deleted or re-registered 4 to 10 times total during that 6 month period (\*possible kiting, but not probable)
- 9286 names were deleted or re-registered 2 or 3 times total during that 6 month period (but that may not have been consecutively)

Therefore, 0.21% of the total tasted names were “probable” kiting. Even taking into account the names that were possibly “kiting”, that only brings the percentage up to 0.98%.

VeriSign was asked to provide similar information for .com and .net, but has not yet supplied such data.

#### 4.2 Request for Information (RFI)

The wording of the RFI, as well as a summary of the 203 responses in BigPulse (195 via the online form plus 8 input manually from email responses) are available in Annex 2 to this report. It should be noted that the respondents were requested to identify themselves as belonging to one or more categories of interested parties and that many marked themselves for more than one category. The comments received to each RFI question are also included in Annex 2, grouped by the respective questions. The comments provided are extensive and

deserve detailed reading, but some highlights of the results and comments are provided below:

A majority of respondents are IPR owners/representatives, followed in numbers by registrants/individual users. 91 out of 188 (48%) see registrants as benefiting from domain tasting, followed by 65 (35%) for registrars, while 62 (33%) see nobody benefiting.

Comments from various respondents elaborate on their answers as follows:

Registrants are characterized as benefiting from

- “try before you buy” with immediate registrations at no financial risk
- ability to correct misspelled domain names at no registration cost
- opportunity to get short-term ppc advertising revenue without registration cost
- opportunity to take short-term advantage of IPR holders’ brands

Registrars are characterized as benefiting from

- increased revenue through increased net additions of registrations
- ability to delete names at no cost in cases of registrant credit-card fraud
- their own domain tasting with the same advantages as tasting registrants, boosted by better opportunities to scale and technical capabilities to act in real-time with registries

Other actors that are characterized as benefitting are registries (getting net increase in registration revenues) general Internet users (getting direct navigation to a live webpage instead of error messages), IPR owners (verifying the appeal of their brands as domain names) and governments (getting more taxes as more business is generated).

Furthermore, other comments characterize spammers, phishers and other dubious/criminal activities as benefiting from opportunities to cover their tracks through domain tasting fast-flux registration.

149 out of 183 (81%) see IPR owners disadvantaged by domain tasting, followed by 106 (58%) for individual Internet users, while 15 (8%) see nobody disadvantaged. Comments from various respondents elaborate on their answers:

IPR owners are characterized as being disadvantaged by:

- short-term infringement of their trademarks
- erosion of brand names thru user confusion
- erosion of reputation thru users diverted to unexpected and potentially harmful sites

- loss of revenues thru diversion of traffic
- increased monitoring costs and reduced possibilities to trace IPR violators
- increased brand enforcement costs from additional infringing registrations

Internet users are characterized as being disadvantaged by:

- confusion and loss of time when reaching an unexpected web site
- dissatisfaction due to unintended or erroneous commercial transactions
- harm from spamming, malware and fraud, facilitated by domain tasting

Other actors that are characterized as being disadvantaged are would-be registrants and non-tasting registrars (restricted choice of domain names, plus extra administration and loss of goodwill for registrars), registries (additional transaction load) and governments (additional costs for law enforcement activities).

139 out of 182 (76%) believe that domain tasting impacts the security and stability of the Internet. Comments posit adverse effects on the security of the end users through increased phishing and other abusive activities facilitated by the AGP, aggravated by law enforcement agencies' reduced possibilities to track abusers due to volatility and increased volume of WHOIS information. Some comments state that the increased transaction load for domain tasting endangers Internet stability.

17 out of 181 (9%) have requested deletion of a domain name during the AGP. Comments state the reason for AGP deletes to be registrars' detections of credit card fraud, correction of typos and other mistakes, load testing, other testing purposes and domain tasting. Comments from respondents that haven't requested AGP deletes state that the domain name registration costs for mistakes are limited and bearable and that the registrants and/or registrars should check input for mistakes or carry the responsibility for them.

94 out of 182 (52%) state that they have been disadvantaged by domain tasting. Comments provide examples of the disadvantages mentioned above and also other negative experiences, not directly connected to domain tasting.

50 out of 173 (29%) suggest additional means to those listed in the RFI (A, B, C) to address domain tasting. Comments suggest, inter alia, DNS activation only after payment,

shortening of the AGP, suggestions “B” and “C” but with higher charges, capping the number of free deletes for registrars in relation to their net additions or to their total number of registered domain names, enforcement of RAA to eliminate warehousing of domains by registrars, pro rata billing for the time a domain is tasted, registry policing of domain names with continually shifting registrants, contributions by tasting registrants/registrars to a fund for increased enforcement costs, and maintaining public WHOIS data beyond the registration time.

110 out of 173 (64%) support suggestion A (eliminating AGP), while 25 (14%) prefer suggestion C (registry excess deletion fees charged to registrars for disproportionate deletes), 17 (10%) support B (ICANN 0.20 USD charge to apply to names deleted within AGP) and 20 (12%) vote for D (neither A,B or C). Comments regarding potential disadvantages with A-C range from statements that there are no, or negligible, disadvantages with any of them for anybody, to statements that all three would very negatively affect registrants (potential and current), registrars, registries and Internet users. That option A would deprive registrants of the ability to correct mistakes for free is noted by many. However, one respondent highlights that, in Brazil, national consumer protection legislation stipulating the right to return purchases within seven days for a full refund does apply to domain names, meaning that the registrar would have to carry the full cost for A. Options B and C are noted for adding costs and administration for registrars, while also being questioned by some as to whether B or C would sufficiently deter domain tasting. Others, on the contrary, find B and C less disruptive to provisioning of ongoing services, while also referring to the PIR/.org experience as to the efficiency of option C. Comments on potential additional benefits diverge considerably, although many state that A would prompt registrants to be more careful and add commercial certainty while being the easiest option to administrate. Some state that B and C would provide more revenues to ICANN and registries, respectively, and that C would hold registrars more accountable. Comments on whether any of the suggested means should be implemented largely reflect the comments on disadvantages and benefits and on other suggested means above.

128 out of 173 (74%) deem that domain registrations at no cost to the registrant would permit domain tasting. 131 out of 173 (76%) find that ICANN should prohibit domain

registrations at no cost to the registrant. 122 out of 173 (71%) find that ICANN should impose a minimum registration fee on domain registrations. The comments on such suggested fees vary between extremes of 0.05 USD and 1000 USD, while most are in the range of 1 – 40 USD. Some suggest fees that decrease with the registration period, for example 10 USD for one year, 8 for two years, 4 for five years etc. Quite a few state, to the contrary, that ICANN should not be involved in any pricing matters.

Commenting on statistical and other factually supported information of potential use, respondents name the monthly registry reports, MarkMonitor's "BrandJacking Indexes" reports (in particular the recent report with information on kiting), and a forthcoming study from the Coalition Against Domain Name Abuse ("CADNA").

Some examples are provided, sites like pool.com and webhosting.info are mentioned and contacts with Google suggested. A number of individuals are suggested as experts to be contacted - names of those consenting to this show in comments to question 15 in Annex 2.

Additional comments are provided, for example CADNA stating that 2 million names are being tasted every day. One respondent notes an increase from 5 infringements a day to 30 per day over a 6 month period. Statements that the survey appears biased against domain tasting and that addressing domain tasting as such is outside ICANN's scope are also noted. On a more general level, some comments state that it is important to further pinpoint what the exact problem is to be solved.

A summary of the responses received via email to ICANN is given below, with respondents' affiliations if provided. There were 23 email responses to the RFI, whereof 1 off-topic not included here. The complete email responses can be viewed at <http://forum.icann.org/lists/rfi-domaintasting/> .

- Eight respondents provided input structured along the RFI questions; Tony Finch/University of Oxford, Tim Ruiz/GoDaddy, Markus Faure/CORE, Darren Williams/Full-Effect.com, Nikki Schoorl/AI Tamimi & Co, Alex Tajirian/Domain Mart, Éva Szigeti/Danubia and Jorge Tristán/Facio & Cañas,. These have been added to the overview Big Pulse

results and their text comments are included in the corresponding Annex 2 section for each question.

- Ghazwa Malhas states that domain tasting is not practiced in certain countries and should not be accepted. ([mail response](#))

- Dorn Hetzel suggests a higher fee for instant registration and a lower fee for registration after a waiting period. ([mail response](#))

- Douglas Otis/Trend Micro Inc focuses on cost-increases and other negative effects from domain tasting on enforcement agencies' work and Internet protective services, like monitoring of new domain names' relationships with prior ones, and calls for delays in handling of domain name transactions to address these problems. ([mail response](#))

- Richard J Archer states that the AGP was justified when the price of a domain name was 35 USD a year, but not any longer. ([mail response](#))

- Kevin Hourican relates experiences of checking domain name availability prompting snatching of the name for tasting by a third party thru unknown means. ([mail response](#))

- Stephen Wilcox calls for elimination of domain tasting, invoking connections to spam. ([mail response](#))

- Danny Younger supplies an analysis of registrations and deletes per registrar over time, drawn from the ICANN monthly registry reports for .com and .net, noting the marked increase of total deletes over time as well as identifying the top ten registrars in this respect. Over a two-year period these registrars performed over 587 million deletes while collectively adding a total of 2.7 million domain names. ([mail response](#))

- Mark Samson brings forward suspicions that domain tasting is used for spam advertising of domains involved in phishing and other criminal activities, noting observations regarding spamming registrants in the .org gTLD. ([mail response](#))

- Alexander Schubert states that domain tasting increases the number of parked sites and that users arriving at parked sites lose time and get confused. Moreover, stating that the pool of useful available domain names for bona fide registrants is severely reduced by the practice, he concludes that each domain should be paid for. ([mail response](#))
  
- Dominik Filipp submits results of a study made by combining information from www.pool.com on soon-to-be-deleted domain names with Whois data over time. He introduces two categories, “first-league” and “second-league” tasting registrars - the first being the foremost in recovering sought-after deleted names from the batch pool and the second largely getting “left-over” domain names, while compensating with higher volumes. As a consequence, the second category executes more AGP deletes than the first. Both categories are featured with registrar names. Other notions include the use of “phantom registrars”, i. e. to establish affiliated registrars in order to increase the chances of retrieving deleted names, and the use of “phantom registrants” to fill out Whois data. Names of such entities are also featured. ([mail response](#))
  
- Zbynek Loebel/CAC suggests the enabling of a UDRP based solely on electronic communications in order to timely address tasting of domain names that violate UDRP rules. ([mail response](#))
  
- David Taylor/Lovells LLP claims that domain tasting and kiting, involving automated registration, anonymous WHOIS and transient zone file data, make monitoring on behalf of brand owners much more difficult. He supports curbing of domain tasting, by abandoning AGP or through other means. ([mail response](#))
  
- Dominik Filipp, in a second posting, elaborates on his previous comments regarding tasting registrars building domain name portfolios and highlights connections between domain tasting and abuses like spam and phishing as well as risks that parked sites confuse users, reduce available domains for registrants and swamp the domain space with dummy sites. ([mail response](#))

- Pablo Hinojosa/ICANN provides input on domain tasting experiences from Latin American ccTLDs. This input is included in section 4.5 below and in the corresponding Annex 3.

- An email response from MarkMonitor that suffered a communications problem and does not feature on the ICANN site has been included in Annex 2 ([link to full text](#)). This response contains a study of sample registration data for domain names during two weeks in July, to illustrate domain tasting activity. It also provides links to the MarkMonitor site, where two “BrandJacking” research reports from MarkMonitor may be downloaded.

- Input has also been received directly to the group from the Domain Name System Policy Working Group of the Anti-Phishing Working Group (“APWG”). This input summarizes an investigation about phishers’ use of domain tasting and is included in Annex 2 ([link to full text](#)). The conclusions are that phishers do not use domain tasting but that domain tasting does negatively impact the anti-phishing organizations due to increased infrastructure needs for monitoring many more domain registrations.

#### **4.3 Intellectual Property Constituency Supplemental Request for Information**

The IPC prepared its Supplemental Request for Information (RFI) in response to the ad hoc group’s decision to use a general RFI and to permit Constituencies to develop and conduct Constituency-specific requests for information. Although the IPC designed its Supplemental RFI to seek specific data from trademark owners and their representatives, participation was open to all interested respondents who were willing to provide contact data for response verification.

The IPC first made its draft Supplemental RFI available to the ad hoc group on 29 July to permit review and comment by the group members. The IPC revised several of the questions and the FAQs in response to comments and suggestions from ad hoc group members. The wording of the IPC Supplemental RFI is available at Annex 5<sup>1</sup> ([link](#)) The IPC Supplemental RFI was available only as on-line polling. Polling opened on 7 September and was extended twice – once from 15 September to 20 September in light of religious

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<sup>1</sup> Respondents who answered in the negative for some questions were instructed to “skip” questions relevant to only those persons who answered in the affirmative.

holidays and again from 20 September to 24 September in light of a number of reports of technical difficulties from potential respondents. After polling was closed, one-third of respondents were contacted by email to verify that they were, in fact, the persons who responded. No reports of false participation were received.

The summary of responses and comments received in response to each question in the IPC Supplemental RFI are also included in Annex 5, grouped by the respective questions. The comments are extensive and deserve detailed reading, but some highlights of the results and comments are provided below.

The IPC received 115 tabulated responses to its Supplemental RFI<sup>2</sup>. The great majority of the respondents identified themselves as IPR owner representatives (75%), followed by IPR owners (44%), registrants (24%), individual internet users (20%), and registrars (8%).<sup>3</sup> The only stakeholder groups not represented among the results were government and registries.

44 of 99 respondents (44%) stated that their brands (or those of the companies they represent) have been the subject of tasting and an additional 28 respondents (28%) did not know if their brands/marks had been the subject of tasting. Of the 37 respondents who identified how such domain names came to their attention, 20 respondents (57%) learned of them through a watch or monitoring service. Of the 52 respondents who answered the question seeking the number of tasted domain names that incorporated or used their brands, 15 respondents (29%) indicated that the number was 500 or more, while another eight respondents (15%) indicated that that the number was in the range of 100-499.

39 of 50 respondents (78%) stated that the number of tasted domain names that incorporate or use their brands had increased over the past year. A follow up question resulted in 34 of 46 respondents (74%) confirming that tasting had increased in real terms (as opposed to only a perceived increase due to increased awareness of domain tasting). 38 of 48

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<sup>2</sup> One additional respondent identified itself as testing question\_7. Because circumstances indicated that this user id was, in fact, a "test" identity created by one respondent, the responses submitted under this user name were suppressed from the results.

<sup>3</sup> Several questions allowed respondents to select all answers that applied, which resulted in "total" percentages exceeding 100%. This was one such question.

respondents (80%) who answered if the existence and number of tasted domain names had changed their enforcement strategies confirmed that they had – through increased time, budget, and staff resources devoted to domain tasting problems and enforcement. While almost two-thirds of respondents (32 of 50) had sent objection/demand/cease and desist letters regarding tasted domain names that incorporated or used their brands/marks, the number of letters sent and domain names implicated varied from 1-24 letters and names (17 of 33 (52%) and 14 of 32 (44%), respectively) to more than 300 letters (3 of 33 (9%)) and 500 or more names (5 of 32 (16%)).

The great majority of respondents do not view existing enforcement mechanisms such as the UDRP and judicial proceedings as effective against domain tasting. Almost two-thirds of respondents (30 of 47 (63%)) had not initiated UDRP proceedings and over 90% of respondents (40 of 44) had not initiated judicial proceedings regarding tasted domain names that incorporated or used their brands/marks. The primary reasons provided for not doing so were because the domain name was deleted during the AGP and doing so was too costly given the number of domain names. The amount of time required to prepare and file complaints under UDRP and national law appeared to be another factor; 47% of respondents reported spending 4 or more days for UDRP complaints and 70% reported spending 4 or more days on judicial complaints (25 of 53 and 35 of 51, respectively).

Many respondents provided detailed comments about their experience with domain tasting and its impact on their business. For example:

*"The detrimental effect of domain name tasting for trade mark owners far outweighs the original legitimate purpose underlying the practice of domain name tasting. Domain name tasting is being abused by "new age" cybersquatters. We have seen the registration of hundreds of domain names, which incorporate our clients well-known brand names for the purpose of hosting monetized websites. The registrants of these domain names earn profit by attracting users to the site by virtue of our clients reputation in its brands. Before any action can be taken, the domain name is deleted often only to be immediately re-registered in the name of a different company. From experience, we know that many of the registrant companies are either the same company (using different names) or related entities. Normal enforcement practices as a means for responding to this form of misuse of brand owners' rights. The constant changing of registrant names also makes filing timely and accurate UDRP Complaints impossible. For these reasons domain name tasting should be stopped." (Sally Foreman, Associate, Davies Collison Cave, Melbourne, AU.)*

This comment is just one of many opinions, all of which appear in Annex 5 ([link](#)).

#### 4.4 Opinion Polling of Registrars regarding use of AGP

A change to the status quo in the AGP, including the potential elimination of the AGP, is considered as one of the potential remedies to domain tasting. The RFI regarding the use of AGP (Sec. 4.2) posed three different options to consider in remedying the current abuses in AGP: (1) making the ICANN fee non-refundable; (2) requiring some form of restocking fee per name deleted within the AGP term; and (3) eliminating the AGP in its entirety.

What follows is the result of a poll of the Registrar Constituency considering: (1) the various uses of the AGP unrelated to domain tasting or domain kiting and (2) the impact to registrants for each if AGP were to be eliminated. The thought behind this polling was that it could contribute to completeness of the points of view on the issue of domain tasting, including potential impacts of proposed solutions.

##### Methodology:

The entire Registrar Constituency, consisting of 65 registrars who represent hundreds of ICANN-accredited registrars (as there are 'families' of registrar accreditations), was solicited to state uses of the current AGP that were unrelated to domain tasting or kiting, and to consider the impacts of a complete elimination of the AGP. A request to respond to these questions either directly for this section, or to the RFI, was sent in an email on 14 September to the Registrar Constituency list. Supplementary polling of registrar representatives took place in direct interviews by phone or in person at industry events.

All responding registrars expressed that they would prefer to respond directly, but not be publicly identified due to concerns that their support might be misinterpreted as support for domain tasting or domain kiting. Additionally, some registrars stated that some non-tasting uses of AGP might be proprietary and requested that they be treated with sensitivity not to expose trade secrets.

Responses came from 38 members of the registrar constituency, thru conversations or email responses, whereof 3 (8%) agreed with the findings but responded to the general RFI.

Of the remaining 35 (92%) registrars (the number of registrar accreditations represented was not quantified), only one (3%) offers some form of bulk registration 'domain tasting' as part of the AGP.

Responses were collected and assembled in summary format and reflected in an initial draft of this section. On September 28th, 2007, this draft was provided to the Registrar Constituency list offering opportunities to voice opposition. There was no opposition from any member of the Registrar Constituency. Additional feedback was received, including an additional use of AGP that would be impacted by an elimination of the AGP. In addition, 4 registrars not responding to the poll expressed support of the text as factual and accurate.

### Findings

The results of the poll of the registrars yielded five (5) perceived benefits of the AGP, unrelated to domain tasting and domain kiting:

1. Correcting typographical errors made by the registrant
2. Using a cart "hold" system to provide access to names
3. Mitigating fraud impacts;
4. Monitoring, testing and development of their provisioning, production and/or merchant gateway systems; and
5. Addressing situations of Buyer's Remorse (defined below) on behalf of the registrant

The responding Registrars stated that the elimination of the AGP would also eliminate these benefits, referenced as unrelated to tasting or kiting. Descriptions of each use and considerations of the effects of the two other measures proposed for curing abuses of the AGP (a non-refundable ICANN fee or a restocking fee per name deleted within the AGP term) follow below.

Responding registrars consider that the registrants' responses to the RFI are formed largely by the experience that they have with their registrar. Registrars (or registrar resellers) provide registrants with a 'front end' consisting of web based 'shopping carts' or portals to

register or manage their domain names, host records, email, web hosting, blogs, etc. with a view to simplifying the process and streamlining the user experience.

#### AGP Use 1: Correction of typographical errors made by registrant

Whatever the underlying reasons may be for typographical mistakes by registrants, such mistakes do happen, and the AGP is used by many registrars to remedy such occurrences.

At last count, there are more than 900 ICANN-accredited registrars. Because there are so many registrars, there is competition among registrars to differentiate themselves within the marketplace thru price, quality of service or otherwise. Registrars focused on the quality experience of the registrants enable them to reverse a registration within the AGP thru a phone call to the registrars' customer service departments.

Members of the Registrar Constituency stated that the elimination of AGP would increase the cost of providing this service by forcing the registrar to absorb the cost of a second registration in such circumstances, or alternatively suppressing this service for their customers. From that perspective, a restocking fee or non-refundable ICANN fee would be more palatable options to curb domain tasting.

#### AGP Use 2: Cart "hold" to provide access to domain names

Some registrars state that the practice of domain tasting is creating a confusing user experience that is disruptive to their business. They contend that domain tasting generates volumes of customer complaints to their customer service departments, contend that a domain was looked up and available for their company one day and approval or budget to proceed is obtained only to find that within the time elapsed it had been registered by another entity.

By analogy, when a customer finds a unique item in a store, it is not uncommon to ask the sales clerk to set it aside while the purchaser continues to shop, confirms with a spouse, gets the necessary cash, etc. The item is held for a period of time so that nobody else can purchase it as though it was left on the shelf. In a similar fashion, many registrars leave the

item on the shelf, as it were, and only fully allocate it upon completion of payment. This creates a circumstance where someone could conceivably purchase the item elsewhere.

There are some registrars that have created a cart reserve process, utilizing the AGP, that immediately reserves the domain at the registry once it gets looked up by the user. This mitigates the issue of the domain being otherwise provisioned by another while completing the sales process. If the sales process is not completed, or nearly 5 days passes, the domain is deleted at the registry.

Some registrars contend that this solution could easily be adopted by registrars that are concerned about customer confusion. Yet it seems that many of the registrars that compete primarily on price and operate on thin profit margins are unlikely to adopt this approach because it means that their available funds at the registry are held in a non-sales transaction until it closes. Many registrars claim that, from a budget perspective, they opt to keep their balance available at the registry and not commit funds at the registry with the add command until a finalized purchase has completed with the registrant.

Responding registrars state that a restocking fee or non-refundable ICANN fee would be less disruptive to this offering, in contrast to an elimination of the AGP that would make this service unsustainable.

### AGP Use 3: Fraud remedies

The AGP currently allows for remedies in the event of fraud, enabling return of domain names within the AGP for credit. Examples of such types of fraud correction put forward by the Registrars are (but may not be limited to):

- Recovering from phishing activities involving theft of registrar account credentials
- Remedy of credit card fraud, or
- Correctional efforts towards rogue reseller customers.

Registrars state that elimination of AGP would eliminate the opportunity to remedy these circumstances via a refund during the AGP. With a restocking fee or ICANN non-refundable fee, registrars would also incur an expense, but lower than the total cost of the domain names.

#### AGP Use 4: Monitoring, testing and development of systems.

Many registrars state that they take proactive steps to monitor and ensure the security and stability of their registration and resolution systems in order to ensure service levels, quality and availability. Such registrars use the AGP as a tool for proactive monitoring to determine the health of their connections to the provisioning system of registries. Some of the responding registrars do this only when there is not typical registration activity to indicate system help. Some of the registrars do a simple EPP registration and deletion, others run a suite of tests combining EPP and DNS that involve registration, modification, and determination that DNS resolution changes also took effect prior to deleting the test name.

The current secretary of the Registrar Constituency, Bob Connolly, indicated that there are registrars that utilize the AGP to relieve costs of development where test domains are registered within the production environment at a registry, either when adding new functionality to an existing cart system or when adding new TLDs to a new cart system.

Further, testing of a merchant gateway or payment processing system, to handle credit cards, electronic check, PayPal, or other electronic fund processing methods, is common in the development process, to resolve problems, or as part of testing new pricing or bundles. In the event of a change of merchant gateway, or in the development or integration of a new one, it becomes necessary to simulate the process that would exist within a typical sales cycle to incorporate the payment action within that cycle. Often it is necessary to test multiple price packages, as domain term lengths (years registered), quantity of domains at once, and additional services (quite frequently, domains are sold at below the registry cost – at a loss – assuming the costs would be recouped in the revenue from other services sold in conjunction), or other price groupings impact the price to the consumer. Registrars or their resellers want to ensure that the appropriate actions happen both in terms of payment and fulfillment.

While restocking fees or non-refundable ICANN fees would imply an additional cost to such registrars engaged in these uses of the AGP, some registrars state that the elimination of

the AGP would impose a higher cost from proactively monitoring, testing and developing their systems, outside of customer activity.

#### AGP Use 5: Addressing Registrant 'Buyer's Remorse'

Some registrars state that another use of the AGP is to address 'buyer's remorse', when a domain is intentionally registered although not activated and the registrant subsequently changes his/her mind, requesting a return. This use is exemplified in a comment from the registrar EnCirca as follows:

*"We do a lot of business in the domains where the price tag typically exceeds \$100 per name. The typical order can contain several names, increasing the price tag to over \$1000. As a general policy, we accept order cancellations within the AGP. In fact, we prefer it to the alternative of an unhappy customer who is may feel inclined to pursue a charge-back. The customer is relieved and more likely to be more prudent the next time around. The AGP is one of the few pro-consumer ICANN policies that exists. It should stay in place."*

This specific example relates to gTLDs with higher-than-average registrar prices, where the registrant price can exceed 100 USD for a domain name. The typical order can contain multiple names, with order totals over 1000 USD. Registrars addressing this market state that they accept and process cancellations within the AGP as a preferred alternative to unhappy customers inclined to pursue chargebacks with their credit card companies. While the customer may be relieved and more likely to be prudent the next time around, the presence of AGP allows for better handling of these circumstances for all parties.

#### Conclusion on considering impacts to change in AGP

In conclusion, if the results of this ad-hoc working group should indicate that PDP is the appropriate course of action, and should that PDP contemplate elimination of the AGP, it is important to note that these legitimate uses of the AGP would be adversely impacted, and should be part of the consideration process.

The responding members of the Registrar Constituency believe that the other alternatives of making the ICANN fee non-refundable or requiring some form of restocking fee per name deleted within the AGP term, is a more effective and appropriate way to achieve a balanced approach to curbing the abuses of the AGP while at the same time preserving other benefits of the AGP that registrants enjoy or expect as part of their registrar experience.

Registrars indicated in their responses that they gratefully appreciate careful forethought, evaluation, and consideration of the other impacts should there be changes to business logic or provisioning logic, or provisioning systems as a part of any PDP. Forced or sudden change in the behavior of an EPP command or expected behavior of business logic could take time and technical resources to implement, per gTLD and per registrar.

#### **4.5 Sample zone file data study**

In a note to the Working Group, the following suggestion was put forth by Bruce Tonkin, a GNSO representative on the ICANN Board:

"Many of the names being registered are being used for possible trademark infringement. This could be determined by selecting a sample size of names that were registered and deleted within the 5 day period, and then comparing the names with a database of trademarks (e.g USA trademark office). You might want to identify direct matches (e.g. check for icann), and also potentially common misspellings (e.g check for icnan)."

As this suggestion for a zone file study was deemed to be meritorious, it was agreed by the Working Group to initiate such a study. Unfortunately, owing to unforeseen circumstances the study was not progressed. The ad hoc group recommends that such a project be considered as part of potential follow-up activities that the GNSO Council may elect to launch.

#### **4.6 Experiences from ccTLDs**

ICANN staff contacted a number of ccTLD registry operators to get their experiences from domain tasting activities. 20 ccTLD representatives responded to the request and the responses feature as Annex 3 to this report. 14 ccTLD representatives reported having an add grace period, which varied in length from 2 to 30 days.

.DE does not have an add grace period, but domains may be registered and deleted on a monthly basis.

Nominet instituted a policy in August 2006 to combat domain tasting in .UK. The policy limits monthly deletions per registrar to 5 domain names or 5% of monthly registrations, whichever is greater. Nominet considers the dual approach ensures that both large and small registrars working within the rules are unaffected. Deletions in .UK are only to be made for the correction of mistakes. Since introduction of the policy, deletions have dropped from 2% of monthly registrations to .37%.

.AU has a three day add grace period and has begun to experience an increase in domain tasting.

.NL charges a 1.40 EUR fee on registration (non-refundable if the domain name is deleted after the 7-day add grace period).

.PL has implemented limited domain tasting. Domain names may be tasted by registrars for 5 days for 1 PLN (.20 EUR) per domain name.

Many of the Latin American ccTLDs reported policies of “activation after payment”.

#### **4.7 Experiences and views from UDRP providers**

A questionnaire was compiled by members of the ad hoc group and sent to the UDRP providers. The questionnaire and the responses are available in Annex 4. The responses hardly lend themselves to summarizing and are preferably read in their entirety ([link to the responses](#))

#### **4.8 Analysis of additional statistics from VeriSign**

The group prepared a request to VeriSign for more detailed statistics on particular aspects, as detailed in Annex 6 ([link](#)) in view of making further analyses. PIR and NeuStar had provided similar information, prompting the group to request it from VeriSign as well. To date, VeriSign has not supplied that such information.

#### 4.9 Potential measures to reduce domain tasting

The Issues Report featured a number of potential measures that could reduce domain tasting. These were included in the RFI and the opinions on them from the RFI respondents are covered in 4.2 and Annex 2. Other potential measures are known to have been put forward and still more may well exist, but addressing these was considered outside the scope of the ad hoc group's work.

## 5 Next steps

Although it was not part of the ad hoc group's task to draw conclusions from the information gathered, nor to recommend to the GNSO Council what further steps to take, the group wishes to draw the Council's attention to the considerations below.

### 5.1 Draft Terms of Reference

As requested by the GNSO Council, the ad hoc group has drafted the following Terms of Reference for a potential Policy Development Process, for the GNSO Council's consideration, should the Council resolve to pursue that option:

1. Review and assess all the effects of domain tasting activities that have been identified.
2. Judge whether the overall effects justify measures to be taken to impede domain tasting.
3. If the answer to 2 is affirmative, then consider the potential impacts of various measures on the Constituencies, and recommend measures designed to impede domain tasting.

### 5.2 Further research

The GNSO Council could also consider a request for further research into the likely impacts of different measures to impede domain tasting, using this outcomes report as a starting point for such a study. Examples of such study areas appearing elsewhere in the report are the sample zone file data study (see 4.5) and further review of the experiences with PIR's introduced measure (see 3.2). Such a study/studies need not be an alternative to, or a prerequisite for, a PDP, but could be undertaken in parallel, although timing of the parallel activities would then become crucial.

## Annex 1 - Subscribers to the DT list

The following individuals were signed up to the mailing list [gnso-dt-wg] of the DT ad hoc group:

ALAC: Alan Greenberg

CBUC: Marilyn Cade, Sarah Deutsch, Phil Lodico, Mike O'Connor, Mike Rodenbaugh

ISPCP: Greg Ruth

IPC: Kristina Rosette, David Steele, Patrick Cain, Laura Mather

Nominating Committee appointees to GNSO Council: Sophia Bekele, Avri Doria

NCUC: Danny Younger

Registrar C: Francesco Cetraro, Mason Cole, Robert Connelly, Paul Diaz, Jeff Eckhaus, Jothan Frakes, Seth Jacoby, John Kane, Adrian Kinderis, Peter Lamson, Margie Milam, Bill Mushkin, Jon Nevett, Tim Ruiz, Paul Stahura, Peter Stevenson, Ricardo Vaz Monteiro, Jay Westerdal

gTLD Registry C: Caroline Greer, Chuck Gomes, David Maher, Ram Mohan, Jeff Neuman

Observers: Rod Rasmussen - APWG

ICANN staff: Patrick Jones, Tim Cole, Olof Nordling, Karen Lentz, Kurt Pritz, Denise Michel, Glen de Saint-Géry

## Annex 2 - RFI Responses

The RFI prompted 23 responses by email to ICANN (plus 1 off-topic) and 195 responses via the on-line form to BigPulse.

### RFI responses via on-line form at BigPulse

#### Poll Results

**Poll menu:** Domain tasting RFI

**Report date:** Tue 25 Sep 2007 14:15 UTC

**Country:** All

#### 1. Please categorize yourself (indicate all that apply):

**As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 203

Ranked by votes

Rank	Opinion	Votes	%
6	Non-commercial Internet user	21	10.34
9	Government	1	0.49
2	Intellectual Property Rights Owner	77	37.93
7	Registrar	18	8.87
8	Registry	5	2.46
3	Registrant	74	36.45
1	Intellectual Property Rights Owner Representative	104	51.23
5	Registrant Representative	41	20.20
4	Individual Internet User	72	35.47

**2. Which of the categories (A-I) may benefit from domain tasting - and in what way?****As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 188

Ranked by votes

Rank	Opinion	Votes	%
3	No benefit	62	32.98
9A.	Non-Commercial Internet User	12	6.38
10B.	Government	3	1.60
6C.	Intellectual Property Rights Owner	26	13.83
2D.	Registrar	65	34.57
5E.	Registry	33	17.55
1F.	Registrant	91	48.40
8G.	Intellectual Property Rights Owner Representative	17	9.04
7H.	Registrant Representative	19	10.11
4I.	Individual Internet User	36	19.15

**3. Which of the above categories (A-I) may be disadvantaged by domain tasting - and in what way?****As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 183

Ranked by votes

Rank	Opinion	Votes	%
10	No disadvantage	15	8.20
4A.	Non-Commercial Internet User	68	37.16
8B.	Government	49	26.78
1C.	Intellectual Property Rights Owner	149	81.42
6D.	Registrar	51	27.87
7E.	Registry	50	27.32
5F.	Registrant	64	34.97
3G.	Intellectual Property Rights Owner Representative	84	45.90
9H.	Registrant Representative	45	24.59
2I.	Individual Internet User	106	57.92

**4. Do you believe that domain tasting impacts the security and stability of the Internet?****As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 182

Ranked by votes

Rank	Opinion	Votes	%
1	Yes	139	76.37
2	No	43	23.63

**5. Have you requested the deletion of a domain name during the AGP (Add Grace Period)?****As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 181

Ranked by votes

Rank	Opinion	Votes	%
2	Yes	17	9.39
1	No	164	90.61

**6. Have you been disadvantaged by domain tasting?****As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 182

Ranked by votes

Rank	Opinion	Votes	%
1	Yes	94	51.65
2	No	88	48.35

**7. Potential means to address the practice of domain tasting have been suggested. Do you have any other suggestions in addition to A-C below?****As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 174

Ranked by votes

Rank	Opinion	Votes	%
2	Yes	50	28.74
1	No	124	71.26

**8. Which additional disadvantages would each suggestion bring?**

No results, 96 inline comments

**9. Which additional benefits would each suggestion bring?**

No results, 93 inline comments

**10. Should any of these suggestions be implemented?****As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 173

Ranked by votes

Rank	Opinion	Votes	%
	1A) eliminating the AGP so that domain registration fees are non-refundable between registry and registrar	110	63.58
	4B) making the ICANN annual transaction fee (currently 0.20 USD per year) apply to names deleted during the AGP, or to a significant portion of them	17	9.83
	2C) imposing registry 'excess deletion fees' charged to registrars for disproportionate deletes (for example in .org, PIR registry charges 0.05 USD per deleted domain if more than 90% of domains are deleted in a given time period)	26	15.03
	3D) None of the Above	20	11.56

**11. If domain registrations were offered at no cost to the registrant, would this effectively permit domain tasting?****As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 173

Ranked by votes

Rank	Opinion	Votes	%
	1Yes	128	73.99
	2No	45	26.01

**12. Should ICANN prohibit domain registrations at no cost to the registrant?****As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 173

Ranked by votes

Rank	Opinion	Votes	%
	1Yes	131	75.72
	2No	42	24.28

**13. Should ICANN impose a minimum registration fee on domain registrations?****As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 173

Ranked by votes

Rank	Opinion	Votes	%
	1Yes	122	70.52
	2No	51	29.48

**14. Please provide any statistical or other factually supported information (with source or source data included for third party validation) that could be useful for analyzing domain tasting issues.**

No results, 33 inline comments

**15. Please name any expert persons you know of regarding any issues raised by this RFI.**

No results, 25 inline comments

**16. Please provide any other comments you may have to this RFI.**

No results, 28 inline comments

**Comments to individual RFI questions (submitted via on-line form)****2. Which of the categories (A-I) may benefit from domain tasting - and in what way?**

	Date	Comment
1	14 Sep 07	It is highly unlikely to make a mistake while registering a domain name if you are requested to double check the domain name information before you submit and pay for it.
2	14 Sep 07	I strongly suspect that the registrars are heavily involved in this practice and are making money off the arbitraging in domain names. The registries are making money because the registrants eventually register some of the tasted names. Finally, the tasters make money by monetizing the names.
3	14 Sep 07	Registrars benefit from the added income. Registries also benefit because many of them have not "caught on" so this allows them to sell more domain names. Registrants who engage in cybersquatting or targeted search pages for click through income benefit.
4	14 Sep 07	The registrant may benefit from registering a domain name that infringes on third party trademark rights and generates revenue from pay-per-click advertising posted on the web site associated with the "tasted" domain name, yet the registrant does not even pay a registration fee. This is an inherent flaw in the current registration system that must be remedied, preferably by eliminating the grace period for paying a registration fee.
5	14 Sep 07	Domain tasting, defined by the Ad Hoc Group as the "monetization practice employed by registrants to use the add-grace period (AGP) to register domain names in order to test their profitability," enables interested parties to test domain names for value at no cost. The practice of domain tasting, as is evident from ICANN's Monthly Registry Reports, has resulted in a significant rise in the number of total new registrations - the top 10 tasting registrars account for nearly 10% of all domain growth over the past 2 years. Both registrars and registries benefit from the practice of tasting, since it leads to more registrations and in turn more revenue. Additionally, ICANN benefits from the increase in the number of registrations since there is a payment made to them per domain name registered.

Additionally, the registrants of names that are identified via tasting benefit greatly from being able to retain only those names that have proven their worth and traffic, and thus incur cost only on names that have a proven ROI.

It is important to note that most domain tasting appears to be done by registrars themselves, where they are both the registrar and the registrant of domain names. The reason for this is that registrars have the technology to directly connect to the registry and thus add/drop names automatically and in real time. It is with this connection and systematic ability to spin and test names that tasting can scale and begin to deliver significant revenue to the party.

6	14 Sep 07	Domain tasting, defined by the Ad Hoc Group as the "monetization practice employed by registrants to use the add-grace period (AGP) to register domain names in order to test their profitability," enables interested parties to test domain names for value at no cost. The practice of domain tasting, as is evident from ICANN's Monthly Registry Reports, has resulted in a significant rise in the number of total new registrations - the top 10 tasting registrars account for nearly 10% of all domain growth over the past 2 years. Both registrars and registries benefit from the practice of tasting, since it leads to more registrations and in turn more revenue. Additionally, ICANN benefits from the increase in the number of registrations since there is a payment made to them per domain name registered.
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Additionally, the registrants of names that are identified via tasting benefit greatly from being able to retain only those names that have proven their worth and traffic, and thus incur cost only on names that have a proven ROI. It is important to note that most domain tasting appears to be done by registrars themselves, where they are both the registrar and the registrant of domain names. The reason for this is that registrars have the technology to directly connect to the registry and thus add/drop names automatically and in real time. It is with this connection and systematic ability to spin and test names that tasting can scale and begin to deliver significant revenue to the party.

-- Which of the above categories (a-l) may be disadvantaged by domain tasting - and in what way?

Domain tasting allows users to unfairly exploit a system loophole whereby they are able to test the value of domain names (based upon the traffic they generate) on a massive scale and operate virtually risk free. This practice was not the intended use of the AGP and is not in the spirit of the inherent interests of the Internet. This abuse of the AGP and the subsequent domain registrations and kiting that occur as a result of it make it much more difficult for businesses to protect themselves and their customers against online harms and frauds, thus expanding the list of harmed and disadvantaged parties.

Nearly all of the categories referenced are disadvantaged and additionally harmed, by domain tasting. From the impact on consumer choice, to unfair business practices, to the resulting harms from names identified in tasting, there are no winners in domain tasting besides the select few registrars who have skirted the line of entrepreneurship and fraud, the registries that enable tasting, and ICANN.

The names that are registered are names that have been proven to receive direct navigation traffic. While many names that are tasted are of a generic nature, a similarly large number of names are based upon trademarks and famous brands. Consumer behavior demonstrates that individuals identify with brands and often conceptualize products and services in concert with brand names. Consumers directly navigate by typing in branded names for that same reason.

Data on this practice can be seen by examining the registration of any branded name. This is particularly true after a new launch. For example, Apple announced their "new" iPod with a touch screen on 9/6/07. By 9/7/07 there were hundreds of domain names in play – none of which Apple owned (e.g., ipodtouchtv.com, ipodtouchstore.com, ipodtouchnano.com, etc.). These names were registered in the hope that consumers looking for information from Apple on the new iPod would directly navigate to these sites.

Instead of ending up on the brand owner's site, unsuspecting consumers could be routed to sites that expose them to spyware, promote the sale of what turns out to be counterfeit goods, expose their personal information for further exploitation, or display a pay-per-click site, none of which was the consumer's want or expectation.

Who is harmed and how?

a. Individual Internet Users (The general public)

Domain tasting has contributed to a dramatic increase in domain registrations, and some of the registrants of those names are cybersquatting on well-known brands. In those situations, the registrant is able to harm consumers (through spam, spyware and other crimewares, phishing, and the sale of unwanted counterfeit goods) by using the brands to bridge the trust gap.

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Domain tasting has contributed to a dramatic increase in domain registrations, as is evident from ICANN's Monthly Registry Reports, and has resulted in a significant rise in the number of total new registrations - the top 10 tasting registrars accounted for nearly 10% of all domain growth over the past 2 years. The number of available .COM domain names is dwindling and consumers are left with fewer choices and fewer opportunities. Consumers with legitimate interests in registering domains are left with less desirable and less relevant choices. Furthermore, high-volume tasters have a distinct advantage over other consumers in this competition for desirable domains because they are able to identify names that they want through automated means and direct connections to the registry.

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The AGP, domain tasting, and subsequent domain registrations are catalysts for government involvement. In cases where domain names that contain others' trademarks are identified to have value during the AGP and end up being used in cyber-crime, governmental organizations become involved. The volume of domain names that are in the AGP at any given time allow parties to operate in virtual hiding for the 5 day window- it is nearly impossible for enforcement to cut through so many millions of names. In addition, with criminals registering and using domain names of government bodies and personnel, the government falls victim to cybersquatting practices as well. ICANN has a connection with the US Commerce Department, so if problems persist, the US government will unavoidably become more directly involved in policing Internet fraud.

d. IP Owners

Because branded and trademarked names inherently garner large volumes of traffic, cybersquatters often register domains that contain these names, either in their original form or with common spelling errors or typos in order to redirect visitors and consumers onto fake websites.

As noted previously, it is important to talk about domain registrations when discussing domain tasting. Tasting enables the identification of domain name registrations. Names that are identified as having value are often cybersquatted names.

Cybersquatting is costing brand owners worldwide well over \$1 billion U.S. dollars every year as a result of diverted sales, the loss of hard-earned trust and goodwill, and the increasing enforcement expense of protecting consumers from Internet-based fraud. Depending on the brand owner's industry, the total impact of cybersquatting on a single brand could be in the tens of millions of U.S. dollars when taking into consideration the value of lost leads and sales, costs of dilution, confusion, poor customer experiences and millions of lost unique Web site visitor impressions every week.

e. IP Rights representative

CADNA, as an IP Rights Representative, is a coalition of brand owners that is working to make the Internet a less confusing and safer place for consumers and businesses alike. The coalition is taking action to end the

practices of domain name tasting and kiting and to reduce instances of cybersquatting. Our membership is concerned about the impact of these practices on their business, on their IP rights, and on their consumers.

7 14 Sep 07 In the case of a registrar, it allows for names to be registered for testing purposes as well as allowing them to delete names clients have registered by accident.

For registrants, it allows them to request names be deleted that were registered in error.

8 14 Sep 07 Registrants using domain name tasting for nefarious purposes benefit from the practice by "tasting" domains incorporating intellectual property of third parties and trading on the goodwill those third parties have built in the intellectual property.

Registrars and registries might benefit from the increased registration numbers. For example, a certain registrar or registry could say it has xxx number of registrations to show its popularity, reputation, etc. However, that number may not take into consideration the number of deletions that follow those registrations in the practice of domain name tasting.

9 14 Sep 07 Intellectual Property Rights Owners in order to verify the appeal of their trademarks as domain names.

Individual Internet users in order to verify the appeal of the chosen domain name and, in some cases, to take advantage of Intellectual Property rights of other subjects.

10 14 Sep 07 It precludes legitimate potential registrants who have a bonafide desire to register the domain name from doing so and it permits cheating by others at the expense of such legitimate potential registrants.

11 14 Sep 07 A small group of registrars and/or registrants are doing almost all the tasting, obviously to their benefit as the practice has grown rapidly and enormously. Registries (at least .com and some of the ccTLDs) benefit from the increased volume of registrations.

12 14 Sep 07 we manage domain assets for a number of the internet's leading domain registrants and companies.

13 14 Sep 07 In theory, registrants should benefit from the add/drop period. However, most registrars do not appear to offer the opportunity to drop a misspelled domain name and get a refund except to large scale domainers (who may be part owners of the registrar). (I say this from personal experience as I once registered a domain for personal use, realized I had misspelled one of the words, and could not drop the domain)

14 14 Sep 07 They can see how many hits a name will generate without actually buying.

15 14 Sep 07 They make money from this abuse.

16 14 Sep 07 Domain tasting apparently is intended to gain profits from arbitrary domain names, which users might be likely to key in - without any connection to specific content or the business of the registrant. Nobody else than a registrant can benefit from such action.

17 13 Sep 07 Registrants who participate in tasting benefit through the ability to generate revenue without having to pay for the domain name. Registrars that permit tasting benefit to the extent permitting tasting attracts registrants to whom additional products can be sold. The registry monthly reports contain data to suggest that some registrars are themselves participating in tasting (see, e.g., delete domains grace data for CapitolDomains and DomainDoorman in VeriSign monthly report for May 2007). Such registrars presumably benefit in the same way as tasting registrants.

18 13 Sep 07 By confirming the economic benefit before paying, thus reducing their financial risk. This is very prevalent among registrants seeking to register misspellings of legitimate domain names.

19 13 Sep 07 Registry and Registrar by charging a fee for tasting to their customers.

Registrants by having the possibility of checking the value of a domain name and only paying for the good on

20 13 Sep 07 The AGP allows registrants to correct spelling mistakes or to test the profitability of a domain name.

21 13 Sep 07 The costs for registration of a DN are not usually high. I think it is just a matter of costs. What will be cheaper? to register 10-20 dn or to make cost-benefits analysis for each of them until it will be find the most profitable?

22 13 Sep 07 he/she may consider whether or not he/she really wants to keep the domain + can correct errors

23 12 Sep 07 Would allow registrar time to make corrections to typos. Could also allow registrants and representatives to take advantage for the purpose of domain tasting.

24 12 Sep 07 D. allowing a "test-drive" sells more registrations

F. zero-cost site for collecting revenue, for at least a short time

25 12 Sep 07 Domain tasting is abused by entities that create traps individual internet users by filling the internet with deceptive material, which is posted for too short of a period to be properly handled legally. While their may at first glance be some benefit to legitimate users who are careless in their domain registrations,

this benefit is outweighed by the potential harm to legitimate registrars from frequent and repeated typo-squatting of their domain.

26 12 Sep 07 Registration volume benefits everyone as it makes things easier to find, unless someone can argue that an error page is a good user experience.

Registrars and Registries benefit because it is more business, and registrants benefit from the overall value of their domain name as a scarce commodity accruing in value.

27 11 Sep 07 Registrants - benefit by being able to identify domain names that generate sufficient revenue to justify the registration cost, at no cost to them.

Registrars & Registrys - benefit by receiving registration fees for at least some of the domain names tasted. If tasting was not available, registration numbers would be lower, hence less revenue.

28 11 Sep 07 They will be able to obtain profit from something that is not from their creation. Its equivalent to register a trademark which I did not invent.

29 11 Sep 07 I do not believe any legitimate organization seeking to disseminate information can determine the efficacy of a domain name in a few days.

30 11 Sep 07 The registrar gets to offer domain names to potential buyers. The registrant has a chance to change its mind about keeping the registration.

31 11 Sep 07 Allowing the tasting will very much encourage infringement of IP rights without the possibility for the IP Right Owners to be able to react within the tasting period

32 11 Sep 07 Non-Commercial Internet User: most popular names will be registered; popular implies need by internet user

Government: it's business, there's turnover and profit, so there are taxes

Registrar: the registrar likely gets paid by a client to do the tasting, or does the tasting himself to get "the best" names, which will then be sold at a higher price (i.e. with a larger margin\_

33 11 Sep 07 ...

34 10 Sep 07 can hold names hostage or sell to others

35 10 Sep 07 Registrants and their representatives benefit from domain tasting because they essentially get to try something for free. In fact they essentially can obtain a domain name for free by cycling through domain names so that they are continually dropped and re-registered.

Registrars benefit from domain tasting because they also can test the value of a domain name without having to pay for it, and if the value is significant enough they can register the domain name themselves.

Registries benefit because the sheer volume of domains that are tasted generate additional fees for those domains that are retained.

36 10 Sep 07 There is no or extremely limited benefit.

37 10 Sep 07 Tasting is most useful to those who try to drive traffic to a site using a name similar to a trademark or famous name of another.

38 10 Sep 07 Depending on the business an IP owner or registrant may want to determine whether or not a domain would be profitable before racking up the domains that are not used and wasting the money on them.

39 10 Sep 07 Both can test domains for SEO / traffic benefits wven if they are related to somebody elses' TM/IP. Passing off / trading off that brands investment in their marketing.

40 09 Sep 07 I don't think any legitimate business benefits by domain tasting.

41 07 Sep 07 fees are generated by each registration

42 07 Sep 07 I can see how some legitimate registrants could use domain name tasting to their advantage, by kind of "test driving" a given name. And I can see how a given registry could profit by tasting, by allowing them to use the process to valuate given names. But I honestly cannot see how domain name tasting could benefit legitimate IPR owners or an average individual internet user.

43 07 Sep 07 Free "tasting" period allows registrant to see how popular a URL is without committing to registering it, and allows registrant to prevent it from being registered by others for more legitimate purposes.

44 07 Sep 07 Determining the success of a campaign is very important. Having additional metrics and, as a result, more options would be very beneficial.

45 07 Sep 07 There is no domain tasting in Uruguay

46 07 Sep 07 Domain tasting is often beneficial to those who misuse other parties' domain names and are seeking domain names that will mislead and misdirect users.

47 07 Sep 07 Registrants benefit by maximizing the value of domains they acquire. Registrars benefit from increased registration activity driven by value-seeking registrants.

48 07 Sep 07 A. Testing traffic flow from backlinks at no cost.

F. Registrant receives profit from existing backlinks and/or IPR owner trademark recognition.

H. Registrant Rep. gets paid for services by Registrant.

- 49 07 Sep 07 increased fees
- 50 07 Sep 07 In order to reserve/keep a domain while an internal decision is taken.
- 51 07 Sep 07 The registrant has the opportunity to use the domain name for a grace period of 5 days and could earn income from infringing an Intellectual Property Rights Owner's marks.
- 52 07 Sep 07 Tasting allows registrant/non-commercial internet user and individual internet user to test domain names which may contain trade marks of IP owner, and so allows infringement on a short term basis, which will be extremely difficult for the IP rights owner to monitor or take action to prevent.
- 53 07 Sep 07 Some registrants may benefit from exploiting a loophole in system. There may be a marginal benefit to legitimate registrants as it enables corrections to errors (eg typos) but I would have thought that most legitimate registrants would take care to get details correct upfront.
- 54 07 Sep 07 So-called domainers for testing domains for parasitic exploitation
- 55 07 Sep 07 As soon as a domain name becomes available due to a failure to renew it, several companies try to see if there is still traffic during 4-5 days. In the affirmative, they keep the domain name and may sometime contact the previous owner to sell it back to him. This is therefore good for Registrar and Registry as they get more money (without the Tasting, people will not try to register the domain for a year).
- 56 07 Sep 07 Increasing the number of registrations
- 57 07 Sep 07 Because it allows them to sample which domain names will make them money without having to pay for them first - this will only increase the cybersquatting problem
- 58 07 Sep 07 I've made registration mistakes and eat them. If you make a mistake you should live with it. This was crazy from inception.
- 59 06 Sep 07 The entire idea of domain tasting is a bad idea and allows misuse of the system.
- 60 06 Sep 07 Reports are that the 5-day Add period permits significant income to be made by some taste and refund registrants.
- 61 06 Sep 07 We do not see a legitimate benefit to any category from domain tasting.
- 62 06 Sep 07 Registrant can, free of transaction charge, determine which domain names are profitable.
- 63 06 Sep 07 I believe that tasting alone can impinge on IP rights of third parties and further enables illegal and/or bad activities with respect to domain names
- 64 06 Sep 07 Benefits Click Thru Advertising Sales; Harms Everyone Else
- 65 06 Sep 07 Commercial benefit to the confusion of consumers and expense of owners
- 66 06 Sep 07 the benefit is to cheats.
- 67 06 Sep 07 generates revenue with click through ads
- 68 06 Sep 07 As a registrant - With the ability of domain tasting, I can register many different domains the second I think of them and then discuss my selections with members of my team and then return ones that the team does not agree on. This try before you buy scenario reduces buyers remorse and make the entire process enjoyable.

As an Individual Internet User - Domain tasting benefits me by providing me with seamless navigation to sites I am looking for without the time consuming process of meeting a 404 and then having to try typing the domain name in again.

- 69 06 Sep 07 Some legitimate uses by owners of trademarks to see what traffic a domain would hold; illegitimate use by third parties to divert traffic or to profit from others IP.
- 70 06 Sep 07 A Registrant gains the benefit of a Domain Name for 5 days without having to pay for it, enabling cybersquatting and typosquatting with virtually no come-back. Repeated domain tasting of the same domain name (which can be computerised) allows a Registrant long term use of a domain name without having ever to pay for it.
- 71 06 Sep 07 Domain Name registrant benefits by testing the domain name for profitability prior to payment
- 72 06 Sep 07 When registering for a domain name, the registrant or its representative can cancel the registration within a set period of time if the registration contains errors or if it does not prove to be profitable or of use.
- 73 06 Sep 07 In my experience domain tasting mainly benefits those seeking to illegally capitalize on the brand rights of others. There is little need to taste domain which do not incorporate branded text strings.
- 74 06 Sep 07 domaina are commercial property and should be treated in the same manner. No where in the property world can you "taste" and return without actually buying.

75 06 Sep 07 Certain registrars appear to be engaging in domain tasting and registration for use on PPC sites. Domainers (who are registrants) may benefit from tasting in that it allows them to optimize the monetization of domains.

76 06 Sep 07 Only cyber-squatters may potentially benefit

77 05 Sep 07 The domain name taster benefits from being able to determine the value of a domain name (often a variation of a third party trademark) "risk-free." The registrar, and registry, benefit financially (even though they ultimately must return the registration fee, they do collect interest during the "trial period").

78 31 Aug 07 Domain tasting also supplies names that are sold to the general public they would not have much chance to get otherwise and provide a way for intellectual property rights owners to recover names through such services and for names kept make more money for registrars and the Registry. The only bad practice is continually moving names to avoid paying for them. Tasting is not a problem.

79 27 Aug 07 There might be benefits but I do not have an opinion on them.

80 27 Aug 07 no opinion

81 26 Aug 07 Registrar benefits from additional business. Domain Name tasting (Still) keeps many registrars in business.

The Registry benefits by getting an automated appraisal of their long tail of unused names. It's probably a transitory benefit, as the TLD grows (if domain tasting would happen on a non.com TLD) the benefit erodes as the tasters sit on then-valuable names and erode the purpose of the TLD. In the long run, therefore, the value to Registry erodes and becomes negative.

82 23 Aug 07 Domain testing really does not benefit individuals

83 23 Aug 07 Some registrars are doing tasting themselves. Others are providing a service to their customers. Registries make more money because more domains are registered.

84 22 Aug 07 Registrants don't have the same information about queries executed against the DNS servers maintained by registries. Domain tasting brings some of this advantage to registrants. Registrars and Registries benefit because at the end, this practice increases sells.

85 22 Aug 07 Market conditions are such that individual registrants may profit off of domain tasting. These profits are shared by the registrars and registries.

86 22 Aug 07 Registrars are able to charge for tasting and increased registrations as a result of tasting.

Registries increase registrations (performing names).

Registrants that register the names obviously benefits from being able to identify names to register.

Individual Internet Users benefit from the services offered on the tasted domains (direct navigation etc).

87 22 Aug 07 I run the first ICANN Accredited Registrar in Latin America, Nomer.com, we are based in São Paulo, Brazil. We dont support domain tasting, as a matter of fact, some of our registrants have problems because of the domain tasting.

88 22 Aug 07 It facilitates to test the profitability of the respective domain for the IP Rights Owner.

89 22 Aug 07 commercial users , resellers

90 21 Aug 07 They are each getting increased revenue and likely profits as a result of current tasting activity.

91 20 Aug 07 You don't have a category for "commercial internet user" or "annoying parasite", so I guess "Individual Internet User" is the closest. While domain tasting is bad for most of those groups, and relatively unnecessary for intellectual property rights owners who can afford \$6/year/name to discourage typosquatters, there are two groups of people who can benefit. Individual users who register a name by mistake (e.g. haven't done an adequate trademark search and find they're infringing on someone else's name in some jurisdiction) can get their money back - though if they're a business the primary costs are the administrative time, not the \$6, and the \$6 is really only an issue in the third world where people may be frequently using country-code domains that have their own policies. And "annoying parasites" can apparently make money by domain tasting, either by littering the domain name space with names they hope will generate ad revenue, or by infringing on trademarks, phishing, or doing fast-flux tricks to hide other malicious activity.

92 20 Aug 07 AdSense income, domain name warehousing at registrar, checking name quality before acquiring them for further auctioning.

93 19 Aug 07 Registrars can make money by advertising fees on millions of parked domains they have obtained for free from ICANN

Spammers can register millions of domains for temporary criminal use for free. For many purposes they just need temporary throw away domains eg. just for a few days while victims read spam emails. Spammers may greatly benefit from any power tools registrars enable to obtain these millions of free temporary domain names, to automated their generation of spam domains.

- 94 17 Aug 07 I voted as an individual internet user. I do not understand the reason for the voting & how I would benefit.
- 95 17 Aug 07 I voted as an individual.
- 96 17 Aug 07 The internet user which is trying to explorer an idea for a product is heavily damaged by this domain stealing. The registrar looses its credibility for safe domain research. Regardless of whether the action was caused by them or a third party spyware.
- 97 16 Aug 07 I just put C and D but as Individual Internet User, since speculating is typically human, I may switch to others categories like C and D categories or something like. The frontiers are not sharp as we would like.
- 98 16 Aug 07 The only significant beneficiaries are domain speculators. I suppose they're registrants, but they're a rather unusual subspecies.
- 99 16 Aug 07 the cost is so little for a domain now, and honestly, if there's a revoke process in case of serious error, like stores' return policy, then there's no need for an automatic "change mind" policy. Most registrants aren't aware of it anyway.
- 100 15 Aug 07 The cost involved outweighs all benefits.
- 101 15 Aug 07 Registrars seem to be the only party \*on your list\* which benefit from domain tasting. Spammers, hucksters, and click-ad shysters aren't on your list!
- Email 16 Sep 07 Registrant – ability to try before you buy. You can test the success of a potential website to ensure you select the “best” domain name or a domain name that will greatest the most traffic. This can all be done at minimal cost. The selection of defensive domain name registrations is also easier in that the most commonly misspelt versions of the intended domain name can be captured. We also note from the GSNO Issues Report on Domain tasting that a large number of registrations are deleted within the 5 day period. There are obvious advantages to registrants whereby domains are not maintained for a long period and therefore re-enter the pool of available names.
- Email 14 Sep 07 All of the above since Domain Tasting could be a tool that could reduce costs if someone determines that a domain registration will not be profitable.
- Email 14 Sep 07 d) Registrar – it realizes income from the registration of domain names by registrants  
e) Registry – by means of realizing a considerable income from registration fees  
f) Registrant – it realizes income from the advertisements displayed under its domain names
- Email 13 Sep 07 We believe some tasting is done by registrars for themselves as well as for clients or customers, so primarily categories d), f), and i). The benefit is well described in the definition of Domain Tasting included in the RFI.
- Email 27 Aug 07 The issue is not domain tasting per se, rather the AGP.
- Email 23 Aug 07 The only party benefiting from domain tasting are commercial institutions that abuse the 5-day-add-grace period to register names for free and evaluate their potential for free. It may be registrars (d), though some of the players are "only" regular internet companies that are not in your list of categories
- Email 14 Aug 07 I do not believe any legitimate organization benefits from domain tasting.

### 3. Which of the above categories (A-I) may be disadvantaged by domain tasting - and in what way?

- |   | Date      | Comment  |
|---|-----------|--|
| 1 | 15 Sep 07 | Intellectual property owners may be harmed by registration of trade marks or misspelled trade marks as domain names for different reasons, e.g., selling of counterfeit products.  |
| 2 | 15 Sep 07 | By making use of their names, brands and trademarks  |
| 3 | 14 Sep 07 | C. because unwary internet users may consider that the misspelled site is, or could be related, to the one they were really looking for.<br>G. Because they may be requested to take action against the misspelled internet domain names, and the costs involved every time action is required may erode the client-attorney relationship.<br>I. Because they are forwarded to sites they were not looking for.  |
| 4 | 14 Sep 07 | Because tasted names divert advertising revenues, brand owners see the value of their trademarks diminished. The tasting of brands not only causes a diminution in advertising revenues, but also creates a great deal of "white noise" which diverts traffic and thereby confuses consumers.  |
| 5 | 14 Sep 07 | A. and I.: disadvantaged by trying to reach a legitimate web site and, by mis-typing the domain name, reaching an illegitimate web site;<br>C. is disadvantaged by having its trademark rights abused by cybersquatters for a short period of time;<br>D. is disadvantaged by providing a service that is never paid for;<br>G. is disadvantaged by spending time on reviewing web sites and drafting cease and desist letters which may not be necessary if the infringing domain name is never registered. |

6 14 Sep 07 Non Commercial and Individual Internet users lose out because most of these targeted search sites divert them from where they are seeking to go. In my experience most links on such pages do not go to where you want to. IP owners lose out because their marks are being used to divert internet users looking for them to other places.

7 14 Sep 07 Domain tasting allows users to unfairly exploit a system loophole whereby they are able to test the value of domain names (based upon the traffic they generate) on a massive scale and operate virtually risk free. This practice was not the intended use of the AGP and is not in the spirit of the inherent interests of the Internet. This abuse of the AGP and the subsequent domain registrations and kiting that occur as a result of it make it much more difficult for businesses to protect themselves and their customers against online harms and frauds, thus expanding the list of harmed and disadvantaged parties.

Nearly all of the categories referenced are disadvantaged and additionally harmed, by domain tasting. From the impact on consumer choice, to unfair business practices, to the resulting harms from names identified in tasting, there are no winners in domain tasting besides the select few registrars who have skirted the line of entrepreneurship and fraud, the registries that enable tasting, and ICANN.

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CADNA, as an IP Rights Representative, is a coalition of brand owners that is working to make the Internet a less confusing and safer place for consumers and businesses alike. The coalition is taking action to end the practices of domain name tasting and kiting and to reduce instances of cybersquatting. Our membership is concerned about the impact of these practices on their business, on their IP rights, and on their consumers.

8 14 Sep 07 For intellectual property rights owners, it creates another channel of mis-use that needs to be monitored and enforced. The difficulty in enforcing rights is complicated by the fact that the owner of a domain that is being tasted is much more difficult to identify than an owner of a domain registered for a longer period of time. Since the add grace period is only five days, it creates an environment that forces the IP rights owner to have rapid notification of abuse and the necessity to take swift action since the domain can be deleted within 5 days.

Registrars whose clients do not engage in domain tasting are disadvantaged by the fact there is an artificially large pool of taken domain names that are not available for registration by their clients. Domain tasting also allows for registry operators to increase prices due to additional systems required to support the load domain tasting places on existing systems.

Registrants are disadvantaged because names are being tied up by parties that have no intent to keep the domain registered for any meaningful amount of time.

Individual internet users are affected since domain tasting enables deceptive online behaviors (such as phishing and malware attacks) to be conducted in a manner which creates very little tracking and history from a deleted domain.

9 14 Sep 07 Intellectual Property Rights Owners would be damaged by domain tasting since it would be much more difficult to pursue abuses of their rights.

Individuals may be disoriented in their searches.

10 14 Sep 07 It precludes legitimate potential registrants who have a bonafide desire to register the domain name from doing so and it permits cheating by others at the expense of such legitimate potential registrants.

11 14 Sep 07 Individuals, business, government all suffer as there are far fewer available, worthwhile domain names as the tasters have snapped up huge numbers of registrations. Also, most of the tasters have no regard for whether they are registering domains that correspond to well known brands, and thus illegally profit from cybersquatting on those brands. This costs businesses a lot of time and money to police their brands, and from increased registration fees once domains are recovered from squatters.

12 14 Sep 07 Since domain tasting ties up domains that may be desired by others (and such domains frequently infringe trademarks) almost every constituency other than the domainer community is disadvantaged by the current system.

13 14 Sep 07 since tasting is done with names already given up by a registrant or with names already available to the market and those interested can also taste or register any of the domains available when they are available or when they become available again, we see no disadvantage to the tasting process

14 14 Sep 07 People are signing up for domain tasting of typographical errors in trademarks to see if get enough hit sto make the domain worthwhile to buy...ties up the domain.

15 14 Sep 07 Tasting harms IP rights owners by diluting the value of brands that frequently are the subject of tasting activity. In addition, IP rights owners who wish to enforce their rights now have the added frustration of not being able to identify and stop a registrant who is constantly re-registering the same domain every 5 days through various alternate entities and subsidiaries. Tasting likely also creates consumer confusion and decreases the consumer's ability to quickly locate the true source of goods and services on the web. The

constant registration and withdrawal and then re-registration also harms the stability of the DNS system, as links and domains come and go, consumers, and internet users of all sorts (commercial, non-commercial and governmental) become frustrated at the difficulties in web navigation that occur because of tasting.

16 14 Sep 07 This practice ties-up domain names that should be available to legitimate registrants and leads to aiding spammers.

17 14 Sep 07 Internet-users are disadvantaged by being misled. Usually they seek a certain website when keying in a domain name. A domain name used for domain tasting will not lead them to the intended website. Rather they have to take time to scrutinize the information (usually an automatically generated parking site) given on the website, which will in most cases not be helpful for them.

IP rights owners very often are disadvantaged, because domain tasting is used to find out "valuable" domain names, which shall be further used to generate hits by a registrant, who "has nothing to do" with the "value" of a domain name. Very often the "value" of a domain name comes from its similarity with a (famous) trade mark and is to the detriment of the trademark owner.

Registries are obviously disadvantaged because assumingly registration/deletion/re-registration will cause their systems to be busy for no revenue.

18 13 Sep 07 Domain testing can result in the infringement of registered trademarks and makes it very difficult to take necessary action.

19 13 Sep 07 Individual Internet User - interferes with ability to identify and register available domain names; harms consumers who end up at typosquatted tasted domain names and cannot locate the goods or services they are seeking. Noncommercial Internet User - same reasons as for individuals, esp. if tasted domain name is used for fraudulent site seeking donations.

Government - use of tasted domains in connection with unlawful activity makes identifying and taking enforcement action against the registrants more difficult because of the very short time period within which action can be taken.

IP Rights Owner - Many tasted domain names violate trademark rights. Such infringements damage the goodwill associated with the mark, especially because it is virtually impossible to - within the 5-day period - identify the infringing domain name and initiate enforcement action. Tasted domains that infringe and that are parked at monetization pages (which is the whole point, isn't it?) often contain links that will - eventually - lead to the trademark owner's site. If the trademark owner participates in a PPC program, it will be forced to "pay" twice.

IP Rights Owner Representative - significant increase in client frustration with inability to take effective action; diversion of client resources to "whack a mole"-like efforts to identify and take enforcement action regarding those domain names that violate trademark rights.

20 13 Sep 07 Because it allows potential infringers to select only those variations of a legitimate name that are profitable.

21 13 Sep 07 Intellectual Property Rights Owners and representatives are unable to defend their IP since whois information changes too fast and is difficult to track accurately. Generic Registrants are damaged by the confusion generated by a large number of domains being continuously switched between available/unavailable.

22 13 Sep 07 The AGP is a factor of instability in the domain name system. It confuses consumers as web sites tend to appear and disappear. It makes difficult for IP rights owners and their representatives to defend their rights. The task of governments in prosecuting criminal activities is made much more difficult. It imposes more transaction costs on registrars and registries.

23 13 Sep 07 C: may be blocked to register a domain corresponding with his IPR + domain taster can misuse domain for violating IPRs (misleading potential customers without any possibility for the right holder to take legal action against the domain taster, as the domain does only exist some days)

E: is losing registration fees although the Registry has technical/financial effort for activating the domain  
I: danger to get misled (e.g. when looking for a certain product marketed under a special trademark and hoping to find it under a certain domain, which is however registered by a domain taster in bad faith)

24 12 Sep 07 Increased cost. Time delays in getting addresses.

25 12 Sep 07 C. confusion amongst users if similar names are tasted

F. confusion amongst users if similar names are tasted

26 11 Sep 07 Domain name tasting facilitates cybersquatting, typosquatting, and confusion of internet users. It wastes resources of registrars and registries, limits the ability of registrants to obtain preferential domain names, and causes IPR owners and their representatives to engage in wasteful and time consuming investigations and legal proceedings to try to recapture domain names that violate their trademarks.

27 11 Sep 07 Traffic is misdirected to domain testers without cost to them to test the use of an infringing name. This increases the domain name trafficking by infringers.

- 28 11 Sep 07 IP owners may be disadvantaged by registrants obtaining a benefit from the IP owners IP. However, where the domain name tasted is abandoned after the 5 days, it is because the domain name did not attract sufficient traffic to justify registering it, so the damage to the IP owner should be minimal. If the domain name is registered following the tasting, the IP owner will be able to use the UDRP or court proceedings to take action if its rights are being infringed.
- 29 11 Sep 07 Both will have to litigate in order to get ownership of a trademark converted into a domain name and this will cause strong costs.  
On the other hand it will cause confusion on consumers.
- 30 11 Sep 07 Domains that come and go confuse all Internet users. To the extent that tasting is used to kite infringing or other inappropriate domains, the practice is misleading and sometimes, unlawful. The domains do not exist long enough to make chasing the owner worthwhile, so those who are abusing the system continue to do so.
- 31 11 Sep 07 The IP rights owner loses because its mark may be included in a domain name without authorization by a registrar who wants to peddle it. If the dn is registered by an unauthorized party, then the IP rights owner has to take action to recover the dn registration which abuses the IP rights owner's trademark rights.
- 32 11 Sep 07 See previous answer
- 33 11 Sep 07 Registry: a lot of transactions without payment  
Registrant: tasting can lead to strong increases in the prices of popular domainnames
- 34 10 Sep 07 Constant registratio and deregistration of domain names makes it difficult to know when names are truly available for registration
- 35 10 Sep 07 Individual internet users are greatly disadvantaged because the domain tasters monetize their Web sites by pointing the domain names to pay per click Web sites that create no value for the typical individual. The links on these sites typically masquerade as meaningful information related to the domain name, but end up pointing to affiliate advertising sites.  
Intellectual property owners are very frequently the target of domain taster. Variations on their trademarks are registered by the domain taster who then is able to siphon off traffic from the trademark owners site through search engine gaming. The nature of the register/drop/re-register cycle does not allow a trademark owner to pursue a UDRP and the additional volume of domains that are generated by the activity that infringe on the intellectual property owner's rights greatly increases the expense to pursue the infringer.
- 36 10 Sep 07 They both may be disadvantaged by those who register domain names including others trademarks or similar to others' trademarks.
- 37 10 Sep 07 Uses trademarks and typo-cybersquatting to provide financial gain to third parties unrelated to the trademark owner. Added administrative burden on registrar. Removes, at least temporarily, domain names from the open market.
- 38 10 Sep 07 Added time and cost to enforce rights against infringers; restricts available names from valid users with legitimate interests
- 39 10 Sep 07 Infringement for owners and their representatives. Registrars/registry incur higher admin workload and costs for refunds. Individual users can be misled.
- 40 07 Sep 07 confusion to the internet user
- 41 07 Sep 07 I think a lot of entities are disadvantaged by domain name tasting, most particularly the individual internet user. After all, it is the individual user who visits a site that is being tasted, thinking that he will find X when in fact he finds Y. Plus, all the tasting blocks/delays registration of names by legitimate applicants/registrants.
- 42 07 Sep 07 A. and I.'s searches for information on the Internet are hindered or mis-directed. C.'s trademarks are exploited and/or C. cannot register domains that contain its trademarks because the tasters keep re-registering them. D. is prevented from generating revenue from legitimate registrants, and has admin. headache of trying to keep accurate records of constantly changing registry information. E. is an admin. mess for the same reason. G. has to work harder than ever to help protect client's rights (and client has to pay more).
- 43 07 Sep 07 Who's paying for the cost to analyze/correct this situationi?
- 44 07 Sep 07 There is no domain tasting in our country.
- 45 07 Sep 07 There is no domain tasting in our country.
- 46 07 Sep 07 Rights owners are disadvantaged by the misuse of their trademarks in the tasted domain names and users are disadvantaged because they are misled and misdirected from the legitimate sites they are seeking.
- 47 07 Sep 07 All these groups are disadvantaged by the churning of domain names and the increased likelihood that brand rights will be infringed upon by squatters extorting money from brand owners.

- 48 07 Sep 07 C. IRP Owners suffer from trademark dilution/genericide and traffic diversion. resources are wasted pursuing domain name tasters and kitters.  
I. IIU is mislead as to the source of the goods or services.
- 49 07 Sep 07 It's a help for infringers: how many look up in this domain? Is it useful? Should I use it for advertising? Pay per click? Are the owner active?
- 50 07 Sep 07 Rights of the owner could be infringed by numerous registrants over the grace period. As the grace period is a small period of time it makes any action to prevent such infringement very difficult.
- 51 07 Sep 07 IP rights holders and representatives will find it difficult to monitor infringement of registered trade marks through unauthorised use and registration of domain names in short term tasting scenario
- 52 07 Sep 07 IP rights holders and their representatives will find it very difficult to monitor infringing use of registered trade marks in short term use through tasting.
- 53 07 Sep 07 Rights owners potentially disadvantaged if others are purchasing domains which are intended to trade off the goodwill in their brand.
- 54 07 Sep 07 IP owners find their rights parasitically exploited (e.g. typosquats), registries and registrars lose income, individual users are misled
- 55 07 Sep 07 The ad farming sites created by tasting are contributing to valueless noise that makes access to wanted information more difficult to find
- 56 07 Sep 07 If you are watching your marks on the Internet, you get a lot of watching report with domain tasting. If you connect to see who is behind it and what is on the Website, the Taster will see that there is some traffic and keep the domain name ! It therefore gives more work to IPR owners and representatives
- 57 07 Sep 07 Effort in identifying owner, who may create some confusion. Also effort if domains are monitored, for which actions may be triggered.
- 58 07 Sep 07 Creating a higher level of uncertainty for Rights Owners and their representatives concerning the availability of domain names; long dispute etc. procedures needed to claim own rights in a domain
- 59 07 Sep 07 This will increase cybersquatting, causing fewer domains to be available for non-commercial users and creating additional problems for rights owners
- 60 07 Sep 07 We received hundreds of watches weekly with tasted domains which costs our clients a fair amount of wasted money needed for us to check into the potential infringements.
- 61 06 Sep 07 Facilitates trademark-improper use of Internet, increases cost for all due to overhead costs of tasted-refunded domains.
- 62 06 Sep 07 IP rights owners may be disadvantaged by domain tasting by not being able to track unlawful users of identical or confusingly similar marks
- 63 06 Sep 07 Each of the categories identified above is disadvantaged because of the needless multiplication of registrations, complexity, and resulting work associated with the ability to "taste" domain names. In particular, IP owners have to deal with false alarms (on names that are dropped) and with infringers who have no financial disincentive to experiment with domain names to maximize their gain associated with leveraging confusion with the IP owner's marks and names. Non-commercial and individual internet users are disadvantaged by any system that makes it more likely someone will be confused by domain names that suggest a false association with a established IP rights owner.
- 64 06 Sep 07 Others use and misuse trademarks of others (free typosquatting, etc.)
- 65 06 Sep 07 Cost of transaction (registration) is avoided. Since this process has such a low transaction cost, more domain names that correspond to, or are similar to IP Rights Owners, are registered and then used by tasters.
- 66 06 Sep 07 Domain tasting facilitates the practices of acquiring huge portfolios of domain names to generate click thru advertising revenues. At the same time, the practice clutters the internet with useless information and impairs the ability of others to acquire domain names for legitimate business use.
- 67 06 Sep 07 Easily permit cyber-squatters and other trademark infringers to more easily test out a domain name.
- 68 06 Sep 07 It is a manner for the illegitimate grabbing of domain names at no cost to test simply for resale. this harms the owners of marks that are within those domains and the individual users who rely on those marks as a means of identifying sources
- 69 06 Sep 07 Internet users may be confused and their time wasted searching to unwanted results. Owners will need to bear costs to enforce against infringement and may pass costs onto consumers. Government and community resources (including legal system) may be used to resolve disputes, enact policies, etc.
- 70 06 Sep 07 It opens the door to cheating on registrations. It also burdens the registry

- 71 06 Sep 07 dilutes trademarks, confuses customers searching for corporate sites, can tarnish image of trademark by association with questionable links
- 72 06 Sep 07 Intellectual Property Rights Owners may be subjected to cybersquatting and typosquatting in 5 day bites, which it is impossible to counter. This is an abuse of the domain name system.
- 73 06 Sep 07 IP Rights Owner is disadvantaged if domain name uses its trademark regardless of how long of period of "tasting"; individual internet user is disadvantaged if he is confused as to the source of the site
- 74 06 Sep 07 Legitimate owners are disadvantaged by the large volume of domain tasters and the constant retasting of domains. It makes it extremely hard to protect IP rights.
- 75 06 Sep 07 If organizations that are in the business of buying up domain names that use trademarks of third parties to direct to pages for profit, the IP rights holder (and itself as a registrant) is harmed by dilution of their brand and potential confusion or initial interest confusion. In addition, internet users might be confused by these sites that use trademarks.
- 76 06 Sep 07 All categories may be disadvantaged by tasting.  
Non-commercial Internet Users encounter PPC websites which are not the sites they were looking for, and which may be confusing to them, or the source of malware or phishing scams.  
The Government is disadvantaged by tasting in that it makes it more difficult for law enforcement to identify phishers and other. Also, government agencies and representatives may also be the victims of cybersquatting that is magnified by tasting.  
IP Rights Owners are disadvantaged by tasting in that it significantly increases the difficulty in policing brands on line, both because domains change hands frequently, and because by the time a cybersquatted domain is identified, it has changed owners.  
Legitimate commercial registrars are disadvantaged in that domains that might otherwise be available for sale to paying customers are caught up in an endless game of drop-catch, for which the registrar is never paid.  
The Registry is disadvantaged because the constant turnover of names creates electronic clutter and system impact.  
IP Rights Owner Representatives are disadvantaged for many of the same reasons as IP rights owners.  
Individuals are disadvantaged for the reasons discussed for non-commercial users, but also because domain names are less readily available for purchase and use on legitimate sites.
- 77 06 Sep 07 The uncertainty created by unpaid and unregistered "tasted" domains creates confusion and administrative uncertainty for all concerned.
- 78 06 Sep 07 When domains that include a trademark are purchased watch services will detect them, trademark owner will gear for enforcement, then the domains are let go and a lot of time and effort was wasted that could have been avoided
- 79 06 Sep 07 Much more difficult to enforce infringements on the Internet if resources have to be devoted to chasing "ghosts" that aren't there in 5 days. Also no guarantee that after one "taster" has used the name for a few days that another won't come along.
- 80 05 Sep 07 IP rights owners may be disadvantaged because domain name tasting makes the registration and use of infringing domain names financially more feasible. Registrars and registries may be disadvantaged by the administrative burden of providing refunds to domain name tasters. Registries may be disadvantaged if the practice of domain tasting interferes with the stability of the Internet.
- 81 31 Aug 07 If a registrar or tasting entity does not offer the names to the public but keeps them without that step then those who do not get a chance at the name may be disadvantaged, but that does not require tasting to have the same effect.
- 82 26 Aug 07 Registry - tasting decreases perceived value of namespace.  
Others : tasting takes names that could otherwise be put to "real" use.
- 83 23 Aug 07 Domain testers cause problems who is interested in developing a real website.
- 84 22 Aug 07 The increased interest for domains makes the work of finding a good domain for a new website or service harder.
- 85 22 Aug 07 There does not seem to be any apparent disadvantages.
- 86 22 Aug 07 Given that domain name tasting is free evaluation of domain names - there would be no more disadvantages from tasting than from "domain name registrations". The tasting itself is hardly any problem.
- 87 22 Aug 07 In Brazil, people request a domain name without use a CREDCARD, they would rather pay the order in the bank.  
Sometimes they request a domain name TODAY, and they pay the order on the following day, and the domain name is Taken. Of course, if the registrant decide to NOT use a CREDCARD as a method of payment, is their risk !, but with domain tasting we see sometimes that the domain is taken, after 4 days is available, then is taken

again... so we have to developed a system to keep track of this domains to try to register for our client between one cicle of AGP to another...

Even if the name is very unique, with the brand of the client that happen ! And is very difficult to explain to a registrant that the domain name is available... them taken for domain tasting... and after 4 days... available again...

88 22 Aug 07 If applied on too much different domains at once, the situation can get somehow confusing.

89 22 Aug 07 DN are blocked, tasting is just for commercial purposes

90 21 Aug 07 domains registered via tasting have no value for Internet users in general, and those uses that may want a tasted domain are unable to use it. Valueless domain use also clutters the webspace for all users.

91 20 Aug 07 Domain tasters by definition aren't offering any value; they're just finding names that look useful, and attracting traffic to their site instead of to search engines that can help the person using a browser. This means that if you're an individual browser user, domain tasters can waste your time and bandwidth whenever you make a typo.

If a commercial or non-commercial user who's actually trying to provide useful content wants to use a name, and a domain taster's currently tasting it, it's unavailable, and there's no obvious way to tell whether the registrant is a taster who's going to dump the name, a taster who's going to keep it, or a genuine competing content provider.

Also, ad-revenue parasites are less likely to find and keep names if the search process costs them more money than domain tasting, and tasters, especially those that have close relationships with registrars, are more likely to grab names that are similar to existing names.

Intellectual property owners (and I guess their representatives) are more likely to have to waste their time tracking down domain name owners if there are ad-revenue tasters near their namespace, and more seriously they're susceptible to attack by phishers, especially if they're in the financial industry.

Then there are spammers, who are currently using fast-flux registration as a way of covering their tracks during a spam run. This is especially a problem with phishers, who register names like Example-Bank-Credit-Card.com to rip off customers of Example-Bank.com. Of course, if you block this spammer tool's usefulness, they'll find another tool, or at least you'll get \$6 of registry money when they use it.

92 20 Aug 07 The disadvantage is the instability it creates in the domain name system.

93 20 Aug 07 The practice leads to domain name 'drought', domain unavailability to those willing to properly register, trademark infringement, registrars' privilege to acquire valuable names in non-competitive way for free and pay for only those proven to be profitable (AdSense or auctions).

94 19 Aug 07 Legitimate users are temporarily deprived from access to domain names. Legitimate Registrars that are not corruptly involved in domain tasting themselves and are not earning parking fees from domain times, have their services used and abused for no fees. Legitimate Internet users, both individual and commercial, get plagued by the rampant criminal abuse of the Internet will 95% of emails as spam and many phishing sites, frauds and sales of fake products.

95 17 Aug 07 By far it is the internet user will have the biggest disadvantage. The romance that the web once had will become a parking lot of ads and internet con men crushing the new American dream 2.0 of individuals who are trying to start legitimation business. User confidence of the web will sink to an all time low.

96 16 Aug 07 1

97 16 Aug 07 Obviously, everybody will be disadvantaged. If we just talk about C categorie, C categorie will be a parasite for itself by competing and speculating on a domain name (not to win like to remove opportunities to potentially competitor/parasite ). Example : GOOGLR is owned just to avoid misspell usage.

98 16 Aug 07 Tasting overloads registries and registrars, and makes the DNS less stable for everyone.

99 16 Aug 07 Everyone is disadvantaged - tasters are making \$\$ using services for free that everyone else has to pay for. They suck up the available pool of names, making it difficult for registrants to get the names they want...

100 15 Aug 07 Encouraging more spam and more click-ad tar papering of the web hurts everyone but the registries and the spammers and click-ad shysters taking advantage of the system. Using a domain name should have non-zero cost, since \*any\* use of the domain name effects future use of that domain name. The people currently using domains for free are leaving their fingerprints all over the domains they return, usually harming future uses.

Email 16 Sep 07 Intellectual Property Rights Owners – Difficulties can be foreseen in trying to bring an action against a party who registers and “tastes” a domain name for the add grace period, but is infringing the intellectual property of another party. Irreparable damage and harm can be caused within a very short period of

time, however, the ability to bring an action against such person/party may prove difficult were the registration to be deleted. We would expect a greater number of defensive registrations to occur. Any time a domain name was tasted that was similar to a registered trademark/business name, intellectual property owners would need to carefully consider trying to obtain the registration to prevent potential misuse. Whilst we recognize many intellectual property owners currently maintain defensive registrations, we believe the risk is greater where people can test traffic on a website before registration (i.e. register the most common typographical errors).  
Registrant – Subject to second party resellers - potential hiking of prices based on domain name tasting results. The history/previous use of the website may also be of concern for registrants (e.g. should a site have been used for phishing or other unlawful/dishonest purpose) and should be made available.  
Intellectual Property Rights Owner Representative – Please see comments regarding Intellectual property owners.

Registrant Representative – difficulties can be foreseen with regards to giving advice on whether or not domain names are available for clients. Currently, whilst there is potential for a domain name to be taken in period between the giving of advice and receipt of clients full instructions, a free of charge, 5 day grace period may have a greater impact on this.

Individual Internet User – there is a higher risk for confusion of users of the internet. Whilst we understand that any content displayed on any domain name is outside the scope of the discussion, however we believe the risks to individual users would be greater and the potential for scams is increased.

Email 14 Sep 07 None

Email 14 Sep 07 a) Non-Commercial Internet User – it cannot find free domain names under gTLDs  
c) Intellectual Property Rights (IPR) Owner – even if IPR owners secure the domain names identical with their trademarks, there are enormous number of domain names registered (by third parties) which contain trademarks or misspellings thereof (typosquatting); furthermore if IPR Owners would like to launch new services or products under new brands, the domain names containing the new trademarks are already registered by third parties.  
d) Registrar – the registrars not involved in domain tasting lose business due to the fact that potential customers cannot register the desired domain names

i) Individual Internet User – it cannot find free domain names under gTLDs; furthermore the customers can be misled by third parties' information displayed under parked domain names or they can become victims of phishing (e.g. through misspelled domain names, typosquatting).

Email 13 Sep 07 Anyone attempting to register a domain name will potentially be disadvantaged including categories a), b), c), f), g), h), and i). As a registrar we are specifically disadvantaged as follows:

- Valid users are unable to take advantage of domain names they desire
- Users will check the availability of a domain name. It is available but then sometimes before they even get through the registration process the name might be registered by a Taster. More often, they collect a list of names that are available, show them to a client, review with their employer, discuss with a family member, etc. Once they have decided to register a name or names perhaps hours a day or so later they find that they have been taken by tasters. Of course, they don't understand that the names are being tasted. This results in customer service calls where we are put in the position of trying to explain what has happened. Often the customer is convinced we are somehow in league with the tasters and taking advantage of them. In many cases we are able to monitor and later register the name when the taster deletes it, but that often just convinces the customer that they were right and we were involved all along.

- User will check the availability of a domain name and it is not available because it is being tasted. They may pick something else less desirable never knowing that their first choice later becomes available.

- We believe all this causes:

- o Customer confusion.

- o Erosion of consumer confidence in what we do as a business and in ecommerce in general.

- o Increased customer support costs for Registrars not involved in Tasting.

The number of complaints like those described has grown steadily since early 2005, from a handful of complaints a week to several per day. We believe that it impacts a far larger number, many of whom don't bother to complain or don't understand enough about what happened to know what to complain about. Please see Exhibit A for actual examples of the complaints Go Daddy receives.

Registries should certainly speak for themselves on this issue. However, we believe that a significant addition of physical resources would have to be added to any registry's infrastructure to support the levels of tasting that are evident, for example, in the .COM/.NET monthly registry reports posted on ICANN's website. The deletes activity in the March 2007 COM/NET report suggests that over 54 million COM/NET domain names were deleted during the AGP, no doubt tasting activity. VeriSign states in their June 2007 Domain Name Report that they had 7 million new registrations in the first quarter of 2007, or an average of 2.3 million new COM/NET names per month. That would indicate that over 95% of the new registration activity supported by VeriSign's infrastructure

was for domain name tasting. Yet the March 2007 registry report indicates that tasting is benefiting only around 20 of the 260 or so registrar groups, and just 9 individual registrars' account for over 98% of the activity. How much of the increase in wholesale registration prices that takes affect this October are a result of tasting activity that benefits only a handful of registrars in any significant way? But perhaps even more importantly, what is the cost in damage to the reputation of our industry?

Email 5 Sep 07 a) If a criminal tastes a domain (i.e: uses the 5 day grace period) he is still leaving a footprint on the domain (whois), whether he was to do that or register a new available domain (i.e: jzsdjffjsd.com).

b) If domain tasting did not exist, internet businesses would still register domains for ppc parking anyway(as they have done before tasting was available anyway), so you'd still suffer from typo-squatting

c) If Registrars don't offer domain tasting, they won't suffer from wastefully over-specified junk registrations. Those who do offer domain tasting are making that much money from it, is covering their infrastructure, otherwise they wouldn't offer domain tasting.

Email 27 Aug 07 As we see AGP to be the culprit, the main group that is being disadvantaged is the average registrant.

Email 23 Aug 07 Everyone who wants to register a domain name is directly affected as the namespace is narrowed down, that is category a, b, c, f, g, h, i. c and g are less affected as they can challenge the registration, but they would have to go through an otherwise unnecessary process. Registrars are affected as a densely populated space makes it harder to sell domain names. At first sight, registries are affected as the tasters tend to hammer the registries with zillions of add requests, but as they use it as an excuse to increase their pricing, and ICANN has for some reason accepted that excuse, they really benefit from tasting. This can be proven by the fact that registries are under the current agreement already in a position to impose charges for abusive behaviour. With the glorious exception of PIR nobody went down that road. As soon as tasting does not increase the number of paid domains any more, we can be sure that the registries realize they are able to charge for abusive requests, however you will hear that statement only behind closed doors.

Email 14 Aug 07 Internet users are disadvantaged by criminal or borderline-fraudulent activity related to domain tasting (especially spam & phishing that uses throwaway domains) and by junk results from search engines. IP owners suffer from typo-squatting. Registrars and registries have to implement wastefully over-specified infrastructure to cope with the volume of junk registrations and deletions.

#### 4. Do you believe that domain tasting impacts the security and stability of the Internet?

	Date	Comment
1	15 Sep 07	Internet environment should be predictable. Domain tasting causes uncertainty and additional burden for intellectual property owners in respect to illegal activities performed by third parties, e.g., unauthorized advertising and spamming that infringes intellectual property rights.
2	14 Sep 07	Simply, because domain tasting allows for misspelling sites to distract potential clients and/or customers to other sites.
3	14 Sep 07	I think this abusive practice threatens to overload the Internet's capacity. It clear affects the security in that tasting is clearly linked to phising activities. The prevalence of phising scams on the Internet causes consumers tremendous harm and thwarts e-commerce.
4	14 Sep 07	The internet becomes unstable when domain names can essentially be registered every five days but never paid for, such that intellectual property rights owners are adversely affected by these repeated acts of infringement that require their attention. As this practice of "tasting" continues to proliferate, people may lose some degree of confidence in the legitimacy of conducting commerce on the Internet. This would have potentially catastrophic economic ramifications, on a global scale.
5	14 Sep 07	Domain tasting encourages registration of domain names that are used solely for targeted search sites. Many of these sites are also listed on SORBS as being used for spam or other fraudulent activities.
6	14 Sep 07	Domain tasting impacts the security and stability of the Internet. We look at security and stability from the user perspective and not from an infrastructure standpoint. As noted previously, tasting enables users to identify names that garner traffic and reach an intended audience. Such names can be used by criminals to steal, sell counterfeit goods, or just to confuse the public. In all examples where domain registrations ultimately are used for harm just because that garner inherent traffic, the security and stability of the Internet is threatened.
7	14 Sep 07	We do believe domain tasting impacts the security and stability of the internet because it opens up an additional channel for online abuse that otherwise would not exist. Domain tasting

expands the avenues cybersquatters and cyber-criminals have to commit online abuse. The enforcement of intellectual property rights are further complicated by the increased volume of activity domain tasting creates.

8 14 Sep 07 It would probably create high volatility in a part of the Internet.

9 14 Sep 07 Tasting leads to increased cybersquatting and a massive volume of new domain registrations, benefitting only a few conglomerates and harming everyone else. The huge volume makes it much more difficult and costly to police brands not only for cybersquatting, but also for more severe criminal and fraudulent activity such as phishing and malware distribution. Moreover, uncontrolled tasting in new or existing TLDs could lead to registry failure if registry is unable to handle enormously increased and unexpected volume, which would harm all registrants and registrars in that registry.

10 14 Sep 07 Add/drop abuse could be theoretically used in conjunction with phishing and other short term scams.

11 14 Sep 07 absolutely not. tasting has actually inspired internet growth and new business creation.

12 14 Sep 07 Tasting creates frustration for internet navigators since the proliferation of short lived registrations just creates more "noise" in search results, and more fruitless clicking to get to a desired result. This increases frustration both for users/navigators and for those doing business on the web who need consumers to find them easily and without frustration.

Tasted sites may be more attractive to those parties on the web who engage in ID theft, phishing or pharming schemes (or other forms of internet crime) because the sites are often up for short periods and difficult to track (making them potentially attractive platforms for participants who don't want to be found/identified)

13 14 Sep 07 It burdens the net with useless spam.

14 14 Sep 07 1. Generates traffic  
2. Decreased confidence of internet users - because of being misled (see 3.)

15 13 Sep 07 Domain tasting could lead to fraud mechanisms which would be very difficult to monitor and act against.

16 13 Sep 07 I can't imagine how such incessant adding and deleting wouldn't impact the security and stability of the Internet. Consumer inability to rely on the DNS also undermines the security and stability of the Internet.

17 13 Sep 07 It enhances the presence of cybersquatters and greatly reduces their cost of doing business, indeed allows them to continue operating by only registering infringing or confusing names which they know will quickly generate revenue.

18 13 Sep 07 it generates lots of unnecessary transactions, thus requiring more resources from the Registries. Tasted domains are also easy instruments for scams and phishing attempts.

19 13 Sep 07 Internet becomes a speculative place. It permits mass registration of domain names and therefore their unavailability for legitimate registrants willing to use the web for non-speculative purposes. Internet is a less secure place with domain tasting as it gives incentive for activities such as phishing or pharming.

20 11 Sep 07 Tasting facilitates phishing and other unlawful and deceptive activities

21 11 Sep 07 It makes it less secure, by allowing easier access to proprietary domain names by infringers.

22 11 Sep 07 No, other than the load it places on servers, by having many domain names registered, then abandoned a few days later.

23 11 Sep 07 Because the confusion on consumers it will make. An internet customer may purchase product or service from a not legitimate business.

24 11 Sep 07 As previously mentioned, domains that are here today/gone tomorrow confuse everybody. To the extent that the practice is used to kite infringing or marginally legitimate sites, it undermines public confidence in the Internet.

25 11 Sep 07 I would say tasting affects the credibility of the internet more than the security of the net. It's not a friendly place for IP rights owners. In turn that may affect the stability of the net in the minds of many businesses and other rights owners. I feel that the web is fairly lawless when it comes to enable IP rights owners to protect their property.

26 11 Sep 07 is encouraging infringements of IP rights and fraud as after the tasting period is expiring, infringers can use a different entity and block the domain name AT NO PRICE

27 11 Sep 07 Security not really. Stability: the large number of registrations and cancellations involved in tasting might destabilize a registry's IT systems and/or its financial position

28 10 Sep 07 Users can no longer trust the authenticity of the WHOIS information before they make a purchase or visit a Web site since the domain may only be a temporary owner. The temporary nature of

domain tasting registrations makes it very difficult for law enforcement officials to investigate fraudulent Web sites that exploit the refund period in their fraud.

The Internet is also quickly becoming a virtual world of pay per click advertising that provides no value to a typical internet user.

- 29 10 Sep 07 It encourages domainers who thrive on using others' intellectual property or domain names similar to others' intellectual property for click through or other unethical websites.
- 30 10 Sep 07 So many tasting registrations take the focus of the registrar away from other tasks. The volume of these tastings may affect the stability of the internet.
- 31 10 Sep 07 Allows squatters to pass themselves off as someone else.
- 32 10 Sep 07 Allows squatters to pass themselves off as someone else.
- 33 10 Sep 07 Added time and cost to enforce rights in marks; restricts available names from legitimate users; lessens confidence in system
- 34 10 Sep 07 It reduces the number of viable names that can be used; reduces legitimate business
- 35 10 Sep 07 Misleading users.
- 36 07 Sep 07 Slows it down, increases confusion, sets too many traps for unwary users, to divert their attention from what they are really trying to accomplish.
- 37 07 Sep 07 Allowing use of loopholes like this creates to a "wild West" atmosphere on the Internet, where accountability is a growing problem.
- 38 07 Sep 07 Temporary domain names add to confusion for users and make the Internet appear less reliable. People want to know that a web site of interest has some permanence.
- 39 07 Sep 07 It allow domain name misusers to benefit from using a misleading and confusing domain name for a short period without cost.
- 40 07 Sep 07 It allows domain name infringers to use confusing domain names for short periods without cost.
- 41 07 Sep 07 It helps dissociate domain ownership from brands and IP rights with which the public and IP owners associate them.
- 42 07 Sep 07 It negatively impacts the security and stability as it increases opportunities for spam and fraud.
- 43 07 Sep 07 Destroys consumer confidence to purchase goods and services over the internet. The trademark owner may not be the source of the goods or services causing consumer confusion. Business can be conducted during the 5 day grace period but consumer can be cheated without recourse.
- 44 07 Sep 07 Trademarked name and typo tasting goes against the long standing and established business IP law. It reflects VERY badly on the domain industry. A few large automated tasters can tie up thousands of domains dropped per day and individuals and small businesses miss out as a result.
- 45 07 Sep 07 It allows quick piracy.
- 46 07 Sep 07 It's an easy and cheap way to put information on the internet and not getting disclosed.
- 47 07 Sep 07 It allows persons or companies to exploit the intellectual property rights of others for commercial gain over a short period of time. The grace periods are short enough to allow such actions to go unnoticed or prevent any action from being taken against infringers.
- 48 07 Sep 07 creates instability and uncertainty about validity of domain name registrations, and use thereof
- 49 07 Sep 07 Facilitates and encourages misuse of IP rights
- 50 07 Sep 07 artificially increases turnover in domain name registrations purely for parasitic exploitation by domainers
- 51 07 Sep 07 It could lead to potential unauthorised exploitation of rights of an intellectual property owner
- 52 07 Sep 07 variation of domain names have for consequences an unfair profit of existing names owned by third parties
- 53 07 Sep 07 Because it gives some people the chance to see if they can make money using other people's brand !!! If they do not have the chance to Taste, they will probably not try as it would be too costly.
- 54 07 Sep 07 because of causing a likelihood of confusion (through domains which are tasted by third parties without any right to obtain the domain)
- 55 07 Sep 07 It interferes with transactions and adds confusion to the registration system. The internet needs more credibility not more balogna.
- 56 07 Sep 07 Stability seems harsh, but it is very annoying and some clients have to select other domains since the desired ones are being tasted.

- 57 06 Sep 07 for IP rights owners, by not being able to track pirates and for the consumer by being led into mistake or confusion or being deceived
- 58 06 Sep 07 Encourages and rewards illegal behavior
- 59 06 Sep 07 Cybersquatting has increased significantly, in our experience. We can't say that it's directly tied to domain tasting, but the tasters and those who derive advertising dollars from websites posted at these domains, are benefiting from the confusion.
- 60 06 Sep 07 It creates problems for intellectual property owners; it increases chances of committing fraud
- 61 06 Sep 07 Domain name tasting helps facilitate the cluttering up of the internet with useless pages designed to capture and direct internet traffic for the purpose of generating click thru advertising revenues.
- 62 06 Sep 07 Again, would allow cyber-squatters and infringers to "go wild" and test-out domain names indiscriminately.
- 63 06 Sep 07 It allows for domain name speculation and the illegitimate grabbing of domain names with others' trademarks
- 64 06 Sep 07 Domain tasting allows cheats to take advantage of mis-spellings etc, where otherwise the Internet user would be informed they had made a mistake.
- 65 06 Sep 07 The volatility as the practice grows must clearly affect stability. Security can also be compromised when a Registrant disappears from record after only 5 days.
- 66 06 Sep 07 stability and security is undermined for any of a number of reasons, including the possibility of infringement issues, the possibility of terrorist issues, the possibility of damages to IP rights and their owners, etc.
- 67 06 Sep 07 I think it is more profitable to illegitimate holders than legitimate.
- 68 06 Sep 07 It makes it very difficult to track down who is registering domain names and to find the people responsible for IP infringements or pornographic sites.
- 69 06 Sep 07 Constant turnover of names impacts stability. Tasting affords malware distributors and phishers places to hide.
- 70 06 Sep 07 Tasted domains are made artificially unavailable to those who would otherwise put them to constructive, productive and legal uses.
- 71 06 Sep 07 it creates uncertainty
- 72 06 Sep 07 Allows cyber-squatters to divert traffic from legitimate users.
- 73 06 Sep 07 Tasting, like cybersquatting and other online infringement, jeopardizes the security of use of the Internet, as it increases the chances that users are subject to fraud.
- 74 05 Sep 07 I understand that domain tasting is done on such a large scale that it may impact the security and stability of the Internet.
- 75 29 Aug 07 It encourages misuse of the domain name registration process, and also encourages phishing and other types of fraud, the distribution of viruses, etc. by enabling "tasters" to sample a domain names ability to attract traffic at essentially no cost.
- 76 23 Aug 07 Its an unstable model for proper website development.
- 77 23 Aug 07 tasting does not hurt the internet.
- 78 22 Aug 07 Domain tasting is already happening without significant impact on either security or stability of the Internet.
- 79 22 Aug 07 Because is an abuse of the AGP policy and must be forbidden.
- 80 22 Aug 07 very often, domain tasting is used by spammers: they use the domain name only to redirect on a illegal website for a couple of days or hours and then they delete the DN and begin with another, always to redirect on illegal business
- 81 20 Aug 07 Stability - the DNS servers for .com, .net, and .org get potentially millions of transactions a day that are for bogus domain tasting. Not only does this make them less stable, it makes it much harder to use alternative distribution methods for DNS information (caching at ISPs, secure multicast channels, etc.) that can provide additional stability and security for DNS.  
Security - Domain tasters aren't just the ad-banner-revenue parasites; they also include a variety of phishers, fast-flux spammers, and other miscreants that are actually causing security problems. If example-bank-typo.com is just an ad-banner page offering you ads for different banks, it's merely annoying, but if it's purporting to be from the real example-bank.com and collecting customer data, or if it's distributing malware of various sorts, then it's a security problem.
- 82 20 Aug 07 Tasting is like 'try before you buy.' First, I don't think it should be referred to as 'tasting'. Secondly, it deals specifically to the Add-Grace-Period and tasting is a concept.  
How it impacts the security and stability: In effect, registrars and registrants use the AGP to their advantage by:  
1- registering a name

- 2- utilizing it for some purpose
- 3- deleting it so payment is refunded
- 4- re-registering the name
- 5- back to step 2

The AGP was initially intended to be able to delete a name that was typed in and registered erroneously, not to 'taste' domains.

The instability is created by the constant registering and deleting of the same names, and is also created by only a few select registrars/registrants who are manipulating the system.

83 20 Aug 07 a) in an incredible traffic performed by tasting registrars during domain name deletion in order to acquire as much domains as possible

b) the practice can turn the domain naming system into a speculative market place

84 19 Aug 07 Absolutely. It is a gross abuse of the domain name system. It makes a mockery of the whole system, that some registrars are just game playing and paying no fees for domains, they park for income or enable spammers to use in criminal enterprises on a massive scale. It appears that this activity is imposing approximately 95% of the load in registering domain names, without paying any fees towards the costs it imposes. It is a scandal.

85 17 Aug 07 As said in my previous responses. It has a high impact on security and stability. If you search forum responses to this new phenomena, many users even question the stability of the host site they are typing in. I worked for many years at a major cable ISP and spoke to tens of thousands of network users. Security was always on the top of list and only got worse in the new spyware age.

86 16 Aug 07 It is sure that a growing by million in DNS database is not what we wish everyday, even more when you know that 98 percent of this growing will disappear five days later. And may be, the same entries will be submitted again by another domain tasting entity.

Also, since I would like to own a domain name (not in very short term), I lose my time to check availability of a domain name and see it is unavailable or subject to speculating. So I try other domain name but how can I be sure that someone has not blocked my wished domain name just for 5 days. Can I tell to myself 'wait 5 days and may be it will be available...'. It does not seem to be the right way to equal accessibility to domain name (if the goal is equality for all of course)

87 16 Aug 07 Domain names don't mean the same thing from one day to the next.

88 16 Aug 07 It promotes "here today gone tomorrow" domains, it distorts the economic model

89 15 Aug 07 Due to widespread abuse, the benefits are greatly outweighed.

Email 14 Sep 07 If there is no cross reference with registered trademarks worldwide, this could be used as an illegal means to register domain names that are already well-known marks on behalf of the real owners.

Email 14 Sep 07 Yes. The aim of the Internet is that it would have to provide the users with equal chance to display information. However, owing to the fact that under gTLDs (especially under .com) the possibility to find an unregistered domain name is marginal, newcomers cannot appear under gTLDs. Furthermore it is a serious risk for IPR Owners that under 'tasted' domain names, which are confusingly similar to their trademarks, independent third parties provide the customers with misleading information (regarding their brands, products, services etc.).

Email 13 Sep 07 Yes. The affect is similar to Site Finder with which the SSAC found that although it had not caused "network-shattering effects," it did violate "well-established codes of conduct and good practice" intended to ensure security and stability. The same is true for the large volume, indiscriminate tasting of domain names that we are seeing today and the activity has been growing in volume: 1) Tasting activity has disturbed the stability of a set of existing services that had been functioning satisfactorily, namely the competitive domain name registration services developed by hundreds of ICANN Accredited Registrars and tens of thousands of their resellers. Millions of domain names are indiscriminately registered on almost a daily basis that the registrant knowingly has no intent to keep. This takes millions of viable names temporarily out of the pool of available names for potential registrants who have an interest in those names for legitimate purposes. It has created a situation where existing registration services appear to be unstable, or worse, appear to be using information collected from users for personal gain.

2) Millions of domain names flux in and out of the DNS almost daily. This creates a situation where a domain name is available then suddenly is not, and then is again a few days later. Other potential Registrants for those names become confused, accuse Registrars and others of inappropriate behavior such as spying, and lose confidence in the secure nature of online commerce and transactions. The high volume flux in the DNS has also played havoc with other parties who rely on the Zone files for various value added services, such as Intellectual Property (IP) monitoring services.

3) The activity creates additional costs that are absorbed by potential registrants, non-participating Registrars and resellers, the IP community, and others not benefiting from domain name tasting.

4) Despite the long held tenet of "First, do no harm," there was no research, testing for potential disruption of existing services, public review, or comment prior to this high volume activity abruptly occurring in the DNS.

5) The experiences of Go Daddy, as illustrated in the examples of customer complaints in Exhibit A, and other anecdotal evidence indicates that there may be an aftermarket in user domain name search information. The information is allegedly used by tasters to construct lists of possibly viable names to taste. This user information is allegedly collected from ISPs, Whois services, spyware, Browser Helper Objects, and other methods. If this is true, there should be serious concerns as to the legality, or at the least, the ethicalness of such data collection and the affect it has on perceived security of the DNS and domain name registration system.

In brief, high volume, indiscriminate tasting activity, as with Site Finder, has "undermined expectations about reliable behavior" and in so doing has "reduced trust in the security and stability of the system."

Go Daddy recommends that the activity should be immediately stopped until such time as an appropriate study can be done of the above effects and their potential threat to the stability and security of the DNS and the services at the edges that rely on the DNS. Go Daddy also recommends that any resumption of the activity (quoting advice from the SSAC regarding Site Finder) "should take place only after a substantial period of notice, comment and consensus involving both the technical community and the larger user community. This process must (i) consider issues of security and stability, (ii) afford ample time for testing and refinement and (iii) allow for adequate notice and coordination with affected and potentially affected system managers and end users."

Email 5 Sep 07 Whether a criminal or illegitimate business had to pay for a domain registration or not (grace period vs no grace period) they would still obtain a domain for illegal activity. Therefore the point of criminals using domains for illegal activities, should be the actual issue we should be focusing on instead? Statistically, criminals spam from hijacked/hacked websites & users computers anyway, rather than risk registering a domain name and leaving behind a bigger paper trail.

b) Effective competition? The only time 2 registrars would be in competition, is to register the same domain, therefore that would be for the purpose of ppc parking? which is what you appose?

Email 27 Aug 07 One of the reasons used in arguments to abolish domain tasting is the stress the associated transaction volume brings on the registry system. However, this argument is no longer compelling, as the extra capacity has been built in and is now a sunk cost. Thus, the cost of stress should not enter into the calculus of the merits of eliminating the AGP.

Email 23 Aug 07 Working registries are vital for the functionality of the internet. Domain tasting is practically a DDOS attack against the registry which they have to fight with otherwise unnecessary hardware and manpower investments.

Email 14 Aug 07 Domain tasting affects the security of the Internet indirectly by making it easier for criminals to hide behind throwaway domains. It makes effective competition between registries harder, by artificially making it harder to provide the service.

## 5. Have you requested the deletion of a domain name during the AGP (Add Grace Period)?

	Date	Comment
1	14 Sep 07	On rare occasions, MarkMonitor (as a registrar) is asked to delete a name a client has registered in error either by a mis-spelling or by simply requesting a name that was not needed. Additionally, MarkMonitor takes advantage of the AGP for testing purposes and deletes newly registered domains that truly are not needed. Other than these isolated situations, MarkMonitor does not delete names in mass during the AGP.
2	14 Sep 07	yes as a registrar, we offer this service to qualified customers.
3	13 Sep 07	I don't recall ever having made a typographical error when registering a domain name. Even if I did, the fees for my time to cancel the registration and request a refund far exceed the refund itself.
4	13 Sep 07	Very rare cases, normally in case we were informed of credit card frauds by our resellers.
5	12 Sep 07	Tends of Thousands of times. As a registrar for fraud, chargebacks, systems and load testing and from customer requests
6	11 Sep 07	We register domain names for our clients but have never needed to correct one. Given the low registration cost, if we made a mistake in a domain name registration, we would probably just wear the cost ourselves and register the correct domain name.
7	07 Sep 07	Not yet, but I expect to do so on behalf of an IP rights owner.
8	07 Sep 07	No because our converged registrar does not permit an AGP.

9	07 Sep 07	We let the period lapse.
10	07 Sep 07	about 10 times, all cases were in respect of confusing similar domains or typo-domains
11	07 Sep 07	Any regristration I've done incorrectly I ate it.
12	06 Sep 07	We are careful when we register a domain name for a client, not to make a typo. And if we do make a mistake, the regsitration fee is not significant that we can't just register another one.
13	06 Sep 07	Timely notification and information regarding registrant is needed.
14	06 Sep 07	Typo error, maybe 5 times in the last year.
15	31 Aug 07	3 or 4 because of typo of desired name.
16	27 Aug 07	we use this period to rectify errors
17	23 Aug 07	We tried tasting for one of our customers and determined that it wasn't something we were going to offer to anybody else. We also delete domains during the AGP because of fraud. If somebody buys 100 domains and we find out it's a stolen credit card we have 5 days to get the money back.
18	22 Aug 07	My company doesn't taste domains, but typos are a real issue. Once in a while, the registrant doesn't want to pay for a domain that has a typo.
19	22 Aug 07	Several times in day to day business
20	22 Aug 07	Always only the registrant realises that he requested the WRONG name and them we replace to the correct domain name without any cost.
21	19 Aug 07	I've never requested deletion. The cost of registering a domain name is much lower than it used to be and it is only common sense to check the spelling.
Email	14 Sep 07	No. In Costa Rica there is no such practice available at the Academia Nacional de Ciencias-entity in charge of domain management and registration in our country.
Email	14 Sep 07	No.
Email	13 Sep 07	Go Daddy uses the AGP to correct mistakes based on what we determine to be legitimate requests and to remove domains that we determine to have been registered fraudulently (using a stolen CC for example). We do not use it for testing in any significant amount. We charge a \$2.00 restocking fee for all other deletes within the AGP.
		Go Daddy's overall AGP deletes as a percentage of total new registrations average less than 1%. Over 90% of our AGP deletes are due to fraud detection.
Email	23 Aug 07	CORE has a few AGP deletions. None of the CORE members is in the business of tasting. However, we have not asked for feedback on this service, so we can only speculate that it was for the originally intended reason, correction of typographic errors.
Email	14 Aug 07	I have not deleted a domain during the AGP.

## 6. Have you been disadvantaged by domain tasting?

	Date	Comment
1	14 Sep 07	Not me personally, but I have heard several horror stories form large brand owners.
2	14 Sep 07	We have had "tasted" domain names that infringe our trademarks continually reported to us by a service provider who monitors the Internet on our behalf for infringing or abusive behavior. In addition to the volume of incidents reported which require review by staff, we also often draft cease and desist letters which, in the end, need not be sent because the domain name has not been paid for and becomes available for registration. This has caused us an incalculable number of hours of lost productivity and unnecessary activity.
3	14 Sep 07	We monitor our client's marks and find that about 20 percent of the time when we see a new name that it disappears five days later. This creates added expense and time. And during that period there is nothing to be done to find out who is tasting. It is like a free five day infringement period. Which can be very lucrative.
4	14 Sep 07	Client experience diverted internet traffic away from legitimate site.
5	14 Sep 07	As a coalition of brand owners that are representatives of their customers, CADNA has been disadvantaged by domain tasting. Our members encounter domain registrations that are in place because of tasting on a regular basis and as mentioned, cybersquatting on a single brand could be in the millions of U.S. dollars when taking into consideration the value of lost leads and sales, costs of dilution, confusion, poor customer experiences, litigation costs, and lost unique Web site visitor impressions every week.
6	14 Sep 07	See earlier response in regard to how a registrar and intellectual property owner are disadvantage. Additionally, as a brand protection company our clients are disadvantaged since the confusion it causes by an abusive domain being created and then disappearing days later when a company attempts to take action.

- 7 14 Sep 07 Huge increase in registration of infringing domain names, and difficulty in finding current ownership information for infringing domain names.
- 8 14 Sep 07 Unable to register a legitimate domain name.
- 9 14 Sep 07 Our domain name customers, primarily small businesses, are less able to find a decent .com domain name. We are disadvantaged from rapidly increasing costs to monitor and police our brands.
- 10 14 Sep 07 I monitor registrations of domain names including my client's trademarks and frequently see large numbers of domain names being registered and dropped that incorporate my client's trademarks.
- 11 14 Sep 07 Typographical errors of client's domains are being taken.
- 12 14 Sep 07 It prevented me from obtaining a domain name using my initials.
- 13 13 Sep 07 Necessary to make repeated efforts over several days to register domain names. Client frustration over the inability to do anything to stop tasting.
- 14 13 Sep 07 The registration by infringers of multiple misspelled infringing domains. This greatly increases the administrative cost of monitoring the registration of infringing domain names.
- 15 13 Sep 07 The fast changes in the availability of a lot of domain names are hard to understand for normal customers, who have problems registering the domains they would like to use for their legitimate interests. Also drop-catching of expiring domains connected with abuse of the AGP cause interruption of services and long downtimes for customers who fail to renew their domains in time.
- 16 11 Sep 07 We have wasted time and resources trying to recover names that have been tasted and are repeatedly transferred through tasting
- 17 11 Sep 07 Domain name testers registered infringing domain names after discovering they were cost justified. They might not have registered the names if they had a risk in registering the names.
- 18 11 Sep 07 Not yet.
- 19 11 Sep 07 Our Mark Monitor report lists many probably infringing names, that seem to have disappeared by the time we log onto them. I must assume that at least some of these ephemeral sites are kited, or tasting, sites.
- 20 11 Sep 07 I do not know.
- 21 10 Sep 07 Our company has seen a tremendous increase in the number of non-authorized uses of our trademark in domain name registrations. These registrations are typically dropped within a very short time period and before we can pursue the infringer, but subsequently re-registered by another party. The time to investigate and pursue these unauthorized uses of our trademark is a significant drain on resources.
- 22 10 Sep 07 We must police domain names and the ability of domainers to use domain tasting increases the number of domain name registrations we must review to determine if a domain name registration is still valid.
- 23 10 Sep 07 We have had sites taking advantage of some of our trademarks use tasting to test the profitability of a site.
- 24 10 Sep 07 I assume clients have been disadvantaged by the diversion of traffic
- 25 10 Sep 07 Having to spend time and clients' money tracking down tasters to see if they are infringers
- 26 10 Sep 07 I don't get redirected to the page/business that I actually want but get some illegitimate site instead
- 27 09 Sep 07 Tasting allows infringers to try various domain names without cost to determine which domain names are most profitable and refine their infringement strategies without cost.
- 28 07 Sep 07 expenses associated with monitoring and policing intellectual property rights infringed by tasters
- 29 07 Sep 07 Yes, but only because tasting has made the whole system slower and more burdened by fraud and misdirection.
- 30 07 Sep 07 My clients' customers are mis-directed.
- 31 07 Sep 07 Tasters have used misleading variations of our trademarks and domain names to drive traffic and obtain revenues without cost.
- 32 07 Sep 07 Blocked attempts to register domains useful to an upcoming product launch.
- 33 07 Sep 07 We believe there has been an increase in domain names misappropriating our trademarks.
- 34 07 Sep 07 Our trademarks have been used, abused and diluted by unauthorized individuals. Resources are expended in reviewing and monitoring reports of tasting activity. Traffic has been diverted from our legitimate websites.

- 35 07 Sep 07 I have not been able to be at a PC for some domains that I have wanted to register, only to find that a "taster" had picked them up automatically.
- 36 07 Sep 07 Various violatoin of our valuable trademark rights by the tasting of domainnames which consist of or contain our trademarks
- 37 07 Sep 07 not to our knowledge
- 38 07 Sep 07 IP owners that monitor their marks are deluged with results that have been abandoned after the add-grace period. They spend time and money (in legal fees) to review these sites and determine if they are actually infringing.
- 39 07 Sep 07 It's time consuming to review domain watch notices and follow-up within e.g. two weeks.
- 40 07 Sep 07 Third parties purchasing domains related to my organisation's brands
- 41 07 Sep 07 no cost for domainers to switch domains - difficult to pin down infringers
- 42 07 Sep 07 Third party securing domain names containing our trademarks
- 43 07 Sep 07 A couple of domain names have failed to be renewed by our subsidiaries and 3 different companies have Tasted the domain name so that it was not possible to register it back immediately or even contact the Taster as the Taster had already changed by the time we found who it was !!! At the end of the day, the third Taster kept one of them because everybody in the subsidiary tried to connect to have a look at the Website content !
- 44 07 Sep 07 but our clients
- 45 07 Sep 07 not yet
- 46 07 Sep 07 I don't think so.
- 47 07 Sep 07 For clients I have been.
- 48 07 Sep 07 Speculators registering domain names to test whether they generate advertising revenue. The domain names contain trademarks of other parties and harm authorized uses of the trademarks.
- 49 06 Sep 07 We have been disadvantaged by the time and money we have to invest into investigating and responding to domain names that ultimately were dropped. We have also been disadvantaged to the extent domain tasting makes it cheaper and easier for registrants to establish "parking" pages.
- 50 06 Sep 07 Not that I know of.
- 51 06 Sep 07 my clients have lost clients to unlawful users of their trademarks registered as domain names
- 52 06 Sep 07 Not personally
- 53 06 Sep 07 No, that I know of.
- 54 06 Sep 07 The selection of domain names for legitimate business purposes is made more difficult.
- 55 06 Sep 07 as a prominent and well-known US company, cyber-squatters and infringers have registered domain names which are confusingly similar to our marks in an effort to profit off of our company's proprietary rights, goodwill, reputation, etc.
- 56 06 Sep 07 We devote significant resources to policing trademark infringement, including large numbers of domain squatters.
- 57 06 Sep 07 You need a lesson in elementary question writing. This question SHOULD have three answers: Yes, no, don't know  
Part of the problem is that I may not be able to tell.
- 58 06 Sep 07 How can I tell? That's part of the problem.
- 59 06 Sep 07 domains similar to our trademarks have contained links to inappropriate material and have lead to complaints by our customers
- 60 06 Sep 07 I dont know if I have been disavantaged or not. May not ever know if I was or was not. It is possible that I have been, but I have no knowledge or any specific instances (yet).
- 61 06 Sep 07 I am not sure if I have been disavantaged or not. It is possible that I have, but do not know of any specific instances (yet).
- 62 06 Sep 07 Adds watching costs and monitoring fees.
- 63 06 Sep 07 As an IP rights holder, we police our domain names. BEcause these can be turned on and off so quickly, it is difficult to know which sites will be up long enough to do anything about. And even if we do have the site shut down, it was still live for a certain period and we are then unable to seek out the registrant to stop them from doing the same thing in the future.
- 64 06 Sep 07 As a brand owner, we monitor numerous brands online. My weekly watch reports contain tens and sometimes hundreds of domain names incorporating our brands. In many instances, by the time we review the report, the domain has already been drop-caught several times. By the time we get a demand letter out to the current (often anonymous) registrant, the domain has already been turned over again.

- 65 06 Sep 07 I have been unable to register a needed domain while it was being repeatedly tasted ("kited") by a registrant who was using it for illegal purposes (i.e., trademark infringement).
- 66 06 Sep 07 Cybersquatters taking domains containing trademarks not owned by themselves and exploiting parked websites for the grace period
- 67 06 Sep 07 by spending time and money to investigate those who would try and register a domain name that includes our trademarks
- 68 06 Sep 07 investigating reports of registration of domain names that infringed client rights, only to have the domain name fall out of use in a few days, resulting in wasted investigation resources
- 69 06 Sep 07 Yes, certain domains are domain tasted for 5 days. Then the domain is let go, then the same domain is domain tasted for 5 more days. This continues indefinitely.
- 70 05 Sep 07 I suspect that domain name tasting has made it more financially feasible to register domain names that infringe my company's trademarks.
- 71 31 Aug 07 In fact I believe I have benefitted as I have purchased many names that were acquired by "tasters" who offered the names for sale at a good price.
- 72 23 Aug 07 Many times I've seen a domain dropping that I wanted to develop. Onew domain was tested six times before it becoma available.
- 73 22 Aug 07 Domain tasting has not disadvantaged me.
- 74 22 Aug 07 As explained before. We had to develop a system to "catch" domains requested by our clients and are under this domain tasting cicle because many orders in Brazil are processed in the next day. People in Brazil avoid use credcard via Internet.
- 75 22 Aug 07 Mislead content browsing
- 76 22 Aug 07 domain tasting is used to temporary redirect to websites selling counterfeited items
- 77 20 Aug 07 I was looking for medical information on Google, and got pages full of pointers to the usual bogus advertising-revenue sites or dubious pharmaceutical dealers, which made it hard to find the real information I wanted. Some of that's going to happen anyway by people willing to pay \$6/page, but many of the website domain names were obviously automatically-generated strings of keywords, which appear to be generated by the domain tasting process unless they're put together by really really bored humans. I've often tracked down spammers and found that their domain name information was registered within the past day - again, I can't tell if they're going to return it before the grace period, but it's likely that they will, and it makes them hard to track down \_after\_ a few days. I've occasionally wanted to register a domain name and found it occupied by yet another bogus advertising-banner page, and that may or may not have been because of domain tasting - it's hard to tell.
- 78 20 Aug 07 I have tried to register domain names that have been unavailable as they were being tasted by others. I have also had names that infringed my company's trademark tasted by others, causing a lot of wasted time, energy and cost to resolve.
- 79 20 Aug 07 True answer: unknown  
Names that could have been registered in good faith are caught up in bad-faith registration (tasting). Had these names been available they could have been registered in good faith.
- 80 20 Aug 07 Currently, there is no possible to acquire any single .COM and .NET domain name after elapsing its deletion date, whatever garbage the name is. All names with the mentioned TLDs are immediatly grabbed in a millisecond they are released. Many of them are released in 5, 10, 15 days later (or never depending on the name quality), but many are being retained several weeks or months (using 'jumping' re-registration after 5 days).
- 81 19 Aug 07 Domain tasting has encouraged bad behaviour by registrars and created processes for mass creation of spam domains that have abused my email and millions of other Internet users. It often seems that spammers and domain name abusers are the biggest customers of Registrars and that it takes enormous effort and persistence by multiple spam reporters to make any progress getting spam domains removed. The more I learn of the domain name system and how to report abuse, the more it seems set up for the requirements of criminals rather than legitimate users. Domain tasting/kiting is just typical of this.
- 82 17 Aug 07 I am a small business owner and work with partners developing new ways to reinvent business models. I have companies in technology and Cleaning services with several more in production. Occasionally I explore new ideas and potential domain names to match. Recently I put together an idea for a food related business and found an available domain. After discussing development 24 hrs later the domain was registered under capitol domains llc. I was supect because several ideas such as video resume and vidpit have ended the same way in the past. I had to go back and register a similar name and backorder the original. Suddenly , on the 5th day of the grace period the domain was transfered to me and along with it the price of a backorder, but capitol domains pays nothing and got their money back. My registrar tells me they don't cache

searches and blame it on spyware. Funny how they tell me this; a guy who worked for cablevision TSG rated number one and winners of the STI award, beating out other ISP's and corporations.

83 16 Aug 07 As I told previously, I am in way of searching a domain name but many of my first ideas ( domain name) were owned by a 'this domain name may be sold by the owner'.

Since I don't like this kind of acting, I prefer to choose another domain name idea because I know that every popular word as domain name will be out of interest since too commercial. If I want to find commercial site, I make a deeper search or click ads on site of interest.

84 16 Aug 07 Web browsing is less effective due to unpredictable ad-only pages that appear when one mistypes something; search engines are less useful due rapidly changing underlying domains.

85 16 Aug 07 When I did a name lookup, by the time I was ready to register the name, it was a tasting site. This happens way too often.

86 15 Aug 07 India Sweets and Spices (a registered trademark company) is not able to obtain IndiaSweetsandSpices.com for a reasonable cost, currently we are stuck using .org and .net, both technically inappropriate for a company.

87 15 Aug 07 Huge amounts of abuse generated by domains that exist for only a few days.

88 15 Aug 07 A non-trivial amount of the spam I receive is either sent from domains that are later returned, or advertise likely fraudulent businesses using those domains. Spammers are using tasted domains in their fast-flux rotations frequently.

Email 14 Sep 07 We have one Client whose main mark was registered as domain name in the form of INCAE.INFO. We have no idea if the current owner used Domain Tasting or not when it registered it.

Email 14 Sep 07 No. However, on behalf of our clients (IPR Owners), we have recovered domain names, which were confusingly similar to their trademarks and/or company names, by means of cease and desist letters and Alternative Dispute Resolution procedures. Our clients (IPR Owners) reported to us that they suffered disadvantages by 'tasted' and/or parked domain names due to the fact that they were not able to use domain names under which their customers probably have been searching for them or for their services/products.

Email 13 Sep 07 See our response to question 3 above.

Email 5 Sep 07 Same as number 4 above, most spamming is done via compromised servers and users computers.

b) "Junk results from search engines".... This is my biggest argument for registering domains that are due to be deleted, if they weren't registered, all search results from search engines would end in a page cannot be found error, since nearly all deleted domains are re-registered, all search results end in a page full of relevant links. It's then up to the user to follow a link. On another note 99% of the ppc links are to relevant legitimate websites. It is helping to knit the internet together. (i.e: A user searching for "tropical holiday", is always going to end up on a travel website, whether clicking on a ppc parked website or not), otherwise the amount of dead links would be more noticeable.

Email 23 Aug 07 Generally due to the narrowed domain space which drives away business. As CORE discourages tasting, it is likely that some organizations did not become CORE members but rather went to tasting-friendly organizations

Email 14 Aug 07 I have had problems from domain tasing in my anti-spam and anti-phish efforts - it is difficult to use domain names in blacklists because most of them are thrown away after being used - and by junk results from search engines.

## 7. Potential means to address the practice of domain tasting have been suggested. Do you have any other suggestions in addition to A-C below?

	Date	Comment
1	15 Sep 07	Before deletion the reason of deletion should be clear (problem in payment...)
2	14 Sep 07	If suggestion A is not enacted, the fees charged in suggestions B and C should be made much more punitive (e.g. \$100 USD for each name deleted)
3	14 Sep 07	Domains that are registered and actively resolve to content within the initial 5 day registration period should not be eligible for a return of registration fees.
4	14 Sep 07	. In addition to these recommendations, CADNA will be issuing a whitepaper examining Delete Caps, Activation After Payment and other domain tasting solutions in much greater detail.
a.		Activation After Payment (no refunds on active names) – This is a practice that is employed by a number of ccTLDs, though Activation-After-Payment should not be seen as a prevention method against domain tasting simply because other TLDs employ the practice. No TLD is like .COM in terms of traffic, customer adoption and value, and thus comparing it to other TLDs such as .ORG is often not relevant.

The spirit of the Activation-After-Payment policy is that a domain name is only active in the root after full payment has been made. In practice this would eliminate the ability for tasting registrars and other large tasters to have an unfair competitive advantage over the general public; they would no longer be able to ascertain traffic metrics on non-active names and would thus have to pay for every name they wish to understand and garner traffic on. Any name would have to be paid for before a PPC site or any other content would be able to resolve on that site. This policy, though, would keep the AGP in place for mistakes and charge backs since there is no need for such names to be live.

b. Cap the number of "free" deletes a registrar is able to have as a portion of their total number of "adds." The deletes should be a very small number (the average percentage of all registrar deletes except for the top ten and bottom ten, for example).

- 5        14 Sep 07        Enforcement and/or modification of Registrar Accreditation Agreement to ensure that registrars cannot taste, and cannot warehouse domains.
- 6        14 Sep 07        ICANN and the registries already receive a fee for domains that are kept so everyone benefits financially to the small percentage of domains registered that have not been. There should be no additional fees assessed.
- 7        14 Sep 07        Monitor registrars that participate in domain name tasting and remove them as registrars.
- 8        14 Sep 07        Devise strategies to prevent automated generation for domain names, where only hits in general are exploited (parking sites) with no relation to any "real" content or the business of the registrant.
- 9        13 Sep 07        Registrars deleting more than 50% of their domain names within AGP for more than 3 months in a row should lose their accreditation.
- 10       13 Sep 07        This system was initially created to allow registrants to correct spelling mistakes. The system could be maintained for this sole purpose while excluding speculative intent. In case the registrant removes the web site without at the same time applying for the registration of a domain name with the mistake corrected, the fee would not be refunded. If, on the other hand, the registrant asks for the removal of the incorrect web site and for the registration of the domain name with the correct spelling, the AGP would still apply.
- 11       13 Sep 07        Requesting a certain fee for the deletion of a domain during the AGP from the registrant
- 12       12 Sep 07        B, C
- 13       12 Sep 07        Allow a certain number of deletions based upon a percentage of domains under management. This will eliminate the tasters who hold very few names and allow the registrars who use the AGP as a legitimate tool to continue
- 14       11 Sep 07        We are of the opinion that someone that is trying to register a domain name should present proof that he/she/it owns the trademark being registered or at least that it is their own creativity.
- 15       11 Sep 07        Why do we need a test period at all? The registration fee for a domain name is very low--a few dollars U.S. Anyone who needs to test a site can almost certainly afford to risk a few dollars to do so.
- 16       11 Sep 07        A
- 17       11 Sep 07        A
- 18       10 Sep 07        A legitimate refund should only occur as a very small percentage of total domains registered. Anything in excess of this percentage should be denied.
- 19       10 Sep 07        limit the number of domain names that can be owned by one entity.  
Do not allow "Parked" sites that provide no services or goods, but rather are for the sole purpose of making money by diverting traffic
- 20       07 Sep 07        penalties imposed on registrants who delete more than 50% of domains.
- 21       07 Sep 07        Offer prorated billing for the period of time the domain was in use.
- 22       07 Sep 07        The primary reason for an AGP is to correct legitimate mistakes. But the cost of registration is so low, that on the rare occasion where a domain name is mistakenly purchased, it is not unreasonable to require re-registration. I don't think options B or C would be effective, as the fee is too low in B and it would be easy to game the "excess deletion fee" by rotating different registrant names.
- 23       07 Sep 07        Registrant (domain name owners) need to ensure that they remove any backlinks before deleting a domain name.  
Suggestion A is preferred means to address this issue.
- 24       07 Sep 07        Limit the number of AGP refunds to ONE name per day per organization And/Or charge \$1.00 per AGP no matter what the reason. An individual can afford that amount and should take the time to register a name properly.
- 25       07 Sep 07        Make the AGP registration process provide verification of Registrant as an actual, locatable person or business with legitimate interest in the domain name

- 26 07 Sep 07 recognising that domainers are doing business and should NOT be entitled to hide their identities behind whois anonymising services - reputable businesses have to comply with normal legal requirements - domainers all too often do not.
- 27 07 Sep 07 Instant gratification is no longer really necessary in domain name registration. You could reserve pay and go live. This would solve the problem the AGP was designed to solve without allowing the harm created by immediate use before payment.
- 28 07 Sep 07 eliminating the AGP so that domain registration fees are non-refundable between registry and registrar
- 29 07 Sep 07 Keeping the AGP but making it 2 days long (instead of 5) and making the registrant pay 25 percent of the usual registration fee (and ICANN to get O,10 USD)
- 30 07 Sep 07 Allowing AGP only for domains which do not correspond to an existing registered or filed trademark.
- 31 07 Sep 07 Make it simpler to delete them, not get a refund.
- 32 07 Sep 07 A
- 33 06 Sep 07 prior to registering a domain name, have the applicant prove that the name sought to be registered has also been registered as a trademark at least in their country of origin
- 34 06 Sep 07 I would vote for A.
- 35 06 Sep 07 Fines for registration of infringing domains (regardless of whether the domains are deleted) and increasing fines for repeat offenders. Establish a fund to reimburse owners for enforcement costs to be funded by Registrars or Registrants with disproportionate deletes and/or defaults or negative rulings in ICANN enforcement proceedings.
- 36 06 Sep 07 Make the time period one business day. Anyone who doesn't check for typographical errors in that time period deserves what they get.
- 37 06 Sep 07 I strongly favor A) above. Applicant's should not register a domain if they are not certain they want to keep it.
- 38 06 Sep 07 create a system where a credit for the purchase of another domain is created and there is a limit per credit card for how many time you can chargeback.
- 39 06 Sep 07 Legitimate domain name owners will rarely make honest mistakes. Eliminating the AGP and requiring the payment of \$6 or so per domain should not be a burden, while it should help to eliminate the practice of "free test drive" of the infringement profitability of a domain name.
- 40 06 Sep 07 I strongly support item A.
- 41 31 Aug 07 Do not eliminate tasting nor charge for it, but the Registry should police the continued shifting of names to avoid payment and penalize registrars or companies that support it.
- 42 29 Aug 07 Create publicly available database of "excess deleters."
- 43 27 Aug 07 not changing the current system would also be an option
- 44 27 Aug 07 not changing the current system would be another suggestion
- 45 26 Aug 07 A/B/C: All of these must be up to the Registry in question.
- While this is not AGP - for .name - it is extremely important to have a free trial period for people wanting to try domain names. So removing the AGP for registries must be done very selectively and cautiously. The ICANN transaction fee MUST only be charged for domains that are actually taken up after the free trial period. Otherwise it becomes an unbearable burden on Registrar.
- C) This must be up to the Registry in question.
- 46 23 Aug 07 Make testers pay for EVERY domain that they drop after. Every domain and make it at least 25 cents. For anyone who makes a genuine mistake that amount is not that large.
- 47 23 Aug 07 I really like #C. This would stop the big guys from registering millions of domains per day. Which in my opinion is a total waste of resources.
- 48 22 Aug 07 I support suggestions B and C above.
- 49 22 Aug 07 I believe "c)" is the best Option. I would like to Highlight that "a)" is a catastrophe in Brazil !!! Since by the Brazilian LAW we must change the registration order with NO extra costs to the registrant until 7 DAYS after the payment. So if you eliminate the AGP, a registrant can request to change the Domain name at Registrars expense. This happens already since agp is 5 days and the brazilian law is 7 days, but without the AGP, this problem will become worse.
- 50 20 Aug 07 Retaining the whois and credit registration information for a longer period of time even if the domain was tasted and returned. This gives spam-trackers, phishing-investigators, and trademark owners (or their representatives) more time to deal with problems, and as a side benefit it can tell would-be domain tasters some names that aren't worth bothering the registrars about.
- 51 20 Aug 07 A) eliminating the AGP so that domain registration fees are non-refundable between registry and registrar; - I think eliminating the AGP is a good idea

B) making the ICANN annual transaction fee (currently 0.20 USD per year) apply to names deleted during the AGP, or to a significant portion of them; - I think this is already in effect

C) imposing registry 'excess deletion fees' charged to registrars for disproportionate deletes -This is just silly

52 20 Aug 07 Eliminating the AGP is the only effective way to stop the practice.

53 19 Aug 07 Answer = A. I would prefer for the AGP to be removed since it has been so abused. Since some criminal users only need temporary use of domains for which a 5 day period is ideal, they will continue to abuse the AGP if it provides a cost saving over normal legitimate registration fees. Most legitimate users are just registering a single domain, with registration fees much lower than they used to be, the cost of any mistake is easily affordable.

54 17 Aug 07 Domain servers should be held responsible for the security of the searches on their sites. There should be a fine if an investigation leads to the domain server being at fault. there should be a group setup up for such types of investigations and I am sure many would do it for just the pleasure. There should be a quota on the amount of names that can be registered per day, quarterly, or annually and a penalty should be paid if this amount is exceeded. This may help to ease the flow of a million or so domains being registered daily and give consumers some breathing room. Backorder charges should be waived if the domain is released within a specific time frame in order to avoid parking fraud. This is when you are forced to backorder a suspiciously registered domain and suddenly it is released and becomes yours for double or triple the cost of the original price. This is one is just my theory of a loop hole that can be exposed in the backorder system. So many paper companies out there can work this angle and look as if two separate registrars are involved but they are really the same entity.

55 16 Aug 07 b

56 16 Aug 07 I don't know about the complexity to evaluate multi criteria boundaries like coupled semantic-professional domain boundaries, or orthographic criteria or whatever. GOOGLR, if is not refering to other subject, domain or something wich is valuable should be a 'lost word' and should not be eligible to any other owner than Google. In fact, with a domain name should come a pack of related word setted as lost word. And if someone want to own a lost word, it should demonstrate that it is not interfering too much (competition must still exist) with the 'valid word' (versus the 'lost word'). The problem is to find on wich criteria we could apply filter for 'lost word'. It suppose also that there is an instance who proceed to the recovering of a 'lost word'. This imply cost of course. How much ? And efficiency of the service ? Since there is the same problem with enterprise 's logo and intellectual right property, everything seems to drive us in this way. But what will be the cost impact on fees for a domain name. The A suggestion above is a filter which will avoid excess domain tasting but will let the richer companies applying domain tasting. So it is a poor solution. But if you could apply some part of my suggestion (light system) above, after filtered with 'A' suggestion, it could be a valuable solution.

57 16 Aug 07 Simply remove the AGP and then if there is a serious problem and a registrant needs a refund, set up a proper refund policy - only for good-faith mistakes etc

58 15 Aug 07 Choice "A" will be the only \*effective\* solution. Choices "B" and "C" will just end up raising the cost of the fraud slightly.

Email 16 Sep 07 We believe that it needs to be determined whether or not domain tasting is a practice that is going to be allowed (i.e., the benefits outweigh the potential risks/challenges/costs) That is, if it is not to be allowed, then options A & B would be appropriate. However, if it is to be allowed, the potential solution needs to focus eliminating or al least minimizing the risks/challenges/costs.

Email 13 Sep 07 See our response in question 8 regarding modifying B.

Email 27 Aug 07 Tasting will continue as long as there is an increase in the average advertising revenue or search volume, advertising for new keywords or improvements in content to better match user intent. Any solution has to accomplish two things: (1) give ICANN an incentive to take the necessary action and (2) eliminate the subsidy to tasters. One such solution is to at time of registration give the registering entity, in addition to paying a registration fee, the option to buy an insurance policy that guarantees a full refund within, say, five days of registration. The insurance policy should have difference prices for various registering entity's risk classes. Nevertheless, a pure legal remedy to trademark tasting, whether individual or coordinated action as in CADNA, is not viable as it is value destroying for the trademark holders and the domain owners. Thus, ICANN should encourage trademark owners to adopt a coordinated cooperative solution with advertising agencies (such as Google and Yahoo) and monetizers.

Email 23 Aug 07 While I support a small fee for AGP deletions as in the B) model, it is not understandable why it should be forwarded to ICANN. ICANN will not ever provide any kind of support for a domain that is deleted during AGP. I therefore suggest a small fee that the registry may charge. 20c as a flat fee might not work for all registries. It could also be a fraction like 10/365 of the actual registration price, or 20/365 if

the first is considered to be insignificant. This may be fine-tuned based on the findings of its effectiveness once implemented and tested for some time.

### 8. Which additional disadvantages would each suggestion bring?

	Date	Comment
1	15 Sep 07	The suggestion (B) making the ICANN fee apply to names deleted during the AGP would adversely impact (1d) registrars and (1h) registrant representatives, but positively impact (1c) intellectual property rights owner and (1g) intellectual property rights owner representatives.
2	15 Sep 07	C & D only. A & B not a good solution in my opinion
3	14 Sep 07	a) It should not adversely impact any of the groups. b and c) Would not make much difference on the situation now. Please note that on my position the AGP should be removed. c)
4	14 Sep 07	I do not believe any group is severely disadvantaged.
5	14 Sep 07	I don't see how these suggestions would adversely impact any legitimate business. It would only impact those that are trying to profit without regard to trademark rights of others. Instead of using software programs to generate list of domain names to buy there would have to be some subjective review. That is not bad. It encourages responsibility. It would also make life easier for the registries and registrars.
6	14 Sep 07	The only suggestion presented by the ad hoc group that is viable at all is eliminating the AGP. Eliminating the AGP would not create any discernable disadvantages.
7	14 Sep 07	registrants who made good faith mistakes and sought to change their information would be penalized
8	14 Sep 07	Imposing registry excess deletion fees.
9	14 Sep 07	Total elimination of the AGP could bring some disadvantages, in the rare case where it is used legitimately, but those largely could be addressed by registrars at minimal cost and/or by a process that allows AGP refunds only under certain, limited circumstances.
10	14 Sep 07	imposing any additional fees to this process decreases business in an exciting emerging marketplace. Domains are assets and we should be working together to promote its growth and its success, not limiting the availability of domains through legislation and fees.
11	14 Sep 07	The benefits of "A" would far exceed the disadvantages for all legitimate internet users.
12	14 Sep 07	The proposal A) would negatively affect registrants and registrars. The proposal B) would negatively affect registrants and registrars. The proposal C) would negatively affect registrars.
13	13 Sep 07	Fully expect tasters to find a work-around to excess deletion fees (e.g., using multiple registrars, creating own registrars, etc.)
14	13 Sep 07	a) The AGP is a legitimate instrument to protect registrars and registrants, if used correctly and not abused. c) This fee is way too low to represent a real deterrent to domain tasting. Tasting Registrars normally charge a few cents more to their customers for these services, and thus the fee simply reduces a bit their margins.
15	13 Sep 07	A) would negatively impact registrants and positively impact IP rights owners, governments and consumers. B) and C) would adversely impact registrars and registrants and would positively impact consumers and IP rights owners as domain tasting would made more costly and therefore less attractive.
16	13 Sep 07	??
17	12 Sep 07	A. registrant is paying for typos B. registrant is paying for typos C. still allows wide latitude for tasting, if % is too high
18	12 Sep 07	Each of these suggestions would pose tremendous costs to Registrars in terms of systems changes and additional costs due to fraud. These charges will eventually be passed along to the end customer
19	11 Sep 07	No disadvantages to legitimate domain name applicants from any of these options.
20	11 Sep 07	We favour option A (eliminating the AGP). The number of typographical errors made when registering domain names must be fairly small, and it should be buyer beware. This would increase the burden on registrants, but the low cost of registrations means this burden would not be large.

- 21 11 Sep 07 We are of the opinion that domain name tasting is harmful, not only because of the AGP but because someones creativity shall have a negative impact. As I mentioned before, domain names should be treated as trademarks, in the sense that someone that does not own or has the rights to a trademark shall not be allowed to register the domain name. In that way stealing of creativity (through registering domain names) can be stopped.
- 22 11 Sep 07 A would only encourage consolidation. The transaction fee, assuming you mean twenty U.S. cents and not twenty U.S. dollars, is too small to have a real impact. Excess deletion fees are a good idea, but they need to be high enough to actually affect behavior and five cents is not anywhere close to high enough.
- 23 11 Sep 07 A would positively affect ip rights owners and their representatives.
- 24 11 Sep 07 A) is a good solution (SIDN has no AGP for .nl)  
B) brings profit to ICANN but does not cover the costs of tasting at the registry's level  
C) works but still leaves a lot of tasting (e.g. if 85% of the names are cancelled)intact
- 25 11 Sep 07 all of the above will minimize the freedom of moovement on the IE but this is a cost we should be willing to pay
- 26 10 Sep 07 All of these suggestions would result in some improvement.
- 27 10 Sep 07 A or any other that would be most expensive.
- 28 10 Sep 07 a - disadvantages domainers. This is appropriate.  
b - disadvantages domainers and registries dealing in bulk names. This is appropriate  
c - disadvanges registeries dealin in bulk name. Again this is appropriate.
- 29 10 Sep 07 All these suggestions would benefit rights owners and rights owners representatives.  
(B) would disadvantage registrars
- 30 10 Sep 07 A is best because it makes everyone be really careful before registering a domain name. This benefits everyone except the squatters. B benefits most people but to a much smaller extent. C is pretty useless because dedicated squatters will simply keep switching between registrars before they hit the limit.
- 31 09 Sep 07 Suggestions (A), (B) and (C) should advantage the IP owners and disadvantage the registrars.
- 32 07 Sep 07 Not granting domain name testing to irregular individuals.
- 33 07 Sep 07 A) registrar, registrant, registrant reps  
B) registrant, registrant rep  
C) registrant, registrant rep
- 34 07 Sep 07 This question makes no sense.
- 35 07 Sep 07 Suggestion a benefits the registry only and discourages small business growth.  
Suggestion b doesn't seem to be enough to discourage abuse.
- 36 07 Sep 07 A) benefits registry only and discourages small business growth  
B) may not be enough to discourage abuse  
C) can't think of any
- 37 07 Sep 07 Suggestion A is extreme and only benefits the registry.  
Suggestion B and C seem reasonable. Although, I don't know if option B is enough to discourage domain tasting.
- 38 07 Sep 07 Suggestion A is extreme and only benefits the registry.  
Suggestion B and C seem reasonable. Although, I don't know if option B is enough to discourage domain tasting.
- 39 07 Sep 07 Suggestion A is extreme and only benefits the registrar.  
Suggestion B and C seem reasonable. Although, I don't know if option B is enough to discourage domain tasting.
- 40 07 Sep 07 Do not see additional disadvantages
- 41 07 Sep 07 None, ICANN needs to stop the practice of domain tasting.
- 42 07 Sep 07 No disadvantages to honest and proper use of the registration process.
- 43 07 Sep 07 The advantages of instituting these suggestions far outweigh any potential disadvantages
- 44 07 Sep 07 (A) would disadvantage speculator registrants and the registrars that serve them. (B) likewise. (C) would disadvantage registrars by making them bear the sole cost of anti-tasting efforts.
- 45 07 Sep 07 B - transaction fee is too low to be effective  
C - seems easy to game this system to avoid charges by changing registrant names slightly.
- 46 07 Sep 07 A. Registrant is negatively impacted.  
B.& C. Registrars and Registrants will pay higher fees and may lead to domain name hording. This does not address PPC issue associated with domain name tasting.
- 47 07 Sep 07 no comment
- 48 07 Sep 07 A) would help as it would discourage speculative domain name registration and help IP owners, their representatives B) would also help IP owners and representatives. C) the same.

- B)
- 49 07 Sep 07 no view
- 50 07 Sep 07 The intent should be to ensure the ultimate costs are borne by the domainers in all cases
- 51 07 Sep 07 N/C
- 52 07 Sep 07 imposing registry 'excess deletion fees' charged to registrars for disproportionate deletes
- 53 07 Sep 07 A would badly impact registrants who made a mistake in good faith but it would have a positive effect all the other actors (on Registry, Registrars, IP right owners and representatives...)  
B may have some positive effect on IP Owners and representatives but it will create a lot of work for Registrars.  
C will probably penalize big registrars and not small ones but it will pass on the problem to be solved by Registrars and not Registry.  
D (my previous proposal) may appear as a compromise. If the registrant is in good faith he will not pay full price (as in your A), Registry will get something (contrary to in A) and it should not be detrimental to Registrar (as in B) since they will be able to charge the Registrant a significant amount.
- 54 07 Sep 07 A) would be a disadvantage to registrants, who are in good faith and have accidentally made a typing error.
- 55 07 Sep 07 I do not see any disadvantages
- 56 07 Sep 07 none
- 57 07 Sep 07 B) would probably impose higher administrative burden
- C) which level of "disproportionate" is the right one; who is going to decide; different levels for different TLDs ???
- 58 07 Sep 07 A) - C) all adversely impact registrants and registrant representatives but positively impact IP owners and representatives
- 59 07 Sep 07 A
- 60 07 Sep 07 Force them to pay at least a one year fee.
- 61 07 Sep 07 no disadvantage to IP rights owners or representatives
- 62 06 Sep 07 Prefer A, have registrant bear the cost of ensuring no typing errors, etc. Similar to USA (and other jurisdiction) Trademark application practice--no amendment of the trademark as applied for--do it right or abandon and pay another fee.  
B- such a small fee, even tripling unlikely to have material deterrent effect.  
C- Tasting may still be profitable; fix problem at root.
- 63 06 Sep 07 no additional comments
- 64 06 Sep 07 A) Non-refundable domain registration fees do not create any significant economic burden to valid users of the internet. This is clearly the best choice.
- 65 06 Sep 07 a)
- 66 06 Sep 07 B and C do not sufficiently address the problem and imposes additional procedures and costs; A is the best solution.
- 67 06 Sep 07 Frankly, as an owner of valuable trademarks, our interests lie in protecting our assets. Any steps to eliminate, minimize, etc., domain name tasting or AGP would not be disadvantageous to us. Believe that protecting the interests of trademark owners is the most important goal here.
- 68 06 Sep 07 No comment
- 69 06 Sep 07 As I said before, what is holy about five days? If the time period were shorter (say one business day), legitimate registrants would still have time to catch the error, but cheats would not have enough time to get a "taste".
- 70 06 Sep 07 Each of A, B and C could have a minor effect on Registrars and Registrants who make genuine mistakes. It will severely impact Registrants intent on cybersquatting and/or typosquatting by use of domain tasting. Each of A,B and C will be beneficial to Intellectual Property Rights Owners who may otherwise be subject to cybersquatting and typosquatting. It will also be beneficial to Registries because all domains registered will generate a Fee, allowing Fees to be reduced to all genuine users of the system over time.
- 71 06 Sep 07 no comment
- 72 06 Sep 07 Unknown
- 73 06 Sep 07 (A) this is a disadvantage to all registrants as it would make it impossible to correct typos and mistakes in the registration. (C) there is no disadvantage to anyone using this process to correct errors but it would greatly disadvantage those who are improperly using the system to test domain names for profit.
- 74 06 Sep 07 Suggestion A) would not disadvantage any of the identified groups since an applicant should not be permitted to register a domain if they are not certain they want to own it.
- 75 06 Sep 07 I do not see any disadvantage for item A. We have purchased over 10,000 domains over the past several years, and have not requested a refund on any.

- 76 31 Aug 07 A) Very bad. This period is needed frequently in the aggregate. Registrars and registrants would suffer. The Registries would benefit from that suffering.  
B and C both also very bad as registrants and IP owners would lose a source of names they want that only the high powered pros with their own registrars would then get, and registrars would lose a source of income.
- 77 29 Aug 07 Option A could impose an unfair penalty on legitimate domain name owners who use the AGP merely to test the effectiveness of certain domain names to attract traffic to their websites.
- 78 27 Aug 07 no comment
- 79 26 Aug 07 A) Would for some TLDs very negatively impact Registrar/Registry/Registrant/Potential Registrant/Individual users.  
B) Would for some TLDs very negatively impact Registrar/Registry/Registrant/Potential Registrant/Individual users.  
C) Would for some TLDs very negatively impact Registrar/Registry/Registrant/Potential Registrant/Individual users.
- 80 23 Aug 07 An disadvantage to the domain testing industry is fine by me. Again the testers should pay for EVERY domain that they test.
- 81 23 Aug 07 I would not use #B, because if you have to delete a domain for fraud you don't want to be charged for it. Also at least once a week we have a customer who may register some domains and then realize they are TM domains and they want us to delete them.
- 82 22 Aug 07 (A) will just make the process of buying a domain a bad experience, where no mistake is forgiven, so it affects directly registrants and registrars. Registries should be affected later since the relationship between registrant and registrar would receive some tension.  
(B) as (A) does stresses the relationship between registrants and registrars when a mistake comes out, the registrant won't be satisfied with having to pay any thing for a small mistake.  
(C) seems to be the most balanced purpose. The only ones affected here are registrars that do heavy domain tasting.
- 83 22 Aug 07 Suggestion A disadvantages Registrars and Registrants from using the AGP for its original intended purpose. It also disadvantages the general Internet population because domain name speculators are more likely to hold on to a name for an entire year, doing nothing with it, even when the name proves unprofitable.  
I believe that options B and C are reasonable solutions, though I doubt they will prevent tasting from happening. Domain tasters will most likely just factor this into their cost of business.
- 84 22 Aug 07 A) People would have to engage in different methods to find valuable names (DNS/resolver data, search engine stats etc). Registrars would be unable to correct errors.  
B) Would decrease tasting volume and remove kiting.  
C) Would decrease tasting volume and remove kiting.
- 85 22 Aug 07 a) Is a disaster from a Brazilian Registrar point of view.  
b) Its okay, since the cost is not much (even for Brazil)  
c) Our choice !
- 86 22 Aug 07 A) eliminating AGP offer
- 87 20 Aug 07 A - Not a big problem, but if somebody's registered a name that they find potentially conflicts with an existing trademark, they need some incentive to give the name back other than "threatening letter from the trademark owner's lawyer"; giving back some or all of their money may be an incentive, though it's not much of one. On the other hand, if they've made a business decision to register a given name hoping it'll generate advertising revenue, and it doesn't, I see no reason that that shouldn't cost them money - they're using the registrar and registry databases and ought to pay a fee.  
B - It's a good start, but might not eliminate all of the ankle-biters. On the other hand, it'll at least eliminate a lot of the toe-biters, and some domain-tasters will stick around even if they have to pay the whole \$6 fees, and I assume the \$0.20 USD has some economic relationship to ICANN's actual costs.  
C - It's too complex, doesn't reflect the actual costs to any of the service providers, and leads to complex lawyer-filled arguments about who's really conforming to what policy and leads to creative tricky workarounds that'll cause more problems. Charge a flat fee and be done with it - either the 0.20USD, or the whole ~\$6, or something in between, and let the economics of the market take care of it.
- 88 20 Aug 07 in B and C, the fees are negligible. No real solution can be had in these categories. In eliminating the AGP, an additional disadvantage is -obviously- not being able to delete a name if registered in error. I don't think this is a big deal, and would ensure proper care when completing a registration. Registration fees currently are not too high to cause significant problems anyway, and if someone makes a mistake in a registration, they have the option not to renew and have the name return to the pool in a year.
- 89 20 Aug 07 Only A) suggestion is the principal solution.

The rest two have the common basic flaw: they allow to keep the tasting alive as the proposed fee is so small that it cannot prevent the tasting registrars from doing the tasting. Moreover, they keep an inherently unfair and unethical privilege given to registrars to be the only participants in the tasting process.

90 19 Aug 07 A - individuals would be responsible for any typing mistakes they made. As registration fees are much lower than when the AGP was originally started, they will only suffer a minor cost. B - A fee of 0.20 USD per year, will still be a huge saving over normal registration fees for any spammer only needing domains for a 5 day period, so will not deter abuse. Whilst domain tasters may be more selective, it will not stop domain tasting as this fee can be covered by just one click on a domain parked for domain tasting via advertising.

C) This would punish Registrars, though they may not necessarily be the ones involved in domain tasting. However the Registrars may be able to block domain tasting by stopping large scale registration that does not appear legitimate. Setting a level of 90% deletes, will not stop the large scale practice of domain tasting, only lower the bar somewhat and Registrars have resellers that might be used to get around this.

91 17 Aug 07 The non refundable suggestion could effect those who misspell a name, although if possible a mandatory process should be added during check out that can notify the registrar to confirm the names spelling before order confirmation.

92 16 Aug 07 All of these suggestions will always be a question of \$\$\$\$. If you have enough \$\$\$ to override the 'filtering effect' of these suggestions, you just let more place to the ones who can continue their business with more accessibility to domain name tasting (domain name not AGPed by discarded companies).

Finally, A, B and C are just a little brake to domain tasting.

93 16 Aug 07 B and C impose extra responsibilities on registrars, to nobody's benefit.

94 16 Aug 07 None, really

95 15 Aug 07 A) is the ideal solution. The minor cost to companies or even an individual user is so small as to be meaningless. HOWEVER, permitting a registrant to re-register one domain due to a type once per year would be "nice" but would likely cost far too much to be practical.

96 15 Aug 07 Choice "A" is the only solution that might work. Choices "B" and "C" will only raise the cost of the fraud slightly and will encourage registrars to being cooperating more with the fraudsters.

Email 16 Sep 07 It appears that by introducing option A & B, the advantages of domain name testing for registrants (1f) and intellectual property owners (1c) is removed. We question why, if fees are still payable, would a party elect to delete a registration when it costs them no more to maintain the registration.

Email 13 Sep 07 The disadvantage of A is that there are legitimate uses for the AGP. See our response to question 5 for example. Other registrars we have spoken with indicated other legitimate uses as well and we encourage the Ad Hoc group to explore those fully before making any assumptions. It seems extreme to punish the other 240 odd registrar groups due to the activity of a handful of others.

The disadvantage of B is that it would increase costs to registrars who make legitimate use of the AGP as pointed out above. However, this can be offset by allowing a certain percentage of new registrations to be deleted during the AGP without the imposition of the transaction fee. The percentage could be determined by studying the average of percentage of new registrations that are deleted during the AGP. For example, this information could be gleaned by the Ad Hoc group (with the Staffs help) from the April reports with a day or so of work. However, a longer historical average would help to smooth any anomalies and so it would be helpful for the Registries to assist with that. The data could be gathered into brackets:

Percentage of New Registrations Deleted during AGP

X Registrars 5% or less

X Registrars > 5% up to 10%

X Registrars > 10% up to 20%

and so forth...

Suggestion C has the same disadvantage as described above for B, and the same possible solution. However, C has another disadvantage that makes it somewhat less desirable than B. It relies on the Registries to be motivated to take action, and the exact implementation may differ from Registry to Registry making it more complicated for Registrars to implement and for Registrants to understand. We believe there is merit in this suggestion but believe that B is a better overall solution.

Email 27 Aug 07 To reduce confusion, the suggestion in (7) must be initially implemented and enforced at the registry level.

Email 23 Aug 07 A) registrants who mistype a name would have to fully pay for it

B) registrants who mistype a name would have to partially pay for it, or the registrar would have to swallow the fee. It is not likely that a registrar forwards a fee of 20 cent, so some will charge a small fee of one or a few dollars while other pay for typos themselves.

C) will not affect registrant and registries who are not in the tasting business

## 9. Which additional benefits would each suggestion bring?

	Date	Comment
1	15 Sep 07	(A) eliminating the AGP so that domain registration fees are non-refundable between registry and registrar would reduce the amount of tasted domain names.
2	15 Sep 07	C: To make the registrar or taster know of th additional money they will pay. D: to know that they cannot taste simply, to delete they need to prove that there was an error in registration.
3	14 Sep 07	a) It would result on people paying more attention when filing for a domain name. b and c) Would only increase the profits -and costs- of the domain name registering business.
4	14 Sep 07	A. Completely eliminates the problem. B and C raise the cost of the practice and this MIGHT serve as a disincentive to the problem of monetization, but I would need to see proof.
5	14 Sep 07	I favor A because I think the whole practice is abhorrent. I wish there were some way to add an affirmative penalty for anyone registerign domain names based on software programs but I recognize that ICANN can not easily do that.
6	14 Sep 07	All solutions above and as outlined in earlier answers would decrease the amount of fraudulent and abusive registrations as well as increase the security and stability of the internet to some degree.
7	14 Sep 07	additional commercial certainty
8	14 Sep 07	Eliminating the AGP will create an Internet where abusive practices in the name space are less frequent. All named categories would benefit from this. Domain tasting occurs today because of abuse of a loophole in policy. This loophole needs to be closed while taking into account all groups needs.
9	14 Sep 07	A, or a properly designed combo of B&C, would eliminate commercial tasting, thereby benefiting everyone other than the few conglomerates engaged in this activity.
10	14 Sep 07	I recommend elimination of the Add/Drop Period completely. Due to the overwhelming abuse of the add/drop period (and its limited availability for its intended use) the domain name system would be best served by its elimination. B & C don't go far enough since Pay-per-click advertising would likely cover these token expenses.
11	14 Sep 07	no comment
12	14 Sep 07	b)
13	14 Sep 07	A and B) would make entities think more before signing up for a domain if they couldn't get their money back and C) would hold registrars more accountable.
14	14 Sep 07	Same answer as in Q 8.
15	13 Sep 07	Eliminating AGP would help combat public perception that ICANN hasn't acted against tasting because it is perceived to make money from it.
16	13 Sep 07	Proposition C) would allow for a selective application of the AGP. Registrars would be driven to refund the registration fee within the AGP only when the decision to remove the domain name is justified by the fact that a typographical error has been committed and not where the decision is based on a cost-benefit analysis. Proposition A) seems to be too extreme and does not allow for the coorection of typos.
17	13 Sep 07	b will make ICANN very happy. c will help registries pay for the extra resources they need to put in place to cope with the increased volumes of transactions.
18	13 Sep 07	Suggestion A) would be beneficial for every group as it makes the registration process easier, faster and - probably - cheaper. Only registrants were forced to consider in advance whether or not they wish to register a certain domain, which does not seem to be a big burden. However, exemptions should be made for typing errors.
19	11 Sep 07	Intellectual property rights owners would benefit from each alternative, especially A.
20	11 Sep 07	Eliminating the AGP would benefit IP owners by making it more difficult for domain name registrants to take advantage of IP owners' rights.
21	11 Sep 07	At least there will be an economic sanction. Ip or IP rights owners will benefit
22	11 Sep 07	I am not impressed by any of the suggestions. At a minimum the fee amounts suggested should be much larger.
23	11 Sep 07	not sure
24	11 Sep 07	A) best stops the practice and neutralizes the largest problem: the large number of transactions at registry level without payment
25	10 Sep 07	Help limit the domain names domainers can try out.
26	10 Sep 07	a - eliminate incentive to taste

- 27 10 Sep 07 all are good suggestions, but I think (A) would be easiest to administrate.
- 28 10 Sep 07 A eliminate most squatting. B eliminate a significant amount of squatting. C none.
- 29 10 Sep 07 Would potentially free up available names to legitimate users; would discourage behavior, lessening costs to legitimate mark owners and the general public
- 30 10 Sep 07 Less domain tasting and squatting. I say do whatever is necessary so as to limit these practices.
- 31 09 Sep 07 (A), (B) and (C) should advantage IP owners.
- 32 07 Sep 07 None
- 33 07 Sep 07 A, B, C) intellectual property owners, non-commerical users of the internet
- 34 07 Sep 07 All of these would make applicants/registrants more careful, and would also penalize registrars from engaging in the practice.
- 35 07 Sep 07 ?
- 36 07 Sep 07 A) Benefits the registry  
B) ?  
C) ?
- 37 07 Sep 07 -----
- 38 07 Sep 07 The playing field would be leveled by eliminating the AGP so that domain registration fees are non-refundable between registry and registrar.
- 39 07 Sep 07 Imposing obstacles and burdens on fraudulent registrations and registrars who support such activity.
- 40 07 Sep 07 (A) decrease the risk of merely speculative registrations. (B) not much advantage because would create a temporal disconnect between registration practices and fee payments. (C) none.
- 41 07 Sep 07 A - would make mass registration of names less attractive because of the cost.
- 42 07 Sep 07 A. Streamline registration process. Would curtail extraneous activity.  
B.& C. No benefits except to the Registry that recoups higher fees.
- 43 07 Sep 07 no comment
- 44 07 Sep 07 A would benefit IP owners
- 45 07 Sep 07 I tend to apply A), so there is a direct cost (althought not high) and complete information should be given. I'm completely against Privacy-Whois.
- 46 07 Sep 07 A) Registrations would be more likely to be genuine.
- 47 07 Sep 07 no view
- 48 07 Sep 07 Impose costs on domainers
- 49 07 Sep 07 N/C
- 50 07 Sep 07 eliminating the AGP
- 51 07 Sep 07 A would be very easy to deal with for everyone !  
B would be good mainly for ICANN  
C would be good for Registry only
- 52 07 Sep 07 A) would be an effective way to remove the problem. I do not believe AGP is in any way necessary - the registrants can be required to be careful and double-check the domain they are registering. If they make a typing error, it is their problem. Anyway the domains are not that expensive that anyone would go bankrupt for registering accidentally a wrong domain.
- 53 07 Sep 07 would protect the interests of IP-holders.
- 54 07 Sep 07 A) has the benefit, that some more thought is put in, before registration
- 55 07 Sep 07 A) imposing a "financial threat" to registrants abusing the domain system
- 56 07 Sep 07 A
- 57 07 Sep 07 Fewer tasting.
- 58 07 Sep 07 provides certainty to IP rights owners by requiring domain registrants to invest at least some amount of money to show their commitment to the domain name.
- 59 06 Sep 07 A- simplest solution, high expected value, low cost, few anticipated side effects.
- 60 06 Sep 07 no additional comments
- 61 06 Sep 07 A) eliminating the AGP will immediately eliminate a vast amount of illegal activity with almost no burden on others
- 62 06 Sep 07 B)
- 63 06 Sep 07 Pls see response to Q8
- 64 06 Sep 07 No comment
- 65 06 Sep 07 See answer to 8
- 66 06 Sep 07 Each of A, B and C will benefit Intellectual Property Rights Owners by deterring cybersquatting and typosquatting. Registries will benefit in that substantially all domain names awarded will

produce a Fee income. Individual Registrants not involved in abusing the system by resort to this practice may also benefit in time since additional Fee income for Registries may allow the level of Fees to be reduced over time.

67 06 Sep 07 no comment

68 06 Sep 07 Unknown at present

69 06 Sep 07 Suggestion A) would bring the benefit of certainty and honesty to all concerned.

Allowing applicants to repeatedly taste a domain for free is unethical and harms the integrity of the entire domain system.

70 06 Sep 07 (B) (C) and (D) all benefit those trying to avoid having registrants take advantage of the system to "test" domain names for profitability.

71 06 Sep 07 Item A would level the playing field for everyone on the internet. It would not severely impact any particular group; except for large scale domain tasting companies, which are exploiting right now.

72 05 Sep 07 All of these suggestions would benefit IP rights owners in that they would discourage the abusive practice of domain tasting.

73 31 Aug 07 All would be of benefit only to high powered pros that have their own registrars as I see it. The shifting of names for non payment would stop, but that is not tasting.

74 27 Aug 07 no comment

75 26 Aug 07 A) Would benefit trademark owners and noone else.

B) Probably none. It would just raise the barrier for keeping names to those that earn enough to earn back the extra fee. Say by \$5 if the hit rate is 1/25.

C) Like B). Would benefit Registry giving extra revenue. Might as well raise the domain price.

76 23 Aug 07 It could free up names that will be developed into real websites.

77 23 Aug 07 I would recommend improving #C, and saying that you get up to 2000 drops a day without any fees.

78 22 Aug 07 I don't see any advantage in (A) or (B).

(C) has a subtle advantage of creating a control mechanism similar to interest rates used by governments to control currencies. ICANN would be able to adjust 'excess deletion fee' and threshold volume to "send the message".

79 22 Aug 07 The advantage of B and C is that it does provide an opportunity to offset the already high costs that everybody must pay to ICANN to register domain names.

80 22 Aug 07 A) IP companies monitoring the zonefiles.

B) IP companies monitoring the zonefiles.

C) IP companies monitoring the zonefiles.

81 22 Aug 07 a) No benefit, as explained before.

b) Since the number of domain names that we cancel is so little, they cost will be reasonable for a Registrar.

c) We keep the AGP and force Domain taster out of the business without any extra cost to the market.

82 22 Aug 07 A) an efficient tool to limit spamming

83 20 Aug 07 A - Extra money for registries and registrars, though not much because it'll chase away most of the domain tasters.

B - Extra money for ICANN, possibly more than A because it'll chase away fewer domain tasters, but probably enough to meet the operational costs for the registries and registrars?

C - Extra money for lawyers on all sides arguing about whether the deletes are really disproportionate - just charge a flat fee.

84 20 Aug 07 I think that option A is the easiest to implement, and understand. The rest of the world of commerce works that way - you buy, you pay.

85 20 Aug 07 B and C: no real benefit.

A - the benefit in eliminating the AGP is to not have a grace period, thereby eliminating bad-faith registration (tasting).

86 20 Aug 07 A) is the solution.

B) and C) still keep and support the speculative and privileged attitude towards the name market.

87 19 Aug 07 A) No more of this nonsense. People take registering a domain name and ICANN more seriously, rather than keep taking the whole system for a ride.

88 17 Aug 07 It would slow down the pace of the current internet domain cancer. The companies who got fat during its run may have staying power and develop a work around for the new regulations if applied. Perhaps a way to sort out bogus urls and registrar better combination of names. No matter what it is a possitive step towards a better future for the web.

- 89 16 Aug 07 If domain tasting entities are not enough monetary strong versus the monetary brake of the best suggestion (A , B or C), then it will be a great advantage. The question is : will it be a good brake to this phenomen?
- 90 16 Aug 07 AGP was never properly reviewed or debated, so A simply corrects the mistake that was made when it slipped past the ICANN board.
- 91 16 Aug 07 end of the free ride and reduction in tasting!
- 92 15 Aug 07 A) benefits the general audience.
- 93 15 Aug 07 "B" and "C" will only benefit fraudsters and the registrars that service them. Choice "A" \*might\* help reduce fraud and improve the signal to noise of the web.
- Email 16 Sep 07 NIL
- Email 13 Sep 07 Suggestion B has the additional benefit of simplicity – ease of implementation for Registrars and little or no confusion for Registrants.
- Email 27 Aug 07 There is a positive spillover effect driven by the insurance policy whereby tasters will be more likely to start using analytical tools to guide their acquisition decisions instead of their current bootstrap methods. Such action expands the domain names knowledge base and thus, is value creating.
- Email 23 Aug 07 A) will eliminate tasting almost completely B) will greatly reduce tasting C) will partially reduce tasting

## 10. Should any of these suggestions be implemented?

- |    | Date      | Comment   |
|----|-----------|---|
| 1  | 14 Sep 07 | People should pay more attention to what they are doing at the moment of doing it. If they know that they an AGP exists, they do not pay enough attention while filing for the registration.  |
| 2  | 14 Sep 07 | Eliminating the AGP should reduce the incidence of tasting substantially. If A is not implemented, then the fees imposed in suggestion B or C, if either or both are implemented, should be much more severe. Currently, those fees serve no deterrent effect to those who engage in domain tasting.  |
| 3  | 14 Sep 07 | This will have the biggest impact on the practice and therefore is the most effective. The others only make the economic cost something to be factored into the software programs used to generate these programs. That will still happen even under A but it will be the most expensive.   |
| 4  | 14 Sep 07 | The instances of domains registered in error and those used for testing are far less than the domains being registered during the AGP used for improper means. By doing away with the AGP all together, it would cut off a channel currently causing issues for internet users.   |
| 5  | 14 Sep 07 | By eliminating the AGP, it may become to costly to register trial domain names.   |
| 6  | 14 Sep 07 | Either A, or a properly designed combo of B&C, should work to eliminate commercial domain tasting, and either option would have almost no downside except to the few conglomerates engaged in this activity.  |
| 7  | 14 Sep 07 | "A" would end this unsavory practice and should be implemented.   |
| 8  | 13 Sep 07 | See comment on question 9.  |
| 9  | 12 Sep 07 | There should be a study if 90% is the right number.   |
| 10 | 11 Sep 07 | The AGP invites abuse and the proposed fixes in B and C will merely allow crafty abusers of the system to game the new process. The disadvantages of the AGP far outweigh its potential benefits  |
| 11 | 11 Sep 07 | Even as a representative of IP owners, we consider the damage caused by domain name tasting to be minimal, and not justifying any of these steps. If action is to be taken, we favour elimination of the AGP. We have never used it. We are not aware of any of our clients having used it. Domain name registrants should be careful to ensure the domain name they register is correct. |
| 12 | 11 Sep 07 | C is likely to be the most effective, but the fee needs to be much higher than five cents, at least for all non-.org and non-.gov domain names.   |
| 13 | 11 Sep 07 | Implement in order to reduce instances of tasting.  |
| 14 | 11 Sep 07 | Most effective. And there is no reason for a refund as costs have already been made by the registry at the moment the registration is executed  |
| 15 | 10 Sep 07 | In favor of the most expensive method.  |
| 16 | 10 Sep 07 | this is not very helpful to legitimate IP owners who usually register few domain names because those domains will be used for advertising true business, not merely click ads   |
| 17 | 10 Sep 07 | See previous comments   |
| 18 | 10 Sep 07 | I like this suggestion the least although I question how many actual "typos" there could be. I would prefer either B or C much better.  |

19 10 Sep 07 A-C should be implemented to discourage the practice of tasting so that legitimate users may adopt domains and to impose a cost for those who insist on tasting

20 07 Sep 07 will not allow tasting for free of domains

21 07 Sep 07 -----

22 07 Sep 07 -----

23 07 Sep 07 (A) is the best way to make speculating registrants bear the cost of their practices.

24 07 Sep 07 Curtail unnecessary activity and proscribing of PPC sites.

25 07 Sep 07 A) prevents genuine errors from being corrected and B) is an insufficient amount of money to impact the decision making process. C) may actually affect domain tasting decisions.

26 07 Sep 07 Fees should not be refundable and it's the easiest way to avoid "checking out the domain". Besides with a registration and a reverse whois, bad faith can easily be determined.

27 07 Sep 07 By eliminating the AGP registrations are more likely to be genuine in the future with less chance of infringers attempting to make quick commercial gain from the intellectual property of others.

28 07 Sep 07 to impose costs on domainers

29 07 Sep 07 N/C

30 07 Sep 07 Registrants should think about the domain name they are interested in having and not just "try them out". Once a request is filed, price is due

31 07 Sep 07 A is best solution of the three but the one I proposed earlier may be seen as a better compromise for all the Actors.

32 07 Sep 07 A) would be effective and not have too much disadvantage to anyone acting in good faith.

33 07 Sep 07 generally speaking it seems to be a strange concept to see if something really produces revenue before buying it. In light of the very moderate registration fees it is not clear why these should be refundable in any case, even if a typing error occurred.

34 07 Sep 07 to be implemented because

- it can be completed without additional administrative burden to ICANN, registries as well as registrants

- it deters by "financial threats" from abuse of the system

35 07 Sep 07 Simplify

36 07 Sep 07 This attacks the user and main culprit best.

37 06 Sep 07 Fairest, simplest, most likely effective.

38 06 Sep 07 with some lawful exceptions, it seems that disproportionate deletes are carried out by unfair competitors

39 06 Sep 07 Pls see response to Q8

40 06 Sep 07 All of these are a start to increasing the costs (decreasing economic incentives) to squatters and infringers.

41 06 Sep 07 A is to be preferred as most likely to eliminate the problem. If not A, then B. If not A or B, then C.

42 06 Sep 07 MAKE THE TIME PERIOD SHORTER AND YOU DON'T HAVE TO DO ANYTHING ELSE

43 06 Sep 07 B will make the practice of obtaining and then deleting domain names more costly to those who traffic in domain names.

44 06 Sep 07 Applicants should be certain they want to keep a domain at the time they apply for it and registrars should be tasked with collecting fees from their applicant customers as is the case in any other transparent business of integrity.

45 06 Sep 07 see earlier response

46 05 Sep 07 There are other ways in which the registrant can be protected - for example, a requirement to input a desired domain name twice - this should prevent erroneous registrations and the need for a refund.

47 31 Aug 07 As previously stated these would adversely impact registrants and IP owners that get to purchase or otherwise acquire names from those that acquire them and offer them to the public, and also registrars.

D) the policing of constant shifting of names to avoid payment should be policed seriously by the Registries.

48 27 Aug 07 all of the models would have to be explored further

49 26 Aug 07 See previous comments.

50 23 Aug 07 The fee should apply to ALL names deleted. It should even be increased.

51 23 Aug 07 I think we need the AGP to survive as registrars.

52 22 Aug 07 (C) should be implemented, (A) and (B) should not. See previous answer for whys.

53 22 Aug 07 I am not sure that "tasting" is the real "problem".

Domain name "testing" is going on in a lot of zones without "AGP" (.de for instance where the initial setup fee is €1).

The above suggestions would decrease volumes, but people will still register domain names and try them out for traffic - the pre-evaluation techniques will be more sophisticated.

- 54 22 Aug 07 As explained before.
- 55 21 Aug 07 Domain tasting litters the namespace and makes it much easier for phishers, spammers, and scammers to operate. I don't know if there's enough legitimate use of the AGP to justify keeping it or not, because it's drowned out by illegitimate use, but there's certainly enough justification for B.
- 56 20 Aug 07 A) as the only principal and fair solution to stop the domain tasting practice.
- 57 19 Aug 07 The AGP has been so abused, ICANN should eliminate it. The AGP was a polite service to registrants when first introduced but it is not so needed now as the cost of errors is much lower. The other alternatives chaging excess deletion fees might help a bit, but are not significant to stop the AGP continuing to be abused as a cheaper alternative to paying the proper registration fees where a domain is only required for a short period of time.
- 58 17 Aug 07 All the suggestions should be applied, not one would make a dent on its own. Even though the deletion rate is high there are many that are kept.
- 59 16 Aug 07 This is the more expensive suggestion so it would be a good brake. As individual internet user or good company, if I make a mistake in my domain name, I m just losing 6 \$ USD. That will not crash my company in anyway. Domain tasting is making so many 'mistakes' that it should be a relatively good solution to apply the A suggestion.
- 60 16 Aug 07 See prior answers.
- 61 16 Aug 07 but all will probably work
- 62 16 Aug 07 Any of these will be fine
- 63 15 Aug 07 Even if a user has a typo and needs to re-register, the minor cost involved sould simply be chalked up to experience.
- 64 15 Aug 07 Emphatically! "A" should be implemented! If we're worried about grandma typo-ing her yarn-art website name, then also implement a fund to come out of the increased fee income to investigate and resolve such situations. Also, encourage additional fees for "expedited" domain setup. Very few people need a domain setup and running in 5 minutes, and they should be asked to pay additional fees to support the infrastructure costs of that service as well as to help mitigate the abuses of speedy domain setup/teardown.
- Email 16 Sep 07 None of these options address our major concern regarding the greater risks for trademark infringement, confusion and the availability of redress for intellectual property owners.
- Email 13 Sep 07 Any realistic cost/benefit analysis of domain tasting clearly shows that if there is any cost associated with the activity it would be seriously thwarted, regardless of what FUD you hear from those with an interest in keeping it going. Nothing we or anyone else does will stop tasting entirely, but it can be brought back down to the levels prior to 2005 when no one noticed or cared. Even eliminating the AGP will not stop tasting entirely. However, if there is some cost associated with it those who want to taste will have to at least give more actual thought to what they are doing instead of the indiscriminate activity we see in growing volumes today. Our preference would be to see some version of B implemented. Some version of C would be a second choice. We would prefer not to see A implemented for the reasons stated above in question 8.
- Email 5 Sep 07 Assuming that, by stopping domain tasting, would prevent junk domains being registered, is like saying by making it illegal to take drugs, will stop people taking them.
- Email 23 Aug 07 In principal I support model B) but with the changes suggested in 7. While A) while eliminate tasting almost completely, B) will have nearly the same effect while still allowing to correct typos, which was the initial intention, so it is a best of both worlds. While C) is a good step and works partially, depending on your size it will still allow you a certain degree of tasting.
- Email 14 Aug 07 I think suggestion A or B would substantially reduce domain tasting. I'm less happy with C - though it attacks the registrars that support tasting it leaves room for a significant churn of junk domains registered via the large registrars.

Comment options for questions 11 and 12 below, in italics, were not included in BigPulse, but comments by email entries are included here for completeness sake.

**11. *If domain registrations were offered at no cost to the registrant, would this effectively permit domain tasting?***

*Date Comment*

Email 16 Sep 07 No. The advantage of a paid registration system is that the registrant must make a decision within the 5 day period whether or not to continue with the registration. To continue means any fees paid are not returned. Where domain name registrations are free, there is no such timeframe for such a decision to be made and the domain name would be registered until such time as it expired.

Email 14 Sep 07 Of course. If the service is for free, everyone would be interested in trying it out.

Email 13 Sep 07 Technically, yes. However, unless ICANN would agree to waive the transaction fee imposed on registrars as part of the free domain offer, there would still be a considerable throttle on the activity. For example, if a taster wanted to register 1 million domains under the free offer the registrar would still be billed by ICANN for \$200,000. So either the registrar would have to eat that or pass the cost on to the taster. Either way, it would serve as a deterrent to tasting in the volumes we are seeing today in a completely no cost scenario.

Email 5 Sep 07 Tasting is the art of testing a domain for its traffic values, however, businesses were still registering deleted domains years before domain tasting was available anyway. By saying the volume of registering deleted domains has rose significantly since domain tasting was available, I would also state, please take user/business inflation into account, the explosion of new users/businesses onto the internet in recent years also plays a part in the large volume of registered domains.

Email 23 Aug 07 This depends on the small print. If you restrict the number of domains per registrant, you would make tasting harder, though with enough energy you will still be able to taste.

## 12. Should ICANN prohibit domain registrations at no cost to the registrant?

Date	Comment
Email 16 Sep 07	No. However, we do have concerns about the number of domain names that would become registered and are not deleted. This has an impact on the potential names available.
Email 14 Sep 07	Yes. There should be always a cost involved.
Email 13 Sep 07	No. We would only be opposed to ICANN waiving the transaction fee under these conditions.
Email 23 Aug 07	It may make sense in special situations, especially for sTLDs. There should be reasonable restrictions against tasting.

## 13. Should ICANN impose a minimum registration fee on domain registrations?

Date	Comment
1 14 Sep 07	The minimum fee should be around to USD50.- per year. Please note that de cttld .com.ar it used to be a free domain name registration and with no deadline on the registrations, which lead to a number of cybersquatters to virtually register almost all known trademarks and famous people names as a regular business. Now a days, though it is still free, domain name registrations last for one year (renewable) and this made hundred thouthands of domain name registrations to lapse without being renewed. Ip Attorneys in Argentina are currently trying to make domain name registration allowed only after paying an anual fee to difficult the action of cybersquatters.
2 14 Sep 07	It should be high enough to create a deterrent to domain tasting, e.g. \$50 or \$100 USD.
3 14 Sep 07	30 dollars per year. That makes it more difficult to generate click through income that makes owning a site profitable. Otherwise the net will become a lot of targeted search pages going to useless sites.
4 14 Sep 07	While the "no" box above is checked, we are electing NOT to answer this question in the positive or negative.
5 14 Sep 07	No. Minimum registration fees may make cybersquatters more selective but it will not eliminate the practice of domain name tasting.
6 14 Sep 07	\$100.00
7 14 Sep 07	It should be designed to eliminate commercial tasting, requiring registrants to make a cost/benefit analysis with every registration.
8 14 Sep 07	At least \$10/year.
9 14 Sep 07	At least \$10 annually.
10 13 Sep 07	US \$50
11 13 Sep 07	EUR 10
12 12 Sep 07	ICANN should not be involved in the economics of registration fees and minimums.
13 12 Sep 07	\$5

- 14 11 Sep 07 I leave this for experts to address, but some fee should be required that would be at a sufficient level to prevent de facto domain name tasting
- 15 11 Sep 07 \$20
- 16 11 Sep 07 \$ 200.00 but besides a monetary requirement there should be a legal pre requisite, which should consist in proving that the domain name that is being registered is of its own creativity. This could be done through proving that it has a registered trademark or at least it has passed the originality test.
- 17 11 Sep 07 \$25.00 to \$30.00 US should be high enough to discourage tasters and mass registrations.
- 18 11 Sep 07 US\$50
- 19 11 Sep 07 ICANN should not impose this, but allow/propose it. It should leave the decision to the registry
- 20 10 Sep 07 \$8.00
- 21 10 Sep 07 US\$5.00
- 22 10 Sep 07 \$50
- 23 10 Sep 07 At least a dollar, preferably several dollars.
- 24 10 Sep 07 Even a \$0.05 fee would effectively stop this practice. The highest that should be charged would be the \$0.20 fee that is imposed by ICANN.
- 25 10 Sep 07 A nominal fee could be imposed that would discourage rampant tasting and yet would not be prohibitive to individuals and non-profits with legitimate interests in domains.
- 26 10 Sep 07 £2.99
- 27 09 Sep 07 Do not have enough information to know what the minimum should be.
- 28 08 Sep 07 \$20 USD
- 29 07 Sep 07 non-refundable fee of \$5
- 30 07 Sep 07 USD \$5.00
- 31 07 Sep 07 100.00 US
- 32 07 Sep 07 \$20
- 33 07 Sep 07 \$20.00 per year
- 34 07 Sep 07 At least €40 - only domains which are going to be effectively used will be registered.
- 35 07 Sep 07 20 Euro
- 36 07 Sep 07 Around \$50
- 37 07 Sep 07 \$5 - minimum fee should be payable to registry even where a registrar offers "free" registration to a registrant - there must be a cost for registration to deter abuse
- 38 07 Sep 07 US\$100
- 39 07 Sep 07 \$10 it could be more if we can divert it to something useful other than making registrar's rich
- 40 07 Sep 07 10 US\$
- 41 07 Sep 07 Minimum fee to be paid by a Registrant should be 3USD
- 42 07 Sep 07 10 USD for one year.
- 43 07 Sep 07 10 US dollars
- 44 07 Sep 07 1.00 usd
- 45 07 Sep 07 \$25 per year.
- 46 06 Sep 07 Minimum fee might vary depending on domicile of registrant, but that is difficult to police. "Free" goods tend to create inefficiencies, and the true is is born somewhere.
- 47 06 Sep 07 the regular fee
- 48 06 Sep 07 I would charge much more than the current fee - to discourage those who don't have a legitimate interest in a particular domain, and make it a true economic decision to purchase a domain - for example similar to the cost of a trademark registration - in the ballpark of \$1,000.
- 49 06 Sep 07 Do not mess with prices, they should be left to market forces to establish
- 50 06 Sep 07 Fees should at least cover the cost of administration of the domain name system.
- 51 06 Sep 07 It should be high enough to stop cyber-squatters, infringers, etc.
- 52 06 Sep 07 \$20/year
- 53 06 Sep 07 This question also needs a don't know. Truth is I don't have enough information to answer.
- 54 06 Sep 07 Whatever the cost is to maintain the internet and allow ICANN to run self-sufficiently.
- 55 06 Sep 07 Without a reasonable and minimum cost of entry, domain name registrations would be even more abused than they are now and more important domains would be withheld from productive and legitimate use.

- 56 06 Sep 07 Something nominal for the registrant if registering a normal number of registrations, but which could add up for people registering in bulk.
- 57 06 Sep 07 \$50 or higher
- 58 30 Aug 07 \$.10
- 59 23 Aug 07 At least .25 cents.
- 60 22 Aug 07 The market already imposes a minimum fee. ICANN should not interfere with that process.
- 61 22 Aug 07 I do not believe this to be part of ICANNs' mission, to regulate prices (unless possibly to regulate a monopoly). The stability of the Internet is not in danger here. Ask VeriSign.
- 62 22 Aug 07 THIS IS A VERY IMPORTANT ISSUE. I really believe that ICANN should impose a minimum registration fee ! Why ? The low-cost and low fair strategy might put some registrars out of the business ! And this is not good for the stability of the Internet. It seems that the registerfly issue was a administration issue, BUT a minimum registration fee will protect and strengthen the registrar business. My suggestion: US 8/year. No less. We must remember that the cost with Networksolutions was +- US35/domain name. The registry/registrar structure impose a war of prices and services BUT on the other hand ICANN should impose a limit also in this dispute. What if Google give the domain names for free ? Dozens of Registrars might go out of the business. ICANN should promote the competition AND the stability, not only the competition ! As a matter of fact I would like to quote John Nash, the "Nash equilibrium" is achieved when every participant do what is best for him Limited to the common interest. ICANN promote the competition which is good for the market, BUT is NOT a public interest that Registrars go out of the business, so, ICANN should promote the competition AND the stability, not only the competition !  
And the minimum registration fee is a good answer, and for those that will complain ? US 8 is 23% of what a domain name used to cost.
- 63 21 Aug 07 \$5
- 64 21 Aug 07 The minimum fee should cover the transaction costs for all the participants in the system - registrar, registry, ICANN, whois-maintainers. I haven't seen any public figures for those costs, but I assume they're at least USD\$0.20, and much less than USD\$6.00. The registrars' costs are variable and somewhat under their control, but ICANN should release the costs for the registry and their own costs. But if that's politically unacceptable, make it \$0.20 for ICANN and I'll put in my 2 Euro-cents for the registrars' cut since this is an international network.
- 65 20 Aug 07 US\$12 pa
- 66 20 Aug 07 Not per se,  
However, ICANN should charge a fee to someone.  
I disagree with ICANN raising fees on an annual basis, or authorizing registrars to raise their fees indiscriminately. When we start mandating fee structures, we impede the market.
- 67 19 Aug 07 Criminals must be stopped from registering millions of spam domains and making a mockery of the whole system. Most legitimate users do not need large numbers of domains, it is only those game playing the system or involved in crime that need massive numbers of domain names. So please do set a minimum fee, 1 USD seems reasonable - if it is too low, presumably transaction costs become a large percentage of the costs. I am more in favour of lower fees for domains registered over a longer period and higher fees for domains registered for just a short period as this strongly favours legitimate users over illegitimate users. So the larger the initial fee and the lower the longer term fee for a domain the better.
- 68 17 Aug 07 \$10 yr  
\$8 2yr  
\$4 5yr
- 69 16 Aug 07 something reasonable... because Internet is composed also with internet users and small website and small budget.  
Freedom access to everyone is important. this must not be parasited by commercial intentions.
- 70 16 Aug 07 A dollar or so, to avoid speculative warehousing.
- 71 16 Aug 07 there are cases in which registrar can and should offer free domains - local govt, ngos, schools, etc
- 72 15 Aug 07 Anytime a service is offered "below cost" there is an issue. But as long as ICANN is receiving the fees, the companies will not be able to provide service at under cost.
- 73 15 Aug 07 No comments allowed on the last two questions! Shame on you!  
ICANN should keep their nose out of registrars business models. There \*should\* be a non-trivial cost to \*registrars\* for every domain used in any way (i.e. activated and made accessible on the web).
- Email 16 Sep 07 Unless some mechanism exists with regards to comments to question 12,
- Email 14 Sep 07 The fee should be high instead (US\$100) so that unlawful use could be prevented.

Email 13 Sep 07 No. See our response to 11 and 12 above.  
 Email 23 Aug 07 see 10 and 12  
 Email 14 Aug 07 If the current \$0.20 transaction fee is enough to substantially reduce tasting then that is sufficient. If it is not, the minimum registration fee should be larger. It's probably necessary to try this out in the real world and revise the minimum fees if tasting continues.

**14. Please provide any statistical or other factually supported information (with source or source data included for third party validation) that could be useful for analyzing domain tasting issues.**

	Date	Comment
1	15 Sep 07	Not available.
2	14 Sep 07	We receive daily reports containing potential issues of concern relating to new domain name registrations that may infringe upon one of our core brand names. Each week, we receive dozens or scores of reported issues of potential domain name abuse which turn out to be "tasted" domains.
3	14 Sep 07	Mark Monitor's summer brandjacking report for the pharmaceutical industry shows that domain name kiting increased by 243 percent.
4	14 Sep 07	As a brand protection company, MarkMonitor monitors domain name registrations that potentially infringe on the trademark rights of major corporations. Our reports routinely identify instances of domain tasting and domain kiting targeting major brands, conducted mostly by a limited group of registrars. To understand the scope of the problem facing the world's largest brands, MarkMonitor has published its quarterly BrandJacking Index in the Spring/Summer 2007 that identifies the increasing amounts of abusive registrations resulting from domain tasting and domain kiting. The assumptions and methodology behind these statistics are described in greater detail in the BrandJacking Index, copies of which will be emailed separately. We will also provide specific examples of domain tasting and kiting activity via e-mail.
5	14 Sep 07	CADNA is conducting a statistical audit of domain tasting and kiting via a long-term study of many tens of thousands of domain names. At the time of this writing that analysis is incomplete; however, CADNA will make it available upon completion (most likely in the month of September).
6	14 Sep 07	We see hundreds of registrations a week, bad faith cybersquatting on our brands, with the vast majority dropped within the AGP.
7	13 Sep 07	Monthly registry reports. I reviewed the VeriSign report for May 2007 and couldn't find total numbers of .com and .net "deleted domains grace." So, my assistant has to total them all up for me. She's not very happy about that. Why can't ICANN provide the data in aggregate form for all registries?
8	13 Sep 07	No statistical information available
9	11 Sep 07	Domain tasting makes it easy for cybersquatters, typosquatters and others who would take advantage of the Internet and IP owners without offering any social benefit to continue their practices. While curtailing this practice would be welcome, an even more welcome change would be to limit registration of domains that contain a trademark to the trademark owner or someone who can provide a copy of a license from the owner. The current situation, with its proliferation of trademark-infringing domains that also serve no useful social purpose (generation of click-through revenue is not a useful social purpose) compromises the integrity of the Internet and undermines public confidence in it. We appreciate your interest in curbing at least this one area of abuse.
10	11 Sep 07	None
11	10 Sep 07	none
12	07 Sep 07	No data.
13	07 Sep 07	Reviewing/deleting backlinks for each domain name prior to deleting at the Registry is recommended.
14	07 Sep 07	no comment
15	07 Sep 07	No information available
16	07 Sep 07	Ask Google
17	07 Sep 07	-
18	07 Sep 07	I would love to see how long on average domain names are kept before being released. I suspect 4.5 days to be the figure as people in good faith who makes mistake will definitely correct it within 24 hours. However, if you are in bad faith and want to see if you can make money, you will keep it as long as possible !
19	07 Sep 07	none
20	07 Sep 07	No comment
21	06 Sep 07	I currently have none.
22	06 Sep 07	I do not have any information at hand

- 23 06 Sep 07 none
- 24 31 Aug 07 I have purchased through an auction house over 500 names in 2007 that were acquired by that auction house when they deleted. In most cases I purchased those names for little more than a direct registration through a registrar. In many cases I would not have known they were going to be available and in many cases there were other interested parties and I would not have obtained all the names I did were this service not available. Tasting is a side effect of this service I expect but that does no harm to me.
- 25 27 Aug 07 no comment
- 26 23 Aug 07 I had one domain tested by FIVE different testers before it became available for me so I could develop it.
- 27 22 Aug 07 I've heard a lot that domain tasting is a business for a small number of registrars, but nobody seems to know this number, even though it doesn't seem to be hard to be obtained.
- 28 21 Aug 07 Sorry - all of my numbers came out of my hat, or were things I read on the Internet :-)
- 29 20 Aug 07 - WebHosting.info  
- Pool.com (to see how .COM and .NET domains are immediately grabbed after deletion date)
- 30 19 Aug 07 <http://www.bobparsons.com/DomainKiting.html>  
"Meet DirectNIC.  
You might find the registration statistics of DirectNIC somewhat interesting. DirectNIC registered more than 8.4 million domain names in April 2006, but only permanently registered — or paid for — 51.4 thousand of those. The trend was the same in March, when DirectNIC registered 7.6 million names and only permanently registered — or paid for — 52.5 thousand. Whatever could DirectNIC be doing? Why are they dropping and re-registering all those names – again – and again – and again? And why doesn't ICANN care?"  
[http://en.wikipedia.org/wiki/Domain\\_tasting](http://en.wikipedia.org/wiki/Domain_tasting)  
"In April 2006, out of 35 million registrations, only a little more than 2 million were permanent or actually purchased. By February 2007, the CEO of GoDaddy reported that of 55.1 million domain names registered, 51.5 million were canceled and refunded just before the 5 day grace period expired and only 3.6 million domain names were actually kept."  
<http://gns0.icann.org/issues/domain-tasting/gns0-domain-tasting-report-14jun07.pdf>  
"The .ORG monthly report for January, 2007 shows that five registrars deleted 1,773,910 (99.4%) of domain names within the AGP, retaining only 10,862 domain names following the AGP."
- 31 17 Aug 07 My search was conducted on the 8th....  
We've noted that the following changes occurred between 08/14/2007 and 08/15/2007:  
The registrar has been changed:  
OLD: CAPITOLDOMAINS, LLC  
NEW: WILD WEST DOMAINS, INC.  
The WHOIS server has been changed:  
OLD: whois.capdom.com  
NEW: whois.wildwestdomains.com  
The domain expiration date has been changed:  
OLD: 11-aug-2008  
NEW: 15-aug-2008  
The domain name servers have been changed:  
OLD: NS-1.ACTIVATEDHOST.COM  
NS-2.ACTIVATEDHOST.COM  
NS-3.ACTIVATEDHOST.COM  
NEW: No nameserver
- 32 16 Aug 07 here some domain name I tried/found without link with the site content while searching a domain name for my website.  
<http://www.mademeure.com/>  
<http://www.dansmamaison.com/> (under construction... how long)  
<http://www.dansmamaison.com/> (no website but registered)  
<http://www.madeco.com/> (under construction.. how long - 1 page)  
<http://www.madecoration.com/> (for sale by its owner)  
<http://www.alamaison.com/> (for sale by its owner... 5000\$)  
These are some examples of course. You will be able to find others 'for sale by its owner'
- 33 16 Aug 07 ICANN registrar and registry reports make it clear that a small set of specialist registrars do all the tasting.
- Email 14 Sep 07 As addressed in question 6, one client tried to register and discovered that the name had already been taken by an entity that sells domain names. Its reputation in the business education

field-main practice of this entity-is being affected by the wrongful image that the site INCAE.INFO is bringing on its service provision image (high quality education in the field of business management mainly).

Email 13 Sep 07 The Registries have detailed data on AGP deletes and have begun including that information in their monthly reports to ICANN. VeriSign began including it with its April report.

Email 23 Aug 07 This is best provided by the registries. Looking at the number of AGP deletions compared to actual add requests will give you a very good indication.

#### 15. Please name any expert persons you know of regarding any issues raised by this RFI.

Individual names are included for those who have given their consent to it, otherwise obscured as "xyz". Email addresses provided have been omitted for privacy reasons.

	Date	Comment
1	14 Sep 07	xyz and Margie Milam at Mark Monitor
2	14 Sep 07	CADNA, its members, and FairWinds Partners, who is involved with the administration of CADNA, are all experts in the domain name space and are committed to working towards furthering stability of and the confidence in the name space. We can be collectively contacted at info@cadna.org.
3	14 Sep 07	xyz
4	14 Sep 07	Sheldon Klein - He is an experienced lawyer and is familiar with the problem.
5	13 Sep 07	xyz
6	13 Sep 07	??
7	11 Sep 07	xyz
8	11 Sep 07	xyz; Alvaro Castellanos
9	11 Sep 07	Mark Monitor, an organization that assists us in protecting our brand online, performs surveys of different kinds of online phenomena. I expect Mark Monitor would be pleased to provide you with copies of any current studies.
10	11 Sep 07	None
11	10 Sep 07	none
12	07 Sep 07	No idea.
13	07 Sep 07	N/C
14	07 Sep 07	FairWinds Perspective
15	07 Sep 07	Cedric Manara (Edhec in Nice in France) is an expert in domain names (he codrafted the .eu arbitration rules) who could add some interesting comments
16	07 Sep 07	none
17	06 Sep 07	xyz; Eric Goldman; Apple (Computer) Inc.
18	06 Sep 07	xyz
19	06 Sep 07	unknown
20	06 Sep 07	xyz
21	31 Aug 07	xyz
22	27 Aug 07	no comment
23	26 Aug 07	xyz
24	19 Aug 07	xyz; PS. Domain Kiting is just serial domain tasting to try to hold onto a domain. There may be no guarantee a domain can be "retasted" when dropped, unless a registry is able to hold onto to it somehow or have an advantage in timing when it is dropped.
25	17 Aug 07	I cannot provide this information at this time without their consent
	Email 13 Sep 07	The best experts on this activity are the Registrars involved in it, the Registries that have allowed it and in particular VeriSign since COM is by far the most heavily tasted TLD (followed by NET), and ICANN who has all of the data from the Registries' monthly reports (these reports are also publicly available although there is a necessary three month delay in their being posted).
	Email 23 Aug 07	CORE is working in the domain industry since its inception ten years ago. Many of CORE staff and excom members are highly qualified to support ICANN in this process.

#### 16. Please provide any other comments you may have to this RFI.

	Date	Comment
1	15 Sep 07	No.
2	15 Sep 07	Thank you and stop tasting
3	14 Sep 07	No thanks.

4 14 Sep 07 Thank you to the ad hoc committee for this opportunity to participate in the fact gathering process. Thanks also to those individuals that will be giving their valuable time to collate and present the results to the full committee.

5 14 Sep 07 None

6 14 Sep 07 Given the global community's increasing reliance on the Internet as a portal for the conduct of commerce and the open exchange of information, policymakers must act to shore up accountability and transparency on the Internet. If we fail to modernize our policies, if we allow policies to exist that enable practices that have a negative impact on consumers and businesses alike, then we risk squandering the Internet's potential, failing ourselves and failing future generations.

Though there are policies in place to protect against cybersquatting, the ever-changing landscape of Internet fraud has made it so that the practice is as alive and profitable as ever. CADNA views tasting as an unfair contributor to practices that can lead to cybercrime. As has been shown by ICANN's latest report, tasting has driven up the total number of domain registrations. In addition, according to a recent industry report, there are over 1 million kited sites re-registered daily, collectively bringing in \$100-125 million in annual revenue for profiteers and some criminals. All domain tasters are not cybersquatters, but domain tasting leads to a net negative impact on the Internet community as a whole and thus should not be allowed to continue.

As mentioned before, diverted sales, the loss of hard-earned trust and goodwill, and the increasing enforcement expense of protecting consumers from Internet-based fraud has taken a great financial toll on brand owners and negatively impacted consumers and the Internet community as a whole. Cybersquatted domain names are a large part of this overall problem, and domain tasting enables fraudsters to know which brand related names to register because of the traffic they get. Because of that, cybersquatters are able to successfully lure consumers into purchasing counterfeit products (including potentially harmful counterfeit prescription drugs), giving away their personal information (which could lead to further financial loss) and unwittingly exposing themselves to spyware deposits -- in addition to creating an overall negative online experience for the many people that look to the Internet to fulfill their personal and professional needs.

Today, approximately 30-32 million domain names are involved in kiting or were identified and registered via tasting (in many ways the majority of PPC sites we see today are a result of domain tasting since their business model is based upon names needing traffic), with approximately 2 million names being tasted every day.

Because ICANN's AGP policy enables tasting and kiting, ICANN needs to take action to eliminate the loopholes that allow for these practices. Furthermore, registrars that are using domain tasting to identify names to register are warehousing domain names. Such registrars are abusing their fiduciary duties to the public, and ICANN should explicitly ban tasting and this practice of warehousing names in the Registrar Accreditation Agreement. To date, ICANN has not addressed these loopholes, thereby failing to protect both consumers and the intellectual property community.

Our hope is that this Ad Hoc group's work leads to policy reform, and CADNA is committed to working with ICANN and each representative constituency as necessary to ensure the rights of all users are protected and that the ultimate result is a better Internet for consumers, domain investors, registrars, brand owners, and all other relevant parties.

We hope to collaborate with other like-minded organizations to advise and work with ICANN to find new solutions to this ever-evolving problem of Internet fraud.

7 13 Sep 07 Thank you.

8 13 Sep 07 Thanks Kieren and Nick!

9 13 Sep 07 This RFI is a great idea. Many stakeholder groups will be watching to see how the data is used and presented.

10 13 Sep 07 Thanks

11 12 Sep 07 This whole issue is not under the scope of ICANN and should not be addressed by a PDP. This is a knee jerk reaction to a problem that has been brought up by a small group of users with a very loud voice. Let's focus on real issues such as new gTLD's and IDN's. This is a waste of ICANN's time and precious resources

12 12 Sep 07 Thank You.

13 11 Sep 07 No.

14 11 Sep 07 Domain Names should be treated in a more restrictive way, regarding the importance of the internet use around the world.

15 11 Sep 07 Domain Names should be treated in a more restrictive way, regarding the importance of the internet use around the world.

16 11 Sep 07 Thank you for allowing us to vote and to express our opinions. Kind regards, Leigh Fulwood, Corporate Counsel, Costco Wholesale Corporation

17 11 Sep 07 No.

- 18 11 Sep 07 The Internet has proved to be expensive and hazardous for IP rights owners. Registrars get to register domain names containing trademarks that do not belong to the registrant and which infringe the owners' rights. IP rights owners must spend considerable time and money to police its IP rights on the web. I don't see a countervailing benefit in allowing registrars and registries to have such free rein in plundering the IP rights of others.
- 19 11 Sep 07 ..
- 20 10 Sep 07 Over the course of the past 6 months we have seen infringement issues climb from an average of 5 domain registrations a day to nearly 30. At least 80% of these registrations are actually domains that have been dropped during the AGP and then re-registered by another party. These domains are constantly churned within the domainer community as they are dropped only to be snatched up again by another which makes it very difficult to pursue our legal rights through a UDRP.
- 21 10 Sep 07 No thanks.
- 22 10 Sep 07 Please eliminate identity shields.
- 23 10 Sep 07 no
- 24 10 Sep 07 none
- 25 08 Sep 07 No
- 26 07 Sep 07 No.
- 27 07 Sep 07 None.
- 28 07 Sep 07 Nothing to add
- 29 07 Sep 07 No comments.
- 30 07 Sep 07 Some of the questions appear redundant.
- 31 07 Sep 07 Unrelated to tasting -  
I am not in favor of the low \$50,000 new domain extension application fee ICANN is seeking that could potentially explode the number of domain extensions. The utter failure of absolutely unnecessary extensions such as .aero, .name, .coop and cheapening of the namespace with the cheezy .biz name does not reflect well on the decisions of ICANN. On the other hand com/net/org/edu/gov/ and CCTlds (for their intended purpose, not hijacked like .tv and .la), .info and .mobi make sense.
- 32 07 Sep 07 Thanks to you.
- 33 07 Sep 07 No further comments
- 34 07 Sep 07 Thanks for allowing me the opportunity to participate
- 35 07 Sep 07 None
- 36 07 Sep 07 Thank you for having this organized
- 37 07 Sep 07 An option could be to let the same Registrant be able to use the AGP once every 2 years for example although it might be hard to implement
- 38 07 Sep 07 -
- 39 07 Sep 07 -
- 40 07 Sep 07 ICANN's willingness to review issues like this is very welcome
- 41 07 Sep 07 Thanks for the opportunity to vote
- 42 07 Sep 07 none
- 43 07 Sep 07 n/a
- 44 07 Sep 07 n/c
- 45 06 Sep 07 None now
- 46 06 Sep 07 None now.
- 47 06 Sep 07 congratulations
- 48 06 Sep 07 no additional comments
- 49 06 Sep 07 Thank you for permitting me the opportunity to comment.
- 50 06 Sep 07 Legal and productive use of domains is only harmed by applicants withdrawing useful domains from the available pool and such improper use is encouraged by allowing applicants to do this at no cost by tasting and kiting.
- 51 06 Sep 07 none
- 52 06 Sep 07 none
- 53 31 Aug 07 This is not an area for ICANN involvement.
- 54 31 Aug 07 I believe this survey is biased towards the elimination of tasting or imposition of fees that would have the same effect to me. I believe this because of the way the questions are written, and the same questions asked multiple times in different ways to try to get an answer to one form of the question that supports that bias.
- 55 30 Aug 07 none

56 27 Aug 07 no  
 57 27 Aug 07 no comment  
 58 23 Aug 07 Thanks for the opportunity.  
 59 23 Aug 07 No additional comment.  
 60 23 Aug 07 As a registrar that doesn't taste domains, all I ask for is that, don't put tension on the relationship between registrants and registrars because, at the end of the day, registrants are those who afford the whole system.  
 61 22 Aug 07  
 62 22 Aug 07 This is really not an issue that ICANN should be involved with. This should be handled at the registry / registrar layer without ICANN's involvement. PIR has already demonstrated an ability to react to the situation, and other registries should follow suit.

When the market conditions change, the behavior of the domain tasters will change. As long as their margins are high, they will adapt to any arbitrary rules that ICANN tries to impose. Meanwhile, it is the registries and registrars (who, for the most part, do not participate in tasting) that will be burdened.

63 22 Aug 07 I think it is important to narrow down the exact problem people are experiencing. Is the problem really "Tasting" or is the problem perhaps "registrations" and then "infringements" of "trademarked names"? That is not the same thing as "Tasting" and will not be solved by removing the AGP. Try to differentiate "Tasting" from "Monetization" and other phenomenas.

64 22 Aug 07 Congratulation to all ICANN members and to the DTWG !  
 65 22 Aug 07 thank you for taking seriously in account this problem and taking necessary steps to stop it

66 21 Aug 07 Thanks for holding the poll!  
 67 21 Aug 07 The AGP rules mean that registrars have to handle double transactions for domains that might be tasted without getting paid for it, and this gives them a strong incentive not to verify credit card information until after the AGP, which is a Bad Idea. They should be allowed to collect at least part of the fees they charge, and should have to pay the Registry and ICANN, and should have to keep whois information around for the returned domains.

68 20 Aug 07 Thank you for taking the time to study this issue thoroughly.  
 69 20 Aug 07 My basis for my comments are derived from what I have seen take place as the AGP was enacted. There are those who misinform the public, citing cybersquatting and tasting and making them sound like criminals, and this is not the case.

The real issue, is is there an unfair advantage in the marketplace.  
 Yes, there is. At the registrar level.

'Tasting' encourages temporary registration of domains.

The 'AGP' encourages tasting

If registrars, using their own systems, can take advantage of the AGP, they will if they have a cause.

70 20 Aug 07 You are welcome...  
 71 20 Aug 07 The registrars participating on domain warehousing.  
 72 19 Aug 07 It never ceases to amaze me how corrupt the domain name system is and what bad Registrars and their bad customers can get away with.  
 73 19 Aug 07 It never ceases to amaze me how corrupt the domain name process is and what bad Registrars and their bad customers can get away with.

74 17 Aug 07 I have provided my insight and concerns that reflect the thoughts of many users and legitimate business owners. I hope those of you reviewing these surveys understand the impact of your influence on the decisions. Lets work together to bring back the spark the internet once had during its infants y and don't let it become a virtual burial ground.

75 16 Aug 07 thanks  
 76 16 Aug 07 Thanks for reading my poor english.

Email 14 Sep 07 It would be highly appreciate if the time response frame could be improved. We entered a claim in the Internic website on Aug. 23 and have not received so far a response as how to solve the situation that we addressed.

Email 13 Sep 07 The best experts on this activity are the Registrars involved in it, the Registries that have allowed it and in particular VeriSign since COM is by far the most heavily tasted TLD (followed by NET), and ICANN who has all of the data from the Registries' monthly reports (these reports are also publicly available although there is a necessary three month delay in their being posted).

#### EXHIBIT A

#### Examples of Go Daddy Customer Complaints

GNSO Outcomes Report on Domain Tasting v1.6

Authors: Mike Rodenbaugh, [mxrodenbaugh@yahoo.com](mailto:mxrodenbaugh@yahoo.com) , Olof Nordling, [olof.nordling@icann.org](mailto:olof.nordling@icann.org) , Patrick Jones, [Patrick.jones@icann.org](mailto:Patrick.jones@icann.org).

The following three examples have certain information redacted to protect privacy.

Example 1

----- Original Message ----- Subject: How this all evolves... From: "XXXXX XXXXXXXX" <XXXXXXXXXX@XXXXXXXXX.com> Date: Mon, August 20, 2007 11:51 am To: <pr@godaddy.com>  
... I really cannot believe the course of events taken place today....I am going to follow up, and post this in Digg, Netscape and wherever else I can...This will be a great topic about Godaddy and it's integrity....  
I cannot believe that your company is so petty, that you would do this to your clients.....  
On Friday, August 17, 2007 I looked up the availability of XXXXXXXXXXXXXXXX.com on your web site....  
Within 2 days it was coincidently taking by a company called XXXXXXXX...Which I now understand is your company... [NOTE: IT WAS NOT OUR COMPANY. THEIR DOMAIN NAME HAPPENS TO BE REGISTERED THROUGH US FOR WHATEVER REASON]  
Are you squatting on names?....Are you using your customers information to profit unfairly?...It appears to be the situation here...  
I would like an immediate response, as this is causing harm to our business...  
I will publish this incident on netscape, digg, and wherever else the public will want to learn of your real integrity  
Our company here used this brand name for 10 years, and when I went back onto you site this morning to buy the name, you already took it over the weekend.  
Does the public know that you are doing this????

Example 2

Received via Web Board Support 30 Aug 2007 12:55:24 -0700  
Dear Mr. Parsons, On the 26th of August I used my GoDaddy account (I have over XXXX domains and several email and hosting accounts, and have used other services as well) in order to purchase XXXXXXXXXXX.com to use for my consulting business. For some reason ... the order did not go through. The very next day I went online to try again, but then a company called XXXXXXXXXXX in Pasadena had registered my domain name. I am convinced that the only reason this company registered the domain is because they somehow found out about my failure to register the domain through GoDaddy. I am not sure if what happened is a result of mismanagement on behalf of GoDaddy's employees or if it is company policy to steal from members. Either Tasting RFI – GoDaddy.com's Response Page 7 of 8  
way, I hold GoDaddy responsible for what happened. I find this especially serious given the fact that GoDaddy is trying to cultivate an image of honesty. I am determined to get to the bottom of this matter and I want to give you an opportunity to respond before I proceed. Best regards, XXXX XXXXXXXX

Example 3

----- Original Message ----- Subject: Personal note to Bob Parsons From: XXXXX XXXXXXXX <XXXX@XXXXXXXXX.com> Date: Mon, April 16, 2007 11:39 am To: president@godaddy.com Cc: XXXX@XXXXXXXXX.com, XXXX@XXXXXXXXX.com Dear Mr. Parsons, ... Because of this history of using your services, it is with regret that I must report to you a terrible suspicion about your company. That suspicion is that your company (as a matter of policy) OR someone within your company (without your knowledge), is monitoring domain availability searches, then grabbing the more active ones before they can be registered. Here is the story on this: On Friday evening (4/13/07), I conceived an idea for a new take on an online lead generation service. That is to operate a XXXXX service for XXXXXXXX. ... I went to GoDaddy.com to check the availability of "XXXXXXXXXX.com". It was available. Since we have an internal process for registering and paying for names, I sent an email to a single person on my staff to buy the domain first thing Monday morning. My V.P. of Media also checked the domain's availability on your system on Saturday afternoon. Only 3 people knew about this domain search on our end, each of whom is a senior, long-term loyal staffer. Lo and behold, when we went in on Monday morning, it turns out that the name had been registered on Sunday (4/15) by another registrar- XXXXXXXXXXX.com (a.k.a XXXXXXXXXXX.com). This in itself could be a mere coincidence, but I had this same thing happen a few months ago- an immediate loss of a desired domain after checking availability on your site. After discussing the situation with some of my staff, one of them commented that "this domain-sniping problem with GoDaddy is common knowledge". Now, I do not know if this evidence is enough for you to act. But I also bet that if you have someone in your company who is helping usurp interesting domain names that are researched on your system, you have heard of the problem before. For me, the next steps are clear. We have lost a valuable domain name around which we desired to create another business. I and my staff believe the name was misappropriated as a direct result of us researching it on you site . That means, unless there is some contravening evidence that would make us more comfortable, we will work to transfer all our dozens of domains to another registrar, and take our business elsewhere. Sincerely XXXXX  
Email 23 Aug 07 None other than 7.

Response from Mark Monitor 14 September

Attached are copies of the MarkMonitor BrandJacking Index for Spring and Summer, 2007. (*Editor's note: Attachments here replaced by links to posted versions.*)

April 2007 Brandjacking Index:

<http://www.markmonitor.com/pr/brandjacking/>

Summer 2007 Brandjacking Index:

<http://www.markmonitor.com/resources/es-ws/bji/index.html>

In addition, we have enclosed a spreadsheet with sample registration data for several domain names tasted/kited during the period 8/3/07-9/14/07. This data provides the name of the registrar, the IP address of the servers hosting the content, as well as the dates of registration and deletion.

These examples highlight the following problems related to domain tasting:

1. A limited number of registrars participate in this activity.
2. The registrations rotate among related registrars, perhaps to avoid detection by the registries.
3. The same IP address often reappears, typically pointing to a PPC site.
4. The similarity of registration dates and deletion dates targeting the same brand suggests the intentional coordination of activity towards a famous brand, in order to maximize the activity and the monetary gain associated with the PPC activity.

The attached is just a snapshot of a few transactions to highlight the problem. As summarized in the BrandJacking Index, the total number of abusive registrations is significant and continues to grow during 2007. Please do not hesitate to contact me if you have any questions related to these materials.

Sincerely,  
Margie Milam,  
MarkMonitor, Inc

**Examples of Domain Tasting and Domain Kiting  
Data from 8/3/07-9/14/07**

Domain Name	Registrar	IP Address	Date	Event
<b>microsoftasp.net</b>				
microsoftasp.net	red register, inc.	83.149.75.58	2007-08-14 12:00	new
microsoftasp.net	red register, inc.		2007-08-15 12:00	dropped
microsoftasp.net	red register, inc.		2007-08-16 12:00	new
microsoftasp.net	red register, inc.		2007-08-17 12:00	dropped
microsoftasp.net	none		2007-08-21 12:00	dropped
microsoftasp.net	name.com llc	69.25.212.153	2007-08-25 12:00	new
microsoftasp.net	name.net llc		2007-08-28 12:00	dropped
microsoftasp.net	name.net llc	69.25.212.153	2007-08-29 12:00	new
microsoftasp.net	none		2007-09-01 12:00	dropped
<b>microsoftantivirus.com</b>				
microsoftantivirus.com	red register, inc.	83.149.105.231	2007-08-03 12:00	new
microsoftantivirus.com	none		2007-08-07 12:00	dropped
microsoftantivirus.com	red register, inc.	83.149.75.58	2007-08-11 12:00	new
microsoftantivirus.com	none		2007-08-16 12:00	dropped
microsoftantivirus.com	none		2007-08-17 12:00	new
<b>microsoftantivirus.net</b>				
microsoftantivirus.net	red register, inc.	83.149.75.58	2007-08-14 12:00	new
microsoftantivirus.net	red register, inc.		2007-08-15 12:00	dropped
microsoftantivirus.net	red register, inc.		2007-08-16 12:00	new
microsoftantivirus.net	red register, inc.		2007-08-17 12:00	dropped
microsoftantivirus.net	name.com llc		2007-08-21 12:00	dropped
microsoftantivirus.net	name.com llc	69.25.212.153	2007-08-23 12:00	new
microsoftantivirus.net	none		2007-08-26 12:00	dropped
<b>messengermicrosoft.com</b>				
messengermicrosoft.com	name.com llc	69.25.212.153	2007-08-07 12:00	new
messengermicrosoft.com	none		2007-08-10 12:00	dropped
messengermicrosoft.com	domaindoorman, llc	66.45.238.60	2007-08-25 12:00	new
messengermicrosoft.com	none		2007-08-29 12:00	dropped
messengermicrosoft.com	name.com llc	69.25.212.153	2007-09-01 12:00	new
messengermicrosoft.com	none		2007-09-06 12:00	dropped
<b>microsoftinternetexplorer.com</b>				
microsoftinternetexplorer.com	red register, inc.	85.17.173.219	2007-08-03 12:00	new
microsoftinternetexplorer.com	none		2007-08-07 12:00	dropped
microsoftinternetexplorer.com	red register, inc.	83.149.75.58	2007-08-11 12:00	new
microsoftinternetexplorer.com	none		2007-08-16 12:00	dropped
microsoftinternetexplorer.com	none		2007-08-17 12:00	new
<b>microsoftdownloads.com</b>				
microsoftdownloads.com	red register, inc.	83.149.105.231	2007-08-03 12:00	new
microsoftdownloads.com	none		2007-08-07 12:00	dropped
microsoftdownloads.com	red register, inc.	83.149.75.58	2007-08-11 12:00	new
microsoftdownloads.com	none		2007-08-16 12:00	dropped
microsoftdownloads.com	none		2007-08-17 12:00	new
<b>orrihatch06.com</b>				
orrihatch06.com	none		2007-08-11 12:00	dropped
orrihatch06.com	capitoldomains, llc	66.45.238.60	2007-08-21 12:00	new
orrihatch06.com	none		2007-08-26 12:00	dropped
orrihatch06.com	domaindoorman, llc	66.45.238.60	2007-09-04 12:00	new
orrihatch06.com	none		2007-09-08 12:00	dropped
<b>wwwlarrycraig.com</b>				
wwwlarrycraig.com	belgiumdomains, llc		2007-09-02 12:00	dropped
wwwlarrycraig.com	belgiumdomains, llc	66.45.238.60	2007-09-03 12:00	new
wwwlarrycraig.com	none		2007-09-08 12:00	dropped
<b>larrycragi.com</b>				
larrycragi.com	belgiumdomains, llc		2007-09-02 12:00	dropped
larrycragi.com	belgiumdomains, llc	66.45.238.60	2007-09-03 12:00	new
larrycragi.com	none		2007-09-07 12:00	dropped
<b>larrycraigpolicereport.com</b>				
larrycraigpolicereport.com	domaindoorman, llc		2007-09-02 12:00	dropped
larrycraigpolicereport.com	domaindoorman, llc	66.45.238.61	2007-09-03 12:00	new
larrycraigpolicereport.com	none		2007-09-07 12:00	dropped
<b>toyotaofsc.com</b>				
toyotaofsc.com	onlinenic, inc.	209.85.84.167	2007-08-11 12:00	new
toyotaofsc.com	none		2007-08-16 12:00	dropped
toyotaofsc.com	none		2007-08-17 12:00	new
toyotaofsc.com	name.com llc	69.25.212.153	2007-08-21 12:00	new
toyotaofsc.com	none		2007-08-25 12:00	dropped
toyotaofsc.com	name.net llc	4.79.81.135	2007-09-04 12:00	new
<b>yourviagrapharmacy.com</b>				
yourviagrapharmacy.com	capitoldomains, llc	66.45.238.61	2007-08-16 12:00	new
yourviagrapharmacy.com	capitoldomains, llc		2007-08-17 12:00	dropped
yourviagrapharmacy.com	domaindoorman, llc	66.45.238.60	2007-08-21 12:00	new
yourviagrapharmacy.com	none		2007-08-25 12:00	dropped
yourviagrapharmacy.com	spot domain llc dba domainsite.com	69.25.212.153	2007-08-30 12:00	new
yourviagrapharmacy.com	none		2007-09-02 12:00	dropped
yourviagrapharmacy.com	domaindoorman, llc	66.45.238.60	2007-09-04 12:00	new
yourviagrapharmacy.com	none		2007-09-09 12:00	dropped
<b>thecheapviagra.com</b>				
thecheapviagra.com	capitoldomains, llc	66.45.238.61	2007-08-21 12:00	new
thecheapviagra.com	none		2007-08-25 12:00	dropped
thecheapviagra.com	spot domain llc dba domainsite.com	69.25.212.153	2007-08-30 12:00	new
thecheapviagra.com	none		2007-09-02 12:00	dropped
thecheapviagra.com	capitoldomains, llc	66.45.238.61	2007-09-04 12:00	new
thecheapviagra.com	none		2007-09-09 12:00	dropped
<b>mail-order-viagra.com</b>				
mail-order-viagra.com	belgiumdomains, llc	66.45.238.60	2007-08-21 12:00	new
mail-order-viagra.com	none		2007-08-30 12:00	dropped
mail-order-viagra.com	spot domain llc dba domainsite.com		2007-09-02 12:00	new
mail-order-viagra.com	none		2007-09-06 12:00	dropped
mail-order-viagra.com	godaddy.com, inc.	68.178.232.100	2007-09-08 12:00	new

Response from APWG 14 September

The Relationship of Phishing and Domain Tasting

A report and analysis by the APWG DNS Policy Working Group

Contributors:

Greg Aaron, Afilias

Dmitri Alperovitch, Secure Computing

Laura Mather, MarkMonitor

Preamble and Summary

The Anti-Phishing Working Group (APWG) is the global pan-industrial and law enforcement association focused on eliminating fraud and identity theft that result from phishing, pharming and e-mail spoofing of all types. The APWG's Domain Name System Policy Working Group (DNSPWG) focuses on policy-related issues associated with the Domain Name System (DNS) to examine abuses of the DNS that may require remediation. DNSPWG analysts examined the consequences of 'domain tasting' – the practice of opportunistically registering domain names to determine their traffic-generating potential and dropping those with less-than-promising prospects – on the larger Internet community and asked whether or not phishers use "tasted" domain names to perpetrate their crimes. APWG analysts found domain name tasting to be antithetical to the phishers' enterprise model and therefore no relationship exists at this time between phishing and domain name tasting, though the large increase in domain name registrations requires a commensurate increase in resources by the anti-phishing entities to monitor for new phishing attacks.

Background

All ICANN accredited generic top-level domains (gTLDs: .com, .net, .org, .info, .biz) and some country-code top-level domains (ccTLDs) have a five-day Add Grace Period. A registrar may delete a new registration within this period to receive a refund. Such cancelled names are returned to the pool of available names in the registry. The Add Grace Period was invented to give registrars a way to deal with registration mistakes, registrant fraud, and credit card charge-backs.

Domain tasting is a practice in which a registrant takes advantage of the Add Grace Period to test whether a domain name can be profitably monetized. The most common monetization practice is to place pay-per-click advertising on the newly-registered domain name and measure how much revenue and traffic the domain name generates in the first days of the registration. If the taster determines that the domain name will not make a profit over the course of a year, the taster cancels the domain name before the end of the Add Grace Period and receives a refund for the registration. Domain names that are deemed profitable are retained in the taster's portfolio. These are often domain names that were previously used by other parties and have since been cancelled. Such domain names enjoy residual traffic from search engines and hyperlinks across the Web. Other examples of profitable domain names include misspellings and mistypes of other popular Web sites or product names; these garner type-in traffic as Web users make spelling and typing errors in their browsers.

It is generally perceived that the great majority of domain name tasting is performed by a small number of registrars who exist specifically to amass and maintain tasting portfolios. Typically, these registrars do not offer registration services to the public. In an observed example, one tasting registrar created 1.8 million domain names in one gTLD over a three-month period, and cancelled all but 10,000 of those names within the Add Grace Period.

This study considers the possible relationship between domain name tasting and phishing. Currently, domain name tasting is an allowable activity (possible cases of intellectual property infringement notwithstanding). Phishing is illegal in most jurisdictions. It would be surprising for an ICANN-accredited registrar to knowingly engage in phishing, since such criminal activity would endanger its accreditation and reputation.

This report gives details of the findings of several studies that evaluated how much domain name tasting is performed by phishers. First, the results of the analyses are detailed including a description of the methodology used in each analysis. Second, data that are still needed is described. Finally, APWG's analysts make a statement about the way domain name tasting affects the fight against phishing, even if the phishers are not using domain name tasting practices themselves.

Findings

Independently, members of the APWG Domain Name System Policy Working Group conducted two different studies to determine whether or not domain name tasting occurs in instances of phishing. The studies approached the problem employing two different methodologies and correlative data sets, but arrived at the same conclusions.

Phishing Domains used by Tasters

The first study analyzed a list of 793 unique domain names that had been used for phishing during the first half of 2007. (These were second-level domains, not the URLs on those domains used for phishing pages.) The study

determined whether these phishing domain names had been cancelled during the Add Grace Period, and which registrars had registered them.

Here are the findings from that study:

1. Some 78% of domain names reviewed in this study that had been used for phishing had never been cancelled in the Add Grace Period, and were present in the registry at the time of the study. This is contrary to the behavior typical of tasters, who keep a tiny percentage of the names they taste and return the vast majority for refund of registration fees.

2. Six of the phishing domain names used in this study was ever registered at any point by the suspected tasting registrars. Those domain names that were registered by suspected tasting registrars are likely unrelated to the phishing activity on those domain names. It appears that a taster often registered and rejected a name before a phisher subsequently registered it, or a taster registered a name after a phisher had used it.

3. Less than 20% of the phishing domain names reviewed in this study was cancelled within the five-day Add Grace Period. Note that:

A. This takes into account only the last create-and-cancel cycle for each domain name. Some of these domains names were deleted more than once. In some cases a domain name may have been used for phishing and deleted, and then tasted and deleted within the grace period.

B. We do not know who ordered the cancellations of these domain names, or the rationale for their cancellation. Some or all may have been tasted and then deleted by domain name tasters. Some or all may have been deleted by the phishers who were finished with them. Some or all may have been deleted by the registrars because they received reports that these domain names were being used for phishing. Some or all may have been deleted by the registrars because the domain names were purchased using fraudulent accounts or the registrars encountered credit card charge-backs.

In conclusion, the data in this study revealed no correlation between domain names used in phishing attacks and domain names registered for tasting that were returned during the Add Grace Period.

#### Tasted Domains used for Phishing

In the second study, APWG analysts took the opposite approach and examined all tasted domain names for a large gTLD over a one week period and identified the domain names that were used in phishing attacks from this sample. We classified approximately three million domain names as very likely being subject to a tasting routine during this period. We then compared the domain names classified as tasted against the list of domain names that were known to be used for phishing campaigns. Of the approximately three million domain names that were tasted in this time frame, less than 10 domain names were identified as being used for phishing. Upon further examination, it appears that the cancellation of these 10 domain names was not initiated by the registrants of the domain names themselves, as it would be in the case of tasting. Instead, it appears that the registrar removed them from its system, likely because the registrar was notified that the domain names were being used for fraudulent purposes.

Again, this study showed that there are very few cases of possible domain name tasting performed by phishers and the cases that do exist have possible explanations that are not related to tasting.

#### Other Implications of Tasting

Despite the above conclusions that phishers do not take advantage of domain name tasting with the domain names they use to host their phishing sites, domain name tasting does affect the anti-phishing community in other ways. Several companies monitor new domain name registrations to identify domain names that may be used for phishing. These companies look for keywords in the domain names themselves that are similar to the brands that are targeted by phishers, additional indicators in WHOIS records, and other identifiers that may signify that the domain name might be used for fraudulent purposes. Years ago, when domain name tasting was much less prevalent than it is today, there were approximately 50,000 new domain names registered a day. With the increase in domain name tasting over the last year or so, there are often between two and three million new domain name registrations per day.

Many organizations monitor domain names to protect their brands as well as any trade and service marks they hold. Several third party providers monitor domain names to identify domain names that are likely candidates for use in phishing attacks. At two million domain name registrations per day, tasting has expanded the pool of potential infringers by a factor of 40. This dramatically increases the cost of monitoring.

Therefore, while the evidence suggests that phishers do not use domain name tasting in their exploits, the anti-phishing community is bearing more burdens in the pursuit of phishers because of the increase in cost of early identification of domain names that may eventually be used to in a phishing attack.

#### Conclusions

Domain name registration is inexpensive, with the cost of a retail registration being only \$6.00 to \$10.00. The cost of a legitimately purchased domain name is the least of a phisher's concerns. Moreover, since the phishers' business is to steal financial instruments, they often have a supply of stolen credit card numbers that they can

use to illegitimately register domain names. Simply put, phishers have no incentive to practice domain name tasting. In fact, the notion of deleting a domain name that might continue to serve as a phishing site beyond the Add Grace Period because it has eluded detection is entirely contrary to the phishing business model. While these studies demonstrate that tasting is not used by phishers, APWG does note that tasting affects anti-phishing efforts. Members of the anti-phishing community have had to increase their infrastructure to account for the larger number of potential phish sites that are being registered by tasters, and this impedes anti-phishing efforts and increases the cost of detecting and mitigating the fraudulent behavior.

**RFI wording****Request for Information on Domain Tasting**

10 August 2007

In view of the increase in domain tasting (definitions below), the GNSO Council recently considered an [Issues Report on Domain Tasting](#) and resolved to form an ad hoc group for further fact-finding on the effects of this practice. The ad hoc group has prepared these questions to assist in gathering facts and opinions, while inviting both qualitative and quantitative input. The group would especially appreciate statistical and other empirical evidence to support your responses, or references to potential sources of information. To be considered by the group, **information should be submitted no later than 15 September 2007 to [insert link here].**

**Comments may be viewed at forum [insert link here]**

**For further information, please see the [FAQ annex](#)**

-----  
**Definitions**

**Domain Tasting** – Domain tasting is a monetization practice employed by registrants to use the add-grace period to register domain names in order to test their profitability. During this period, registrants conduct a cost-benefit analysis to determine if the tested domain names return enough traffic to offset the annual registration fee paid to the registry over the course of the registration period (e.g., currently 6.00 USD for a .NAME domain name) and the annual transaction fee paid to ICANN (currently 0.20 USD).

**Add Grace Period (AGP)** - A Grace Period refers to a specified number of calendar days following a Registry operation in which a domain action may be reversed and a credit may be issued to a registrar. AGP is typically the five day period following the initial registration of a domain name. AGP appears as a contractual term in some, but not all gTLD registry agreements.

AGP allows, among other things, for the correction of typos and other errors by registrants. Once a domain name is deleted by the registry at this stage, it is immediately available for registration by any registrant through any registrar. When a domain name is registered through an ICANN accredited

registrar, that registrar may cancel the domain name at any time during the first five calendar days of the registration and receive a full credit for the registration fee from the registry and also avoid the ICANN transaction fee.

-----

1. Please categorize yourself (indicate all that apply):

a) Non-Commercial Internet User	b) Government	c) Intellectual Property Rights Owner
d) Registrar	e) Registry	f) Registrant
g) Intellectual Property Rights Owner Representative	h) Registrant Representative	i) Individual Internet User

2. Which of the above categories a-I may benefit from domain tasting - and in what way?
3. Which of the above categories a-I may be disadvantaged by domain tasting - and in what way?
4. Do you believe that domain tasting impacts the security and stability of the Internet - if so, in what way?
5. Have you requested the deletion of a domain name during the AGP (Add Grace Period, definition above) - if so, how many times and for what reason?
6. Have you been disadvantaged by domain tasting - if so, how?

Potential means to address the practice of domain tasting have been suggested, including:

A) eliminating the AGP so that domain registration fees are non-refundable between registry and registrar;

B) making the ICANN annual transaction fee (currently 0.20 USD per year) apply to names deleted during the AGP, or to a significant portion of them;

C) imposing registry 'excess deletion fees' charged to registrars for disproportionate deletes (for example in .org, PIR registry charges 0.05 USD per deleted domain if more than 90% of domains are deleted in a given time period).

Please respond to the following questions from the perspective of your own category (see table in Question 1). Your responses on how other categories may be affected would be welcome.

7. Do you have any other suggestions in addition to A-C above?
8. Which additional disadvantages would each suggestion bring?
9. Which additional benefits would each suggestion bring?
10. Should any of these suggestions be implemented, and if so, please explain why or why not?
11. If domain registrations were offered at no cost to the registrant, would this effectively permit domain tasting?
12. Should ICANN prohibit domain registrations at no cost to the registrant?
13. Should ICANN impose a minimum registration fee on domain registrations - if so, what should the minimum fee be?
14. Please provide any statistical or other factually supported information (with source or source data included for third party validation) that could be useful for analyzing domain tasting issues.
15. Please name any expert persons you know of regarding any issues raised by this RFI.
16. Please provide any other comments you may have to this RFI.

## Annex 3 - Experiences from ccTLDs

ICANN staff requested information from 21 ccTLD representatives to collect their experiences with domain tasting. Responses were received from 20 ccTLDs, as further referenced below.

### **.DE (DENIC, Germany)**

According to Stephan Welzel at DENIC, domain tasting is not an issue because DENIC does not have an Add Grace Period. DENIC charges its members (registrars) monthly fees instead of yearly. Therefore, if the registrar obtains a domain name and decides that it or its customer does not want to keep the domain name, the registrar only pays for the first month.

“At the same time, the monthly fee might itself make domain tasting attractive in a way - but apparently, people are not willing to taste high numbers of domain names if they have to pay any fee (however low) in the first place. Consequently, we don't see a significant number of domain names being deleted shortly after their registration.” See <http://forum.icann.org/lists/gnso-dt-wg/msg00100.html>.

### **.UK (Nominet, United Kingdom) (<http://forum.icann.org/lists/gnso-dt-wg/msg00102.html>)**

Lesley Crowley, CEO of Nominet responded to our request for information on Nominet's experiences with domain tasting in .UK. Lesley responded on 3 August 2007 as follows:

Some information for you:

We have always provided registrars with the facility to delete domain names registered in error, before they have been invoiced for. Domain names deleted in this way do not incur a registration fee. Until August 2006 there was no limit on the number of domain names that could be deleted by a registrar.

We became aware of domain tasting in 2005 when it first started to affect the gTLDs. At that time we introduced a policy principle through our Policy Advisory Body clarifying how our deletion facility should be used

(to correct mistakes) and how it should not be used (e.g. domain tasting), and we began to monitor registration and deletion volumes closely.

In August last year we felt it was necessary to take action against the practice of domain tasting. During the spring of 2006 we identified a small number of registrars (far less than 1% of the 3000 registrars in operation) who were potentially abusing the domain delete facility. We considered this practice to be a breach of our acceptable use policy and we were concerned that it would place unnecessary load on our systems, potentially jeopardising access for other users. Whilst at the time we took action there was no noticeable system impact, our concern was for the potential for this behaviour to escalate and we felt preventative action was desirable and would be supported by our stakeholders.

By carefully monitoring registration and deletion behaviour we identified a level of deletions that would enable registrars not engaging in this practice to continue their operations without unnecessary restrictions. To do this we chose a limit of 5 domains, or 5% of monthly registrations, whichever is greater. This dual approach ensures that both large and small registrars (in terms of domain registration volumes) working within the rules are unaffected.

However, we also clarified that any deletion of domains that we believe is not for the purpose of correcting mistakes will be dealt with under our contract with registrars. The sanctions may include reduced credit limits, suspension of registrar access etc.

Finally, we reserved a degree of discretion. We were mindful that scammers registering high volumes of domain names occasionally target registrars and that the registrar will then wish to cancel prior to invoicing. If this situation arises the registrar can appeal directly to us to delete a volume of domain names above the limits set. We have found that this kind of scam is easy to differentiate from tasting activity and over the last year have acted upon a handful of requests to delete domain names for this reason.

Since the policy was introduced deletions prior to invoicing have run at an average of 0.37% of registrations and we have continued to see steady month on month growth in registration volumes within the .uk ccTLD. In the months prior to the introduction of the policy, deletions were running at over 2%. We would consider this a success. We have also received widespread support for the policy both from within our registrar community and from the wider stakeholder community.

Best wishes,

Lesley

**.AU (auDA, Australia)** (<http://forum.icann.org/lists/gnso-dt-wg/msg00141.html>)

Chris Disspain, CEO of auDA, responded to our request with the following statement:

“auDA has a 3 day grace period. W[e] have begun to experience a small amount of domain tasting but have no stats as yet. We think that our grace period is probably too short for tasting to become a real issue but we may be wrong. We are monitoring the situation.”

auDA also issued a rule clarification in March 2006 on domain monetization and the “close and substantial connection” rule. See <http://www.auda.org.au/reviews/monetisation-2006/>.

**.NL (SIDN, Netherlands)** (<http://forum.icann.org/lists/gnso-dt-wg/msg00149.html>)

According to Roelof Meijer, CEO of SIDN (the .NL ccTLD manager), .NL has a seven-day grace period to correct DNS errors, but not an add-grace period like other TLDs. According to Roelof, upon (first) registration, the registrant pays 0.50 EUR for the registration and 0.90 subscription fee per quarter.

Both fees are billed at registration, so a taster would pay 1.40 per domain name, even if he cancels the same day. He says that this type of fee proves to be an efficient mechanism against domain tasting in .NL.

**.CN (CNNIC, China)** (<http://forum.icann.org/lists/gnso-dt-wg/msg00158.html>)

Hualin Qian of CNNIC stated that CNNIC allows a 15 day grace period and domain tasting for new registrants. For the renewal of existing domain name registrations, CNNIC permits a five day grace period and domain tasting. CNNIC does not publish statistics on domain tasting in .CN.

**.PL (Poland)**

GNSO Outcomes Report on Domain Tasting v1.6

Authors: Mike Rodenbaugh, [mxrodenbaugh@yahoo.com](mailto:mxrodenbaugh@yahoo.com), Olof Nordling, [olof.nordling@icann.org](mailto:olof.nordling@icann.org), Patrick Jones, [Patrick.jones@icann.org](mailto:Patrick.jones@icann.org).

NASK has implemented domain tasting in the .PL registry. See <http://forum.icann.org/lists/gns0-dt-wg/msg00065.html>. According to the plans discussed at the CENTR meeting in Helsinki in 2007 ([http://www.bartosiewicz.pl/2007\\_06\\_07\\_CENTR.pdf](http://www.bartosiewicz.pl/2007_06_07_CENTR.pdf)), a .PL domain name can be registered for 5 days to test traffic at a cost of 1 PLN (.20 EUR). After 5 days, the domain name is blocked for 2-3 days and released. During domain name tasting period, the domain name may only be registered by a registrar, not an individual registrant. During this period, the domain name has reduced functionality (registrar may only make name server changes and may use the <register> function). To facilitate the service, the grace period is reduced from 30 days to 15 days.

### **.EU (EURid, European Union)**

Giovanni Seppia of EURid responded that .EU does not have a grace period after a domain name has been registered.

### **.US (NeuStar, United States)**

Keith Drazek stated that .US has an add grace period that mirrors .BIZ, but could not provide statistics on domain tasting in .US.

### **.CH (SWITCH, Switzerland)**

ICANN did not receive a response from SWITCH, the ccTLD registry operator for Switzerland's .CH.

### **Collection of Comments from Latin American ccTLDs**

Posting from Pablo Hinojosa summarizing experiences from Latin American ccTLDs: <http://forum.icann.org/lists/gns0-dt-wg/msg00173.html>.

### **.BZ (Belize)**

Belize has a 5 day grace period like gTLDs for registrars, not for end users.

### **.CL (Chile)**

Nic.CL has implemented a policy of "activation after payment". But the

consumer law in Chile gives the client a right to retract, allowing him to desist a purchase in a period of 10 days. This could allow domain tasting practices but this has not happened yet.

In the past there has been some abuses to the system, particularly in the subscription process. There is a 30 day period to pay for the domain after applying for it (subscription). If after this period the domain hasn't been payed, the request is automatically eliminated. Some people request for the domain several times without paying for it. This trick is called "bicycle" and those who practice it "cyclists". They usually wait for an interested party to pay them for the domain instead of applying for a dispute resolution process. There is a "cyclist" that has been doing tricks since 2000!

### **.CR (Costa Rica)**

Activation after payment. This is the usual method for all transactions that require payment.

### **.do (Dominican Republic)**

There are "cyclists" abusing the .do because there is a grace period of 30 days. If domain is not payed during this time, then the name is cancelled.

### **.ec (Ecuador)**

Activation after payment. There is no domain-tasting.

### **.gt (Guatemala)**

There is no domain tasting in Guatemala. There is a grace period of 30 days but name is only reserved and not active until after payment. There are some clients that need a name only for a few weeks (for example, during election periods, for the campaigns). They might find domain tasting as a rational practice.

### **.mx (Mexico)**

Registration policies changed in 2006 to allow DNS resolution (activation) only after domain has been payed. This only applies for direct clients (60%) and not for registrars/resellers. Registrars/resellers can choose when to charge, even after grace period (they choose what will be the mechanisms of charging their own clients). Some registrars may find advantage in promoting their services to domain tasters. The domain tasting discussions in the gTLD arena could be ground-floor for ccTLDs.

### **.pe (Peru)**

"Activation after payment". But there are "cyclists" that block names in search of interested clients. The biggest problem is that those names that are given-back and request reimbursement, generate tax complications. They recently chose a registrar scheme and NIC.Pe hopes the burden get transferred to them.

### **.pa (Panamá)**

There are 30 days after subscription to pay for the name. During that time, information is shown in Whois. But name is activated after payment. Minimum registration is for 2 years. There is a non-reimbursement clause in their policies: once the name is active, there is no turning back.

### **.py (Paraguay)**

NIC-PY allows a grace period of 2 days (with no payment). This was made in case registration happened on Friday and payment could be made until Monday.

This has to be requested by the customer as an option ("test-period") during registration and has the ability to change the name. However, in Paraguay, the customer has actually a 15 day period to make the payment. After 15 days with no payment the registration is automatically canceled. There have been isolated cases of "cycling", in one case for a period of more than 6 months, but client desisted after contact.

### **.sv (El Salvador)**

Activation after payment. There is no domain-tasting.

### **.uy (Uruguay)**

Activation after payment. There is no domain-tasting.

### Discussion

The "domain tasting" phenomenology in Latin America responds to the fact that most of the payments for domain names are made "off-line". The "grace period" is part of the payment process. There is a subscription, sometimes there is activation before payment, sometimes not. In the cases where activation may come before payment (as in .do), this is subject to monetization and domain-tasting practices.

There were some questions (and no answers) on whether domain tasting should be treated as a problem (because there is a conflict of interest with registrars; its against consumers and against the health of DNS) or could be a successful commercial practice. It is up to each ccTLD to define if it is something to be promoted or not. If domain tasting is conceived as a problem, there was agreement that it is important to avoid

any incentives for registrars to use the registry themselves: "self dealing", "insider trading", etc.

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Best,  
Pablo

Previous email from Pablo Hinojosa: <http://forum.icann.org/lists/rfi-domaintasting/msg00011.html>.

## Annex 4 - Comments from UDRP providers

The following questionnaire was addressed to the UDRP service providers:

Request for Information on Domain Tasting

to Uniform Domain Name Dispute Resolution Policy Providers

In view of the increase in domain tasting (as defined below),<sup>4</sup> the GNSO Council recently considered an [Issues Report on Domain Tasting](#) and resolved to form an ad hoc group for further fact-finding regarding the effects of this practice. The ad hoc group has assembled the following questions to Uniform Domain Name Dispute Resolution Policy providers to assist it in gathering facts and opinions, while inviting both qualitative and quantitative input. Statistical and other empirical evidence to support your responses is especially welcome. The ad hoc group thanks you in advance for your participation.

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### <sup>4</sup> Definitions

**Domain Tasting** – Domain tasting is a monetization practice employed by registrants to use the Add Grace Period to register domain names in order to test their profitability. During this period, registrants conduct a cost-benefit analysis to determine if the tested domain names return enough traffic to offset the registration fee paid to the registry over the course of the registration period (e.g., currently \$6 US/year for a .NAME domain name) and the annual transaction fee paid to ICANN (currently 0.20 USD).

**Add Grace Period** – Add Grace Period, or AGP, refers to a specified number of calendar days following a Registry operation in which a domain action may be reversed and a credit may be issued by the Registry to a registrar. AGP is typically the five-day period following the initial registration of a domain name. AGP appears as a contractual term in some, but not all, gTLD registry agreements. AGP allows, among other things, for the correction of typos and other errors by registrants. Once a domain name is deleted by the registry at this stage, it is immediately available for registration by any registrant through any registrar. When a domain name is registered through an ICANN-accredited registrar, that registrar may cancel the domain name at any time during the first five calendar days of the registration and receive a full credit for the registration fee from the registry and also avoid the ICANN transaction fee.

1. What is the average length of time between your receipt of a UDRP Complaint and your forwarding of it to the Respondent under Paragraph 2(a) of the Rules for Uniform Domain Name Dispute Resolution Policy?
2. Do you require the Complainant to provide the creation date of the domain name(s) that is/are the subject of the complaint? If you do not require it, do you review it if the Complainant provides it?
3. Do you review the creation date as set forth in the registrar's Whois database for the domain name(s) at issue as part of your compliance review?
4. Do you review the identity of the registered name holder(s) as set forth in the registrar's Whois database for the domain name(s) at issue as part of your compliance review?
5. Have you notified Complainants of administrative deficiencies with their Complaints where the deficiency is that: (Please answer all)
  - a) Deficiency A: The creation date(s) in the registrar's Whois database is the same as the creation date identified by the Complainant in its filed complaint, but the registered name holder in the Whois database is different from the registered name holder identified by the Complainant in its filed complaint;
  - b) Deficiency B: The creation date(s) in the registrar's Whois database is different from the creation date identified by the Complainant in its filed complaint, but the registered name holder in the Whois database is the same as that identified by the Complainant in its filed complaint;
  - c) Deficiency C: The creation date(s) and the registered name holder identified in the registrar's Whois database are both different from the creation date(s) and registered name holder identified by the Complainant in its filed complaint;
  - d) Deficiency D: The registered name holder identified in the registrar's Whois database is different from the registered name holder identified by the Complainant in its filed complaint;
  - e) Deficiency E: The domain name that is the subject of the Complaint is no longer registered, and the creation date was within five days of the complaint filing date.
5. If you answered "yes" to any subpart of question #4, please provide the information requested below. (Specific data is more helpful than general approximations, but we welcome whatever insight you can provide.)
  - In how many proceedings have you notified the Complainant of each type of deficiency?

- What action do you require the Complainant to take to remedy this type of deficiency?
- How many domain names overall have been the subject of proceedings in which you have issued a notice for this type of deficiency?
- How many different Respondents have these proceedings involved?
- How many different registrars have these proceedings involved?
- If you retain this data and prefer not to disclose it specifically, would you be willing to provide it in aggregate form (e.g., In 2007, we issued notifications of administrative deficiencies in  $v$  [number of] proceedings that appeared to involve domain tasting and that totaled  $w$  [number of] different Complainants,  $x$  [number of] different Respondents,  $y$  [number of] domain names, and  $z$  [number of] different registrars.)?
- If you do not retain such specific data and/or would not be willing to provide any such data in aggregate form, have you discerned any patterns or trends among such proceedings and, if so, what are they?

The following responses were received:

1. The ADNDRC:

Request for Information on Domain Tasting  
to Uniform Domain Name Dispute Resolution Policy Providers

In view of the increase in domain tasting (as defined below),<sup>1</sup> the GNSO Council recently considered an Issues Report on Domain Tasting and resolved to form an ad hoc group for further fact-finding regarding the effects of this practice. The ad hoc group has assembled the following questions to Uniform Domain Name Dispute Resolution Policy providers to assist it in gathering facts and opinions, while inviting both qualitative and quantitative input. Statistical and other empirical evidence to support your responses is especially welcome. The ad hoc group thanks you in advance for your participation.

1. What is the average length of time between your receipt of a UDRP Complaint and your forwarding of it to the Respondent under Paragraph 2(a) of the Rules for Uniform Domain Name Dispute Resolution Policy?

*The average length of time is about Five (5) days. In exceptional circumstances, such as invalid postal address, it may take us a bit longer in serving the Complaint to the Respondent. However, in accordance with the ADNDRC Supplemental Rules (Article 4(3)), any communication by post shall be deemed to be received in four (4) calendar days after posting in the case of local mail or in seven (7) calendar days in respect of overseas mail.*

2. Do you require the Complainant to provide the creation date of the domain name(s) that is/are the subject of the complaint? If you do not require it, do you review it if the Complainant provides it?

*Yes, we do require the Complainant to provide us with the Whois information of the disputed domain name(s), by which we can confirm the creation date of the domain name(s).*

<sup>1</sup>  
**Definitions**

**Domain Tasting** – Domain tasting is a monetization practice employed by registrants to use the Add Grace Period to register domain names in order to test their profitability. During this period, registrants conduct a cost-benefit analysis to determine if the tested domain names return enough traffic to offset the registration fee paid to the registry over the course of the registration period (e.g., currently \$6 US/year for a .NAME domain name) and the annual transaction fee paid to ICANN (currently 0.20 USD).

**Add Grace Period** – Add Grace Period, or AGP, refers to a specified number of calendar days following a Registry operation in which a domain action may be reversed and a credit may be issued by the Registry to a registrar. AGP is typically the five-day period following the initial registration of a domain name. AGP appears as a contractual term in some, but not all, gTLD registry agreements. AGP allows, among other things, for the correction of typos and other errors by registrants. Once a domain name is deleted by the registry at this stage, it is immediately available for registration by any registrant through any registrar. When a domain name is registered through an ICANN-accredited registrar, that registrar may cancel the domain name at any time during the first five calendar days of the registration and receive a full credit for the registration fee from the registry and also avoid the ICANN transaction fee.

3. Do you review the creation date as set forth in the registrar's Whois database for the domain name(s) at issue as part of your compliance review?

***Yes, upon receipt of a Complaint, we shall double check the Whois record with the concerned Registrar as part of our compliance review. (It is our standard procedure).***

4. Do you review the identity of the registered name holder(s) as set forth in the registrar's Whois database for the domain name(s) at issue as part of your compliance review?

***Yes, we do.***

5. Have you notified Complainants of administrative deficiencies with their Complaints where the deficiency is that: (Please answer all)

a) Deficiency A: The creation date(s) in the registrar's Whois database is the same as the creation date identified by the Complainant in its filed complaint, but the registered name holder in the Whois database is different from the registered name holder identified by the Complainant in its filed complaint;

***No, as this kind of situation has so far not occurred during our administrative process.***

b) Deficiency B: The creation date(s) in the registrar's Whois database is different from the creation date identified by the Complainant in its filed complaint, but the registered name holder in the Whois database is the same as that identified by the Complainant in its filed complaint;

***No, as this kind of situation has so far not occurred during our administrative process.***

c) Deficiency C: The creation date(s) and the registered name holder identified in the registrar's Whois database are both different from the creation date(s) and registered name holder identified by the Complainant in its filed complaint;

***No, as this kind of situation has so far not occurred during our administrative process.***

d) Deficiency D: The registered name holder identified in the registrar's Whois database is different from the registered name holder identified by the Complainant in its filed complaint;

***No, as this kind of situation has so far not occurred during our administrative process.***

e) Deficiency E: The domain name that is the subject of the Complaint is no longer registered, and the creation date was within five days of the complaint filing date.

***No, as this kind of situation has so far not occurred during our administrative process.***

5. If you answered "yes" to any subpart of question #4, please provide the information requested below. (Specific data is more helpful than general approximations, but we welcome whatever insight you can provide.)

- In how many proceedings have you notified the Complainant of each type of deficiency?
- What action do you require the Complainant to take to remedy this type of deficiency?
- How many domain names overall have been the subject of proceedings in which you have issued a notice for this type of deficiency?
- How many different Respondents have these proceedings involved?
- How many different registrars have these proceedings involved?
- If you retain this data and prefer not to disclose it specifically, would you be willing to provide it in aggregate form (e.g., In 2007, we issued notifications of administrative deficiencies in  $v$  [number of] proceedings that appeared to involve domain tasting and that totaled  $w$  [number of] different Complainants,  $x$  [number of] different Respondents,  $y$  [number of] domain names, and  $z$  [number of] different registrars.)?
- If you do not retain such specific data and/or would not be willing to provide any such data in aggregate form, have you discerned any patterns or trends among such proceedings and, if so, what are they?

## 2. National Arbitration Forum

### Request for Information on Domain Tasting to Uniform Domain Name Dispute Resolution Policy Providers National Arbitration Forum

In view of the increase in domain tasting (as defined below),<sup>1</sup> the GNSO Council recently considered an Issues Report on Domain Tasting and resolved to form an ad hoc group for further fact-finding regarding the effects of this practice. The ad hoc group has assembled the following questions to Uniform Domain Name Dispute Resolution Policy providers to assist it in gathering facts and opinions, while inviting both qualitative and quantitative input. Statistical and other empirical evidence to support your responses is especially welcome. The ad hoc group thanks you in advance for your participation.

1. What is the average length of time between your receipt of a UDRP Complaint and your forwarding of it to the Respondent under Paragraph 2(a) of the Rules for Uniform Domain Name Dispute Resolution Policy?

*The average length of time is eight (8) days, but this can vary widely based on registrar compliance.*

2. Do you require the Complainant to provide the creation date of the domain name(s) that is/are the subject of the complaint? If you do not require it, do you review it if the Complainant provides it?

*We do not specifically require the complainant to provide the creation date of the domain name. If it is provided, we do not review it. There is no clear definition of the term "creation date." We have observed some who indicate the date of the domain name is the date it was initially registered, and others who say the date is the date the domain name was registered by the current registrant.*

3. Do you review the creation date as set forth in the registrar's Whois database for the domain name(s) at issue as part of your compliance review?

*We do not review the creation date as part of our compliance review. The UDRP does not require that we check the creation date as part of the compliance review. Our compliance review checks to be sure the complaint meets all of the UDRP Rule 3 (and our Supplemental Rule 4) requirements.*

4. Do you review the identity of the registered name holder(s) as set forth in the registrar's Whois database for the domain name(s) at issue as part of your compliance review?

*Yes, we review the identity of the registered name holder as set forth in the registrars' Whois database. We not only check the Whois database but we verify the billing address with the Registrar pursuant to UDRP Rule 2.*

5. Have you notified Complainants of administrative deficiencies with their Complaints where the deficiency is that: (Please answer all)

a) Deficiency A: The creation date(s) in the registrar's Whois database is the same as the creation date identified by the Complainant in its filed complaint, but the registered name holder in the Whois database is different from the registered name holder identified by the Complainant in its filed complaint;

*No.*

b) Deficiency B: The creation date(s) in the registrar's Whois database is different from the creation date identified by the Complainant in its filed complaint, but the registered name holder in the Whois database is the same as that identified by the Complainant in its filed complaint;

*No, we do not check this because it isn't necessary for us under the UDRP rules to check the creation date. However, some of our panelists, in examining the file in coming to a decision, have noticed that the creation date alleged by a complainant doesn't match what is listed in the Whois. While we note this is an issue in cases, the UDRP does not define this as a deficiency so we, as a provider, have no authority to do so.*

c) Deficiency C: The creation date(s) and the registered name holder identified in the registrar's Whois database are both different from the creation date(s) and registered name holder identified by the Complainant in its filed complaint;

*No.*

d) Deficiency D: The registered name holder identified in the registrar's Whois database is different from the registered name holder identified by the Complainant in its filed complaint;

*Yes. This is frequently a problem. The way to correct this deficiency is to name the registered name holder listed in the Whois record or as provided by the Registrar as the listed registrant.*

*We have no way to track this information electronically and do not track it manually. The best we can do is to guess that this occurs 3-4 times per week (including where the Whois lists a proxy service). We have not noticed a trend in either Registrants (Respondents) or Registrars (with the exception of particular proxy services). It happens frequently enough to touch multiple registrars. If we had more concrete data (or even aggregate data) we would be willing to provide it.*

e) Deficiency E: The domain name that is the subject of the Complaint is no longer registered, and the creation date was within five days of the complaint filing date.

*Yes. We do not always corroborate the creation date to the deletion of the domain, but we think it happens about once every few weeks. There are many domains that get dropped during the proceedings so it's difficult to track how many have recent creation dates, or how many of the creation dates are accurate. Again, we don't have a clear picture that indicates a trend involving particular respondents or registrars.*

*Unfortunately, there is no way for a complainant to correct this "deficiency." We cannot accept a case without a disputed domain name, so we reject complaints with no valid, registered domain name. Where a complaint lists multiple domain names and only a subset are dropped, the complainant can amend the complaint to include only the registered domain names.*

5. If you answered "yes" to any subpart of question #4, please provide the information requested below. (Specific data is more helpful than general approximations, but we welcome whatever insight you can provide.)

This information is provided within the text of the answers to #4.

- In how many proceedings have you notified the Complainant of each type of deficiency?
- What action do you require the Complainant to take to remedy this type of deficiency?
- How many domain names overall have been the subject of proceedings in which you have issued a notice for this type of deficiency?
- How many different Respondents have these proceedings involved?
- How many different registrars have these proceedings involved?
- If you retain this data and prefer not to disclose it specifically, would you be willing to provide it in aggregate form (e.g., In 2007, we issued notifications of administrative deficiencies in  $v$  [number of] proceedings that appeared to involve domain tasting and that totaled  $w$  [number of] different Complainants,  $x$  [number of] different Respondents,  $y$  [number of] domain names, and  $z$  [number of] different registrars.)?
- If you do not retain such specific data and/or would not be willing to provide any such data in aggregate form, have you discerned any patterns or trends among such proceedings and, if so, what are they?

## 3. WIPO

ORGANISATION MONDIALE  
DE LA PROPRIÉTÉ INTELLECTUELLE

Centre d'arbitrage et de médiation de l'OMPI

WORLD INTELLECTUAL  
PROPERTY ORGANIZATION

WIPO Arbitration and Mediation Center

September 25, 2007

Dear Ms. Rosette,

Thank you for your message of August 31, 2007, to which this letter constitutes an informal reply by the WIPO Arbitration and Mediation Center.

WIPO's Press Release of March 12, 2007 ('Cybersquatting Remains on the Rise with Further Risk to Trademarks from New Registration Practices', [http://www.wipo.int/pressroom/en/articles/2007/article\\_0014.html](http://www.wipo.int/pressroom/en/articles/2007/article_0014.html)) drew attention inter alia to the adverse consequences of domain name tasting. With reference also to other practices, the Press Release noted that "[t]he combined result of these developments is to create greater opportunities for the mass, often anonymous, registration of domain names without specific consideration of third-party intellectual property rights. [...] The rate at which domain names change hands and the difficulty to track such mass automated registrations challenge trademark owners in their pursuit of cybersquatters. [...] With domain names becoming moving targets for rights holders, due consideration should be given to concrete policy responses."

/...

Ms. Kristina Rosette  
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By e-mail: [krosette@cov.com](mailto:krosette@cov.com)

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2.

Ms. Kristina Rosette, Washington, DC - September 25, 2007

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We commend sincere efforts to address domain name tasting practices. Frankly, however, as is clear from the above, we would consider the time long past for "further fact-finding" regarding the effects of this practice, which, having evolved from a presumably unintended loophole, has become widespread to the point of now involving tens of millions of names. While we would not dispute the usefulness of an understanding of the phenomenon, we presume this understanding to be sufficiently present among domain name authorities and interested parties. Likewise, the consequences of the practice themselves are readily perceptible, and confirmed with nearly each registration made for tasting purposes.

Your questionnaire seeks to enable conclusions from case data in relation to domain names that have been the subject of complaints under the Uniform Domain Name Dispute Resolution Policy (UDRP). As is evident from the posted Decisions, UDRP cases offer substantial insight into a number of domain name developments, such as the increasing confusion surrounding registrant identity (see for example the Panel Decisions D2006-1620 and D2006-0975, among others in the online WIPO Legal Index). However, one of the obvious effects of the Add-Grace-Period is precisely that this type of registration hardly lends itself to being addressed through the UDRP mechanism in its current form. Domain name tasting effectively prevents trademark owners from assembling reliable and timely information that would enable the filing of a UDRP complaint with a reasonable chance of success, both in terms of jurisdiction and of substance. Moreover, in the Center's experience, even those identifiable cases that are filed increasingly appear to involve entities associated with Registrars, if not Registrars themselves.

In its compliance review, the Center makes every effort to obtain and make sense of available data. In addition to a close examination of the publicly available Whois data, this involves a set of detailed WIPO questions to the Registrar for each domain name in each case. The Center studies any replies received with a view to achieving fair and effective notification of what appear to be the proper parties, while preserving and indeed enhancing the Panel's scope for making any ultimate determinations as to proper parties and substantive consequences. It is thereby obvious that, in the context of a mechanism designed to offer an expedient process to a reasonable outcome, neither a Panel nor indeed a Provider is in a position to engage in unlimited interpretation of evolving data. Moreover, while the Registrar (or the Registry) is in a position to know the history of a domain name registration, such information is not normally made available to the Provider. We assume, however, that your survey does have access to such data for names disputed in UDRP cases.

/...

Ms. Kristina Rosette, Washington, DC - September 25, 2007

---

3.

In its letter of July 4, 2007 to Dr. Paul Twomey, President and Chief Executive Officer of ICANN, WIPO in a different context drew attention to longer-term risks for the UDRP as a viable alternative to court options. Unfortunately, the practice of domain name tasting is eroding the confidence of trademark owners and other users of the domain name system. We believe that prolonged failure to curb this practice may prove unnecessarily damaging to all interests, and remain at ICANN's disposal in support of concrete measures.

Yours sincerely,

WIPO Arbitration and Mediation Center

## Annex 5 – IPC Constituency Supplemental RFI

This annex contains the results overview from BigPulse, the RFI as such and the comments provided per individual question, in that order

### Intellectual Property Constituency Supplemental Request for Information on Domain Tasting Results of On-line Polling

**Poll menu:** IPC Domain Tasting RFI  
**Report date:** Wed 26 Sep 2007 14:06 GMT

**Country:** All

#### 1. Please identify yourself (check all that apply)

**As at:** Tue 25 Sep 2007 03:59 GMT  
Number of voters: 115  
Ranked by votes

Rank	Opinion	Votes	%
1	Rights owner representative	86	74.78
2	Intellectual Property Rights Owner	51	44.35
3	Registrant	28	24.35
4	Individual Internet User	23	20.00
5	Registrar	9	7.83
6	Other (please identify)	8	6.96
7	Non Commercial User (e.g. not for profit organization)	3	2.61
8	Government	0	0.00
8	Registry	0	0.00

#### 2. Please identify your principal line of business:

**As at:** Tue 25 Sep 2007 03:59 GMT  
Number of voters: 102  
Ranked by votes

Rank	Opinion	Votes	%
1	Law Firm	59	57.84
2	Other (please identify)	12	11.76
3	Consumer Products	7	6.86

4	Technology/Software	6	5.88
4	Entertainment/Media	6	5.88
6	Financial Services	5	4.90
7	Communications	3	2.94
8	Pharmaceuticals	1	0.98
8	Food/Beverage	1	0.98
8	Travel/Leisure	1	0.98
8	Registrar/Registry	1	0.98

### 3. Are you a member of the IPC?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 101

Ranked by votes

Rank	Opinion	Votes	%
1	No	64	63.37
2	Yes	37	36.63

### 4. Has your brand(s) or mark(s) been the subject of tasted domain names?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 99

Ranked by votes

Rank	Opinion	Votes	%
1	Yes	44	44.44
2	I don't know	28	28.28
3	No	27	27.27

### 5. How many tasted domain names that incorporate or use your brand(s)/mark(s) have come to your attention?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 52

Ranked by votes

Rank	Opinion	Votes	%
1	1-24	24	46.15
2	500+	15	28.85
3	100-499	8	15.38
4	50-99	3	5.77



**10. Has the number of tasted domain names changed your enforcement strategies?**

**As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 49

Ranked by votes

Rank	Opinion	Votes	%
1	Yes	33	67.35
2	No	16	32.65

**11. Have you sent objection/demand/cease and desist letters regarding tasted domain names that incorporate or use your brands/marks?**

**As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 50

Ranked by votes

Rank	Opinion	Votes	%
1	Yes	32	64.00
2	No	18	36.00

**12. How many objection/demand/cease and desist letters have you sent?**

**As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 33

Ranked by votes

Rank	Opinion	Votes	%
1	1-24	17	51.52
2	25-49	5	15.15
2	100-299	5	15.15
4	50-99	3	9.09
4	300+	3	9.09

**13. How many domain names were implicated?**

**As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 32

Ranked by votes

Rank	Opinion	Votes	%
1	1-24	14	43.75
2	100-499	9	28.12

3	500+	5	15.62
4	25-49	3	9.38
5	50-99	1	3.12

**14. Have you initiated UDRP proceedings regarding tasted domain names that incorporate or use your brand(s)/mark(s)?**

**As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 47

Ranked by votes

Rank	Opinion	Votes	%
1	No	30	63.83
2	Yes	17	36.17

**15. How many UDRP proceedings have you or your organization initiated to combat domain tasting?**

**As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 20

Ranked by votes

Rank	Opinion	Votes	%
1	1-9	14	70.00
2	10-24	4	20.00
3	25-49	1	5.00
3	75+	1	5.00
5	50-74	0	0.00

**16. How many domain names were implicated in these UDRP proceedings?**

**As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 18

Ranked by votes

Rank	Opinion	Votes	%
1	1-24	14	77.78
2	25-49	1	5.56
2	50-99	1	5.56
2	100-299	1	5.56
2	300+	1	5.56

**17. In how many of these proceedings has a Panel issued a decision?****As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 18

Ranked by votes

Rank	Opinion	Votes	%
1	1-9	12	66.67
2	10-24	4	22.22
3	25-49	1	5.56
3	75+	1	5.56
5	50-74	0	0.00

**18. In how many of these UDRP proceedings in which a decision has been rendered did the Panel grant you the relief you sought?****As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 17

Ranked by votes

Rank	Opinion	Votes	%
1	1-9	12	70.59
2	10-24	3	17.65
3	25-49	1	5.88
3	75+	1	5.88
5	50-74	0	0.00

**19. If you have not initiated UDRP proceedings regarding tasted domain names that incorporate or use your brand(s)/mark(s), why not?****As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 39

Ranked by votes

Rank	Opinion	Votes	%
1	Domain name deleted during AGP	20	51.28
1	Too costly given the number of domain names	20	51.28
3	Other (Please explain below)	17	43.59

**20. Have you initiated judicial proceedings regarding tasted domain names that incorporate or use your brand(s)/mark(s)?****As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 44

GNSO Outcomes Report on Domain Tasting v1.6

Authors: Mike Rodenbaugh, [mxrodenbaugh@yahoo.com](mailto:mxrodenbaugh@yahoo.com), Olof Nordling, [olof.nordling@icann.org](mailto:olof.nordling@icann.org), Patrick Jones, [Patrick.jones@icann.org](mailto:Patrick.jones@icann.org),

Ranked by votes

Rank	Opinion	Votes	%
1	No	40	90.91
2	Yes	4	9.09

## 21. How many judicial proceedings have you initiated?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 5

Ranked by votes

Rank	Opinion	Votes	%
1	1-9	4	80.00
2	75+	1	20.00
3	10-24	0	0.00
3	25-49	0	0.00
3	50-74	0	0.00

## 22. How many domain names were implicated in the judicial proceedings?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 5

Ranked by votes

Rank	Opinion	Votes	%
1	500+	3	60.00
2	1-24	2	40.00
3	25-49	0	0.00
3	50-99	0	0.00
3	100-499	0	0.00

## 23. In how many of these proceedings has the court issued a decision?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 5

Ranked by votes

Rank	Opinion	Votes	%
1	1-9	4	80.00
2	75+	1	20.00
3	10-24	0	0.00

3	25-49	0	0.00
3	50-74	0	0.00

**24. In how many of these proceedings in which a court rendered a decision did the court grant you the relief you sought?**

**As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 5

Ranked by votes

Rank	Opinion	Votes	%
1	1-9	4	80.00
2	75+	1	20.00
3	10-24	0	0.00
3	25-49	0	0.00
3	50-74	0	0.00

**25. If you have not initiated judicial proceedings regarding tasted domain names that incorporate or use your brand(s)/mark(s), why not?**

**As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 39

Ranked by votes

Rank	Opinion	Votes	%
1	Too costly given the number of domain names	17	53.49
2	Other (Please explain below)	13	33.33
3	Domain name deleted during AGP	9	23.08

**26. Have consumers contacted you about domain names that you later determined were tasted?**

**As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 43

Ranked by votes

Rank	Opinion	Votes	%
1	No	23	43.59
2	Yes	20	46.51

**27. How many consumers?**

**As at:** Tue 25 Sep 2007 03:59 GMT

GNSO Outcomes Report on Domain Tasting v1.6

Authors: Mike Rodenbaugh, [mxrodenbaugh@yahoo.com](mailto:mxrodenbaugh@yahoo.com), Olof Nordling, [olof.nordling@icann.org](mailto:olof.nordling@icann.org), Patrick Jones, [Patrick.jones@icann.org](mailto:Patrick.jones@icann.org),

Number of voters: 20

Ranked by votes

Rank	Opinion	Votes	%
1	1-9	10	50.00
2	25-49	4	20.00
3	75+	3	15.00
4	10-24	2	10.00
5	50-74	1	5.00

**28. Have you received notification of administrative deficiencies in UDRP complaints that you filed because the registrant changed after you filed the complaint?**

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 73

Ranked by votes

Rank	Opinion	Votes	%
1	No	51	69.86
2	Yes	22	30.14

**30. In how many proceedings have you received notification of such administrative deficiencies?**

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 22

Ranked by votes

Rank	Opinion	Votes	%
1	1-9	20	90.91
2	10-24	2	9.09
3	25-49	0	0.00
3	50-74	0	0.00
3	75+	0	0.00

**31. How many domains were implicated in these proceedings?**

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 22

Ranked by votes

Rank	Opinion	Votes	%
1	1-24	18	81.82

GNSO Outcomes Report on Domain Tasting v1.6

Authors: Mike Rodenbaugh, [mxrodenbaugh@yahoo.com](mailto:mxrodenbaugh@yahoo.com), Olof Nordling, [olof.nordling@icann.org](mailto:olof.nordling@icann.org), Patrick Jones, [Patrick.jones@icann.org](mailto:Patrick.jones@icann.org),

2	25-49	3		13.64
3	50-99	1		4.55
4	100-499	0		0.00
4	500+	0	0	0.00

### 32. How many registrants were implicated in these proceedings?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 22

Ranked by votes

Rank	Opinion	Votes		%
1	1-24	20		90.91
2	50-99	2		9.09
3	25-49	0		0.00
3	100-499	0		0.00
3	500+	0	0	0.00

### 33. What is the average length of time that you spend on preparing and filing a UDRP complaint?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 81

Ranked by votes

Rank	Opinion	Votes		%
1	I've not filed any UDRP complaints	28		34.57
2	2-3 days	21		25.93
3	4-5 days	15		18.52
4	One day	7		8.64
5	6-9 days	5		6.17
5	10+ days	5		6.17

### 34. What is the average length of time that you spend on preparing and filing a complaint under your national law to initiate a judicial proceeding involving cybersquatting?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 82

Ranked by votes

Rank	Opinion	Votes		%
------	---------	-------	--	---

1	I've not filed any complaint under my national law	31	37.80
2	10+ days	15	18.29
3	2-3 days	14	17.07
4	4-5 days	12	14.63
5	6-9 days	8	9.76
5	One day	2	2.44

**35. Please provide any additional information about your experience with domain tasting and its impact on your business or that of your client(s).**

No results, 40 inline comments

**36. Please provide any other comments about this RFI.**

No results, 27 inline comments

## Intellectual Property Constituency (“IPC”) Supplemental Request for Information on Domain Tasting

In view of the increase in domain tasting (definitions below), the GNSO Council recently considered an [Issues Report on Domain Tasting](#) and resolved to form an ad hoc group for further fact-finding on the effects of this practice. The ad hoc group prepared questions to assist in gathering facts and opinions, while inviting both qualitative and quantitative input. The ad hoc group's questions are available [here](#) (as an [online survey here](#)).

The ad hoc group decided that its questions should be general in scope, and that each constituency could pose its own additional questions if it so desired. The IPC has prepared these questions to gather facts and opinions about domain tasting from its members, trademark owners, and their representatives. The results will be provided in aggregate form to the ad hoc group as additional qualitative and quantitative input. Although the results will be provided in aggregate form, identifying information such as name, organization, telephone number, and email address has been requested to enable IPC representatives to verify a random sampling of responses. Accordingly, while the IPC encourages and welcomes broad participation, please participate in this request for information only if you are willing to provide the requested identifying information and to discuss your responses if contacted.

**The IPC is conducting this supplemental RFI to provide additional information to the ad hoc group. It was designed and written in full by IPC members. The IPC would, however, like to thank ICANN staff for its assistance in making the RFI available as an online survey.**

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### Definitions

**Domain Tasting:** Domain tasting is a monetization practice employed by registrants to use the Add Grace period to register domain names in order to test their profitability. During this period, registrants conduct a cost-benefit analysis to determine if the tested domain names return enough traffic to offset the annual registration fee paid to the registry over the course of the registration period (e.g., currently 6.00 USD for a .NAME domain name) and the annual transaction fee paid to ICANN (currently 0.20 USD). A domain name is considered to be tasted only if it is registered and then deleted within the five-day Add Grace Period. A domain name is not considered to be tasted if the registration lasts for more than five days. Domain tasting and cybersquatting are not the same practice.

**Add Grace Period (AGP):** Add Grace Period refers to a specified number of calendar days following a Registry operation in which a domain action may be reversed and a credit may be issued to a registrar. AGP is typically the five day period following the initial registration of a domain name. AGP appears as a contractual term in some, but not all gTLD registry agreements. AGP allows, among other things, for the correction of typos and other errors by

registrants. Once a domain name is deleted by the registry at this stage, it is immediately available for registration by any registrant through any registrar. When a domain name is registered through an ICANN accredited registrar, that registrar may cancel the domain name at any time during the first five calendar days of the registration and receive a full credit for the registration fee from the registry and also avoid the ICANN transaction fee.

### 1. Please identify yourself (check all that apply)

This section is designed to help quantify what groups that a responding party represents with their submission. Please check all that apply to you or the organization you are filing on behalf of. If you represent an intellectual property rights owner (in-house or outside counsel, for example), please answer questions 4-18 from that perspective.

- |                          |   |                          |                             |
|--------------------------|---|--------------------------|-----------------------------|
| <input type="checkbox"/> | Intellectual Property Owner                       | <input type="checkbox"/> | Rights Owner Representative |
| <input type="checkbox"/> | Government  | <input type="checkbox"/> | Registrar                   |
| <input type="checkbox"/> | Registry  | <input type="checkbox"/> | Registrant                  |
| <input type="checkbox"/> | Non Commercial User (not for profit organization) | <input type="checkbox"/> | Individual Internet User    |
| <input type="checkbox"/> | Other (please identify)                           |                          |                             |

### 2. Please identify your principal line of business

This question is designed to help quantify the business sectors in which responding parties operate. Please check the sector that most accurately describes your organization or the organization you are filing on behalf of.

- |                          |                         |                          |                     |
|--------------------------|-------------------------|--------------------------|---------------------|
| <input type="checkbox"/> | Financial Services      | <input type="checkbox"/> | Pharmaceuticals     |
| <input type="checkbox"/> | Technology/Software     | <input type="checkbox"/> | Food/Beverage       |
| <input type="checkbox"/> | Consumer Products       | <input type="checkbox"/> | Entertainment Media |
| <input type="checkbox"/> | Communications          | <input type="checkbox"/> | Travel/Leisure      |
| <input type="checkbox"/> | Registrar/Registry      | <input type="checkbox"/> | Law Firm            |
| <input type="checkbox"/> | Other (please identify) |                          |                     |

### 3. Are you a member of the IPC?

This question is designed to quantify the number of responding parties who are members of the Intellectual Property Constituency (IPC). Please indicate if you or the party you are filing on behalf of is a member of the IPC. IPC member organizations are listed here.

Yes  No

### 4. Has your brand(s) or mark(s) been the subject of tasted domain names?

This question is designed to quantify the number of responding parties whose brand(s)/mark(s) have been the subject of tasted domains. As is explained in the definitions to this RFI, domain tasting refers to a monetization practice employed by registrants to use the add-grace period to register domain names in order to test their profitability. During this period, registrants conduct a cost-benefit analysis to determine if the tested domain names return enough traffic to offset the annual registration fee paid to the registry over the course of the registration period (e.g., currently 6.00 USD for a .NAME domain name) and the annual transaction fee paid to ICANN (currently 0.20 USD). A domain name is considered to be tasted only if it is registered and then deleted within the five-day Add Grace Period. A domain name is not considered to be tasted if the registration lasts for more than five days. Domain tasting and cybersquatting are not the same practice. Please indicate if your brand(s)/mark(s) or those

GNSO Outcomes Report on Domain Tasting v1.6

Authors: Mike Rodenbaugh, [mxrodenbaugh@yahoo.com](mailto:mxrodenbaugh@yahoo.com), Olof Nordling, [olof.nordling@icann.org](mailto:olof.nordling@icann.org), Patrick Jones, [Patrick.jones@icann.org](mailto:Patrick.jones@icann.org).

of the organization on which behalf you are filing have been subject to this practice. If you answered “no” or “I don’t know”, please skip to question 33.

Yes       No       I don’t know

**5. How many tasted domain names that incorporate or use your brand(s)/mark(s) have come to your attention?**

This question is designed to quantify the number of tasted domain names that correspond to the responding parties’ brand(s)/mark(s).

1-24       25-49       50-99       100-499       500+

**6. How have such names come to your attention?**

This question is designed to identify how brand/mark owners are made aware of instances of domain tasting. Please indicate how these instances have come to you or your organization’s attention.

**7. Over the past year, has the number of tasted domain names that incorporate or use your brand(s)/mark(s):**

This question is designed to identify whether brand owners are experiencing an upward trend, downward trend, or no change in the number of instances of domain tasting over the past year. Please indicate if you or your organization has noticed such a trend. If you answered "decreased" or "remained constant", please skip to question 9.

Decreased       Increased       Remained constant

**8. You indicated the number has increased. Do believe that the number has remained constant, but you are simply more aware of tasting?**

This question is designed to identify whether a reported perceived increase by a responding party is, in fact, an increase in the instances of domain tasting, or instead a perceived increase based on the increased flow of information regarding the practice of domain tasting over the past year. Please indicate if you believe the perceived increase is also an actual increase.

Yes (remained constant)       No (tasting has increased in real terms)

**9. Has the existence and number of tasted domains required you to increase the resources allocated to addressing domain tasting problems and/or to change your enforcement strategies? Please check all that apply.**

This question is designed to identify the ways in which the practice of domain tasting has impacted brand/mark owners’ strategies and budgets for combating intellectual property infringement, if at all. Please describe the ways in which domain tasting has impacted your IP enforcement strategies and budgets.

Yes, increased time devoted to domain tasting problems and enforcement  
 Yes, increased budget to address domain tasting problems and enforcement  
 Yes, hired additional staff to address domain tasting problems and enforcement  
 No

**10. Has the number of tasted domain names changed your enforcement strategies?**

Yes  No

**11. Have you sent objection/demand/cease and desist letters regarding tasted domain names that incorporate or use your brands/marks?**

This question is to quantify the number of responding parties who have employed cease and desist letters as a tool to combat instances of domain tasting.

Yes  No

**12. How many objection/demand/cease and desist letters have you sent?**

Please indicate whether you or your organization has used this tool, and if so, how many times.

1-24  25-49  50-99  100-299  300+

**13. How many domain names were implicated?**

Please also indicate how many total domain names were implicated by all of the cease and desist letters sent by you or the organization on whose behalf you sent them.

1-24  25-49  50-99  100-499  500+

**14. Have you initiated UDRP proceedings regarding tasted domain names that incorporate or use your brand(s)/mark(s)?**

This question is to quantify the number of responding parties who have employed Uniform Domain Name Dispute Resolution Policy (UDRP) proceedings as a tool to combat instances of domain tasting. If you answered "no," please skip to question 19.

Yes  No

**15. How many UDRP proceedings have you or your organization initiated to combat domain tasting?**

Please indicate how many times you or your organization has used the UDRP tool.

1-9  10-24  25-49  50-74  75+

**16. How many domain names were implicated in these UDRP proceedings?**

Please indicate how many total domain names were implicated by the UDRP proceedings intended to combat domain name tasting that were filed by you or the organization on whose behalf you filed them.

1-24  25-49  50-99  100-299  300+

**17. In how many of these proceedings has a Panel issued a decision?**

10-24  25-49  50-74  75+

**18. In how many of these UDRP proceedings in which a decision has been rendered did the Panel grant you the relief you sought?**

Please indicate in how many proceedings you were granted the relief you sought, i.e. either transfer or cancellation of the domain name(s).

1-9     10-24     25-49     50-74     75+

**19. If you have not initiated UDRP proceedings regarding tasted domain names that incorporate or use your brand(s)/mark(s), why not?**

Select all that apply.

Domain name deleted during AGP     Too costly given the number of domain names

Other (Please explain below)

**20. Have you initiated judicial proceedings regarding tasted domain names that incorporate or use your brand(s)/mark(s)?**

This question is to quantify the number of responding parties who have employed judicial proceedings as a tool to combat instances of domain tasting. Please indicate whether you or your organization has used this tool. If you answered "no," please skip to question 25.

Yes     No

**21. How many judicial proceedings have you initiated?**

Please indicate how many times you or your organization has used this tool.

1-9     10-24     25-49     50-74     75+

**22. How many domain names were implicated in the judicial proceedings?**

Please indicate how many total domain names were implicated by all of the judicial proceedings filed by you or the organization on whose behalf you filed them.

1-24     25-49     50-99     100-299     300+

**23. In how many of these proceedings has the court issued a decision?**

1-9     10-24     25-49     50-74     75+

**24. In how many of these proceedings in which a court rendered a decision did the court grant you the relief you sought?**

Please indicate in how many proceedings you were granted the relief you sought.

1-9     10-24     25-49     50-74     75+





**Comments to questions in IPC Supplemental RFI on Domain Tasting  
(submitted via on-line form)**

**1. Please identify yourself (check all that apply)**

	<b>Date</b>	<b>Comment</b>
1	15 Sep 07	Intellectual Property & Internet Law Attorney
2	15 Sep 07	law student
3	07 Sep 07	Private practice intellectual property attorney.

**2. Please identify your principal line of business:**

	<b>Date</b>	<b>Comment</b>
1	20 Sep 07	Intellectual property firm
2	20 Sep 07	consumer products, entertainment media, technology, communications.
3	18 Sep 07	law school
4	15 Sep 07	Energy
5	14 Sep 07	Service provider--watching services
6	14 Sep 07	manufacturer of commercial door hardware and security products
7	14 Sep 07	Trade Association
8	12 Sep 07	Audit, Consultancy, Intellectual Property, Project Development.
9	06 Sep 07	Internet retailer

**Poll: 6. How have such names come to your attention?**

	<b>Date</b>	<b>Comment</b>
1	25 Sep 07	Through monitoring practices that monitor domain name infringements.
2	24 Sep 07	By attempting to purchase the domains in question.
3	24 Sep 07	Informed by my clients
4	20 Sep 07	We have a domain name watching service for our client brand owners.
5	20 Sep 07	Watch Services that we have to pay for due to high volume domain tasting and cyber squatting
6	20 Sep 07	Typically our business units conduct a search for domain names for our brands and as a result become aware of domain name issues. They will then forward these sites to our attention.
7	20 Sep 07	We conducted a domain name search for infringing domains. Furthermore people in our business notified us.
8	19 Sep 07	Primarily, through correspondence with third parties
9	19 Sep 07	Through domain watching services or from the client directly
10	19 Sep 07	Reverse whois searching.
11	19 Sep 07	through domain watch service and monitoring
12	19 Sep 07	through domain watching service and monitoring
13	19 Sep 07	Watch notices and trial-and-error. Watch notices: I subscribe to a service that notifies me whenever a domain name is registered that contains a mark of the clients for whom I subscribe. When we check the Whois data, we often learn that the registrant is different or that the creation date has changed. Trial-and-error: When clients request that we register domain names for them that contain their brands, we frequently find the names to be recently registered. When we check again in 1 or 2 days, the names are often available.
14	17 Sep 07	Typically, customers making typos
15	17 Sep 07	Trademark watch notices; notification from clients; individual WHOIS searching.
16	15 Sep 07	through policing

	<b>Date</b>	<b>Comment</b>
17	14 Sep 07	our trademark and domain name watch service
18	14 Sep 07	We use several watch services for our clients that give us immediate notice of new domain name registrations. This is how we locate them most of the time. Occasionally someone stumbles across one while doing other related work on that brand.
19	14 Sep 07	through our registrar and our outside legal counsel, while trying to retrieve domain names from pirates and such.
20	14 Sep 07	Through our registrar and our outside legal counsel trying to retrieve domain names from pirates and such.
21	14 Sep 07	through a third party provider
22	14 Sep 07	Watch Reports
23	14 Sep 07	Through domain name registration watch service provided by a third-party vendor.
24	14 Sep 07	domain watch reports
25	14 Sep 07	Through our watch service.
26	14 Sep 07	Monitoring
27	14 Sep 07	Client has advised me of the matters
28	14 Sep 07	Clients whose brands are incorporated into tasted domain names
29	13 Sep 07	Through third-party searching services and consumer/brand queries.
30	13 Sep 07	trying to register them
31	12 Sep 07	We receive a daily listing of newly registered domain names every day. We review those sites and then confirm their existence 2 weeks later. Tasting is evidenced by existing sites which are then taken down within the 2 week window.
32	12 Sep 07	Don't know (as counsel, I heard from client)
33	12 Sep 07	watch services
34	10 Sep 07	Online service and word of mouth
35	07 Sep 07	The trademark owner asked for comments on how to proceed against a registrant of a domain name including its trademark. The registrant of the respective domain name changed every few days and the content connected to the domain name referred to other links of competitors of the trademark owner.
36	06 Sep 07	None have come to our attention; for some reason I cannot go back to change an earlier entry I made in this poll.
37	06 Sep 07	Our brand name was tasted ONE time by a company in panama, but gratefully we showed competence and used friendly contact initially to identify that the name was our brand name, and the issue was quickly and easily corrected by them transferring the name to our management.

**Poll: 10. Has the number of tasted domain names changed your enforcement strategies?**

	<b>Date</b>	<b>Comment</b>
1	20 Sep 07	While we have not yet changed our enforcement strategies because of domain name tasting, we recognize the growing problem and importance of domain name tasting and are willing to change enforcement strategies if necessary.
2	19 Sep 07	Expenditures on monitoring and cease-and-desist letters have increased significantly. Because it's virtually impossible to learn of a tasted name and prepare and file a UDRP or ACPA complaint all within 5 days, we have stopped trying to rely on those enforcement tools. I believe that the inability to take these types of enforcement action damages my clients' marks (and, by association, their businesses), but see no other option.
3	17 Sep 07	One example - rather than take immediate action, we often have to wait five days and check again to see if the named registrant is the same.
4	14 Sep 07	We represent many famous brands such as CHIPPENDALES, CAESARS, FLAMINGO, NEW YORK NEW YORK, CIT GROUP, and Schering-Plough the owner of many famous marks. When we monitor watch reports if the owner information is not available we need to check back in five days increasing the cost to the client of our watching services. Sometimes when the tasted domain is being used for infringement our clients want a solution which

		significantly adds to the cost of enforcement.
5	14 Sep 07	WE HAVE HAD TO ALTER ENFORCEMENT STRATEGIES BASED ON THE VOLUME OF CYBER-SQUATTED NAMES, WHICH IN TURN IS ALMOST CERTAINLY AFFECTED BY THE ABILITY OF DOMAINERS TO TASTE THE NAMES BEFORE RETAINING THEM
6	14 Sep 07	Made it more difficult to retrieve infringing domain names
7	12 Sep 07	more likely to monitor a domain that file a UDRP for recovery

**Poll: 19. If you have not initiated UDRP proceedings regarding tasted domain names that incorporate or use your brand(s)/mark(s), why not?**

	Date	Comment
1	20 Sep 07	If the subject domain names were not deleted, the next recommended action would be a UDRP.
2	20 Sep 07	We frequently conduct thorough investigations prior to imitating UDRP proceedings, which require extensive time and research. Due to the AGP, we are unable to initiate these types of in-depth investigations.
3	20 Sep 07	We frequently conduct thorough investigations prior to imitating UDRP proceedings, which require extensive time and research. Due to the AGP, we are unable to initiate these types of in-depth investigations. (duplicate of number 3)
4	20 Sep 07	We are thinking about a strategy to conquer these large amounts of infringing registrations. Most likely we will start enforcing.
5	19 Sep 07	Lack of significant confusion
6	19 Sep 07	Infringing party stopped using upon receipt of cease and desist letter
7	19 Sep 07	One client's brand is the subject of so many tasted domain names that it could truly devote its entire annual trademark enforcement budget to tasted domain names. That's not realistic. Moreover, because of competing client demands, I am never in a position to spend the entire day(s) necessary to research, write and file a UDRP complaint within the five-day period.
8	15 Sep 07	NO SUCH INSTANCE CAME TO NOTICE
9	15 Sep 07	THERE WAS NO SUCH OCCASION AROSE
10	14 Sep 07	By the time you file the complaint if the domain name has been released it is a waste of time and money.
11	14 Sep 07	Because in most instances the name is deleted before we can take action or it is way too expensive to chase the numerous entities that keep registering the domain name and deleting it.
12	14 Sep 07	We don't provide this service to our clients, but they do it directly
13	14 Sep 07	Our watch service filters out tasted names and we apply our enforcement strategies to the remaining ones
14	14 Sep 07	We cannot correlate tasted names with names involved in UDRP proceedings. It is difficult to determine when a misappropriated DN began as a tasted name. For this reason we have not answered the questions above related to such a correlation even though we do regularly file UDRP actions.
15	14 Sep 07	Question not applicable
16	12 Sep 07	No tasting found.

**Poll: 25. If you have not initiated judicial proceedings regarding tasted domain names that incorporate or use your brand(s)/mark(s), why not?**

	Date	Comment
1	24 Sep 07	Very little damages available from Courts
2	20 Sep 07	The amount of time and research necessary for our company to even consider judicial proceedings is extensive. Again, due to the AGP we do not consider judicial proceedings as a viable option due to the time requirements required.

3	20 Sep 07	We are still thinking about a strategy
4	19 Sep 07	Simply not possible to learn of name, and prepare and file complaint in federal court within the 5-day period.
5	15 Sep 07	NO SUCH INSTANCE CAME TO NOTICE
6	14 Sep 07	Once it is deleted why spend the money on federal litigation? And would have to sue Registry because you don't know who the registrant is.
7	14 Sep 07	We are a service provider and don't provide this service. Our clients do it directly
8	14 Sep 07	We have been able to either wait out the AGP or use UDRP or use C&D letters.
9	14 Sep 07	Our watch service filters out domain name tasters
10	14 Sep 07	See answer to q. 19
11	14 Sep 07	Status changes not conducive to federal court litigation
12	12 Sep 07	No tasting found.

**Poll: 27. How many consumers?**

	<b>Date</b>	<b>Comment</b>
1	20 Sep 07	To see if we were interested in purchasing the domain names.
2	19 Sep 07	Wanted us to be aware
3	19 Sep 07	Unsure of the exact number, but consumers contact our client directly if they are frustrated that they cannot locate our client's site or if there has been any sense of fraud or deception from the infringing website
4	17 Sep 07	thought we should do something about it.
5	14 Sep 07	In one instance they were duped into making online deposit believing it was our client's legitimate site. In others they were upset because they could not access the information they wanted. In others they were upset because the site went to pornography. This happened in connection with domain names corresponding to our educational publisher's trademarks used for elementary school books.
6	13 Sep 07	concern over affiliation and query as to whether we were affiliated

**Poll: 35. Please provide any additional information about your experience with domain tasting and its impact on your business or that of your client(s).**

	<b>Date</b>	<b>Comment</b>
1	25 Sep 07	<p>It is difficult to gage how to respond to infringing domains due to tasting. One way would be to wait a week before acting and see if its still a problem, but that's a logistical nightmare.</p> <p>The other is to act immediately and risk wasting many dollars on domains that will be deleted in a few days.</p> <p>Furthermore, the ability to taste basically just creates an ideal environment for tasters to quickly hone in on the most valuable domains that exploit the goodwill of our brand, and steal customers from us, and gives infringers the opportunity to find and buy those domains before we do.</p> <p>It is the equivalent of walking into a store, such as Nordstrom, and there are two sets of doors. One door takes you to the real Nordstrom and the other takes you to a different department store, and the customer doesn't know when they've ended up in the non-Nordstrom store, and the "non-Nordstrom" department store spends no money on marketing.</p>
2	20 Sep 07	The detrimental effect of domain name tasting for trade mark owners far outweighs the original legitimate purpose of domain name tasting. Domain name tasting is being abused by "new age" cybersquatters. We have seen the registration of hundreds of domain names, which incorporate our clients well know brand names for the purpose of hosting monetized websites. The registrants of these domain names earn profit by attracting user to the site by virtue of our clients reputation in its brands. Before any action can be taken, the domain

	Date	Comment
		name is deleted only to be immediately re-registered in the name of a different company. From experience, we know that many the registrant companies are either the same company (using different names) or related entities. Normal enforcement practices are too slow as a means for responding to these infringements of our clients rights. The constant changing of registrant names also makes filing timely and accurate UDRP Complaints impossible. For these reasons domain name tasting should be stopped.
3	20 Sep 07	I am very concerned about the inability to register domain names for business purposes due to domain tasting. This potentially increases unnecessary costs and wastes resources dealing with domain tasting.
4	20 Sep 07	We often send cease and desist letters to the "taster" only to find that the domain name had since been dropped and registered (tasted) by another party. Extremely frustrating.
5	20 Sep 07	<p>Domain tasting has significantly impacted my clients and their ability to protect their trademarks in the following ways, among others:</p> <ul style="list-style-type: none"> <li>--the practice results in inaccurate and/or incomplete watch reports; multiple domains captured on watch reports end up with no information, giving the false impression that the domains are no longer registered, when in fact the "registrant" may continue to register and drop over and over again.</li> <li>--registrants with no legitimate interest in a domain name (e.g., where the domain name consists of or includes the trademark of others) continue to profit from the domains, without having to pay or officially register and be bound by the UDRP; these registrants often register, drop, register, drop, register, drop, and so on, the same domain, making it very difficult for the trademark owner to register the domain or to stop the infringing use.</li> <li>--if domain tasting were stopped, there would be less infringement on the Internet</li> <li>--the real reason behind the refund period (inadvertent error in purchasing domain name) almost never occurs</li> <li>--the fact that so many domain names are being "tasted" each month makes the Internet unstable, as well as a platform for dishonesty and improper conduct</li> </ul>
6	20 Sep 07	I have had several clients ask about or request investigations of apparently tasted domains. The practice also generates additional watch notices and costs of policing definitely have increased as we try to identify whether it is even feasible to chase usually elusive registrants.
7	20 Sep 07	My clients have frequently been the victims of tasting but have been frustrated by an inability to identify tasters quickly enough to investigate ownership and usage details and then file a UDRP proceeding. Client frustration and costs have definitely increased because of tasting.
8	20 Sep 07	We believe the best means to combat the practice of domain tasting would be to eliminate the AGP. It is our belief that the vast majority of registrants who participate in domain tasting, do so for the sole purpose of selling the domain names to profit off of IP owners who wish to protect their IP. As a result, the AGP policy allows these individuals to register millions of domain names without financial commitment. We therefore recommend eliminating the AGP and impose a minimum registration fee which would significantly impact the domain tasting individuals as well as cybersquatters.
9	20 Sep 07	<p>Dear madam/sir,</p> <p>We at [company name] have many trade marks that are being abused by tasters for pay per click sites. For example more than 5000 registrations with our trademarks [trademark] in it have been detected. This is polluting the internet and the exclusiveness of our trademarks. Now we have to spend a lot of time and money to enforce this problem. This is getting out of hand.</p> <p>With kind regards,</p>
		[Respondent name]
10	19 Sep 07	Due to the temporary nature of domain name tasting, I am unsure if my clients brands have been targeted by domain tasters.

Date	Comment
	Domain name tasting creates instability in web navigation and adds to consumer confusion on the Internet.
	Since Domain Tasting makes it more difficult for consumers to find their intended web destinations, the abuse of the Add Grace period harms my clients ability to use the Internet as a global marketplace.
11 19 Sep 07	I find that the same persons "purchase" a domain name, send spam, and then can walk away from the name and use a new one for a few days to repeat the same spam, and continue ad infinitum. If no refund was available, this practice would halt very fast as it would be too expensive. The key is to not give a credit. Legitimate businesses don't need or expect a refund.
12 19 Sep 07	At this moment about 5000 domains with the [company name] trademark are registered by domain tasters. This group is getting larger and larger. Please make a rule to stop this practice.
13 19 Sep 07	Due to the short-lived nature of registrations for "tasted" domain names, I do not know whether domain names reflecting the famous [trademark] mark have been tasted.
14 19 Sep 07	If ICANN truly believes that the new gTLD process will result in tens (if not hundreds) of new TLDs, then the problem of tasting MUST BE DEALT WITH NOW!!! Many in the trademark community perceive ICANN to be indifferent, at best, to the problem of domain tasting. The public perception that ICANN is complicit is growing. ICANN should act now.
15 15 Sep 07	The practice for the grant of grace period of 5 days to the prospective registrant of the domain name has encouraged and is bound to encourage trading and trafficking in domain names. Our experience has shown that the prospective cyber-squatters block numerous domain names of generic words or well known trademarks / trade names to gain time to exploit the genuine user.
	We are of the view that the provision under ICANN policy for grace of 5 days should be dispensed with. This may not result in a complete solution to the problem but may have some effect on night - fly cyber squatters.
16 15 Sep 07	No experience
17 15 Sep 07	We have done some domain registration for our clients however there is no concept of domain tasting. But lucking my clients business increased and therefore we retained the domain names.
18 15 Sep 07	The overall process of tasting is often a concern to brand owners because it ties up the brand owner's mark and is not in the control of the brand owner. Further, the current system allows for the taster to relatively anonymous, which makes it difficult to contact the taster.
19 14 Sep 07	[domain name] obtaining cost considerable money
20 14 Sep 07	No experience yet
21 14 Sep 07	It is a pain in the ass that offers no benefit to consumers but only to those seeking click through income. Click through income is like patent trolls who are seeking to make money for doing nothing. Outlaw it!
22 14 Sep 07	We look at this as a never-ending process and one that we do not believe can be stopped.
23 14 Sep 07	In many cases, clients are totally frustrated with what they see as a shell game. Names are registered and deleted in huge blocks and before any action can be taken to remedy the situation the names are deleted and then re-registered by another party. While clients strongly suspect that the entities engaging in this practice may all be related in some manner, clients are unwilling to invest the enormous amounts of time and money it would take to investigate and prove these suspicions. In most cases, clients want to know why ICANN is allowing this abusive practice to continue.
24 14 Sep 07	The amount of energy devoted to this problem is growing every year. The only people that benefit are a handful of domain optimization companies. There is no reason to have a 5 day cancellation window. No registry outside of .com & .net offer this option
25 14 Sep 07	We are unable to say if there has been notification of administrative deficiencies because the original registrant released the name. We use outside counsel to manage this process so we cannot say how often this has happened, nor can we state accurately how many

	Date	Comment
		companies we have had issue with.
26	14 Sep 07	The tasting results in undue expense. Clients are inundated with watch notices that turn out to be only tastings--Very disruptive!!
27	14 Sep 07	I answered "I don't know" because I do not know if the following practice falls into the category of "domain tasting": we have had several occasions where a client is contacted by an entity purporting to be a registry (usually in China, but at least once in the UK) advising that a third party has applied to register a domain name matching the client's trademark or trade name. Upon investigation, we can confirm that the domain name has been registered, but as long as the client doesn't contact the "registry", the domain name invariably expires after a short period of time. This is a practice that has to be eliminated! If "domain tasting" is of such limited duration as is described in these materials, then it doesn't seem to me that there would be much damage from permitting it to continue -- however, if this practice permits "tasters" enough time to try to extort payment from trademark and trade name holders, then it needs to be regulated.
28	14 Sep 07	It has had a tremendous impact because there is scant relief available under the UDRP. Tasters can mount huge cybersquatting campaigns with little cost or consequence. The results is a system that puts a tremendous and disproportionate burden and cost on brand owners, who have to deal with countless abusive domain name registrations targeting their brands.
29	14 Sep 07	My organization's membership - businesses and law firms - have expressed concerns that their brands (or their client's brands) have been subjected to domain name tasting.  Some members are directly aware that their own brands have been subjected to domain name tasting; this requires them to spend a large amount of resources: time, money and labor on policing and enforcing their rights against the practice of domain name tasters.  Other members who do not have the technological means required to monitor for domain name tasting, believe that it is likely that their brands have been in fact targeted by domain name tasters and are very concerned regarding the practice.
30	14 Sep 07	At times more than 90% of the DNs reported by our monthly watch service were tasted names. This has increased the time required to investigate and determine action on potential DN misappropriation. Further, because of the timing involved in tasting, the practice has resulted in misappropriated DNs not appearing on our watch service reports at all because there was no recorded change to the status of the DN from one report to the next despite a change in tasting owners. This reduces the effectiveness of our enforcement efforts.  Also, following up on our comments in q. 19, we were unable to answer the questions that call for correlation between names tasted and UDRP or ACPA actions for the reasons given. This should not be taken as an indication that domain tasting is not a serious concern or that we do not take enforcement action relative to names that initially were the result of tasting. This is a significant concern for our organization and has resulted in considerable increases in the time and money required to effectively police our brands on the Internet.
31	14 Sep 07	Being able to delete domains is an important part of our business. When we get fraudulent orders, we delete the domains within the 5 day grace period. Otherwise we would have to eat the loss.  Often our customers enter a domain with a typo by mistake. They like that they can delete the domain and get their money back.
32	14 Sep 07	We believe the original purpose of the AGP has been lost and it is now being used to benefit a small number of domain tasters and Registrars in a way that does not benefit the Internet world as a whole. Preventing domain tasting would reduce customer confusion and increase availability of domain names. It also increases resources needed to monitor misuse of domain names by third parties.
33	14 Sep 07	For my clients, we frequently find registrants for similar domain names, permutations or typos of our registered trademarks, etc. Frequently, these are numerous and change over time. Because of financial constraints, clients frequently do not pursue transfer of the

	Date	Comment
		domains, even though they probably are legally entitled to. Many of these domains are linked to general advertising pages, a hallmark of those employing domain tasting.
34	14 Sep 07	The practices are confusing to consumers and an additional burden on trademark owners
35	14 Sep 07	Shouldn't be allowed. It permits infringement while thwarting relief.
36	12 Sep 07	Our clients do suffer from domain tasting, though they do not generally pursue it due to resource allocation issues.
37	12 Sep 07	The main impact is the creation of a more lenient approach to intellectual property infringement - which is not a good thing in the big picture.
38	12 Sep 07	Domain tasting does not apply to the Egyptian Universities Network (The Egyptian Domain Name Registrar)
39	07 Sep 07	Trademark owners are frustrated by domain tasters, especially if several domain tasters prevent them from registering a domain for themselves. German clients prefer the situation as under the top-level-domain .de where there is no AGP.
40	06 Sep 07	We monitor a number of trademarks for hits in new domain name registrations. Allowing domain name tasting will significantly increase our workload, as we will need to provide multiple follow ups to each registration we encounter.

**Poll: 36. Please provide any other comments about this RFI.**

	Date	Comment
1	24 Sep 07	No comment
2	20 Sep 07	I would be happy to assist INTA in any further research or enquiries it may consider necessary on this topic or any topic related to this area.
3	20 Sep 07	The detrimental effect of domain name tasting for trade mark owners far outweighs the original legitimate purpose of domain name tasting. Domain name tasting is being abused by "new age" cybersquatters. I have seen the registration of hundreds of domain names, which incorporate our clients well know brand names for the purpose of hosting monetized websites. The registrants of these domain names earn profit by attracting user to the site by virtue of our clients reputation in its brands. Before any action can be taken, the domain name is deleted only to be immediately re-registered in the name of a different company. From experience, we know that many the registrant companies are either the same company (using different names) or related entities. Normal enforcement practices are too slow as a means for responding to these infringements of our clients rights. The constant changing of registrant names also makes filing timely and accurate UDRP Complaints impossible. For these reasons domain name tasting should be stopped.
4	20 Sep 07	I have tried to respond to Question 35 a couple of times and each time I submit a response, the form does not appear to accept the response.
5	20 Sep 07	Thanks
6	20 Sep 07	x
7	20 Sep 07	AGP was developed to assist registrants who had inadvertently registered the wrong domain name. However, it seems that AGP now is used to monetize domain name registrations and avoid registration fees. In addition to the costs incurred by IP rights holders in the way of investigation and enforcement, this practice would seem to put an added cost burden on non-participating registrars and registrants who likely bare the added administrative costs of these churned registrations that do not generate registration fees
8	20 Sep 07	The AGP was designed to assist registrants who make honest mistakes during the registration process. However, AGP seems to be used, primarily, as a means to monetize domain names and avoid registration fees. In addition to the increased policing costs experienced by IP rights holders, this activity would seem to put a disproportionate cost burden on non-tasting registrars and other registrants --who probably bear the administrative costs of these millions of churned registrations (duplicate of number 7)
9	20 Sep 07	No comments
10	20 Sep 07	No comments (duplicate of number9)
11	20 Sep 07	One additional comment we have is that domain tasting impacts smaller companies and

	Date	Comment
		businesses equally if not greater than large companies. Since detecting and responding to domain tasting requires additional time and resources, many large companies are able to dedicate resources to the problem. However, smaller companies are not able to and as a result are severely impacted by the problem.
12	20 Sep 07	Thank you.
13	20 Sep 07	Thank you for addressing the domain tasting issue.
14	20 Sep 07	Dear Madam/sir,  Please keep us informed about you new plans to deal with the large amount of tasters that abuse trademarks.  With kind regards,  [respondent name]  [respondent organization and contact information]
15	19 Sep 07	Thanks Done
16	19 Sep 07	No
17	19 Sep 07	Since domain tasters are, by their nature, difficult to identify and track, I have not determined the extent of which my clients brands have been targeted. Please keep this in mind when evaluating my responses to this RFI.
18	19 Sep 07	This issue has not been discussed before in a public venue in Guatemala
19	19 Sep 07	No.
20	19 Sep 07	Thank you for having this available.
21	19 Sep 07	Dear sir, madam,  Our trademarks are being abused on a large scale by domain tasters. Most tasters use the tasted domains for pay per click sites. We lose a lot of traffic meant for our sites this way. Furthermore the group of infringing domains (5000 already on one of our trademarks) is getting so large it is almost impossible to enforce them all. We are willing to help the ICANN in thinking about solutions for this problem.  With kind regards,  [respondent name]  [respondent title and contact information]
22	19 Sep 07	In my view, the add-grace period should be eliminated. There are other ways to protect a registrant from typographical errors in registering a domain name; for example, a registrant may be asked to type in the desired domain name more than once.
23	19 Sep 07	Thank you very much, Kieren and Nick. Your assistance has been greatly appreciated!
24	18 Sep 07	no additional comments
25	17 Sep 07	thanks for providing this opportunity
26	15 Sep 07	Thank You very much for making me a part of this wonderful survey.
27	15 Sep 07	NIL
28	15 Sep 07	none
29	15 Sep 07	None
30	14 Sep 07	None
31	14 Sep 07	If any of our votes were not tallied, please let us know. There were "invalid vote" pages during this process so I am concerned that some of my answers were not entered accurately.
32	14 Sep 07	If any of our votes were not tallied, please let us know. There were "invalid vote" pages during this process so I am concerned that some of my answers were not entered accurately. (duplicate of number 31)

	<b>Date</b>	<b>Comment</b>
33	14 Sep 07	[Company name] is opposed to the practice of domain name tasting. We have been effected by it and are eager to learn how this practice can be stopped.
34	14 Sep 07	No
35	14 Sep 07	None
36	14 Sep 07	no
37	14 Sep 07	Unfortunately we are not able to provide our comments for the reasons explained before.
38	14 Sep 07	.
39	14 Sep 07	Thank you for reviewing this important issue.
40	14 Sep 07	Thank you for pursuing this and we very much hope that the grace period will be abolished to otherwise addressed to prevent tasting.
41	14 Sep 07	Thank you for pursuing this and we very much hope that the grace period will be abolished to otherwise addressed to prevent tasting. (duplicate of number 40)
42	14 Sep 07	No other comments.
43	14 Sep 07	We do not want the add grace period removed completely. If it must be changed, we would support a modest restocking fee of about %1 of the domain registry fee.
44	14 Sep 07	no
45	14 Sep 07	THANK YOU FOR TAKING US INTO CONSIDERATION FOR THIS POLL
46	14 Sep 07	Thanks for taking the time to prepare this survey
47	14 Sep 07	Too long
48	14 Sep 07	See above
49	14 Sep 07	See above (duplicate of number 48)
50	14 Sep 07	Please get this practice discontinued from the registrar end.
51	13 Sep 07	I believe it is likely many people are not aware their brands are being tasted, and unfortunately they may not then complete many of the questions, or respond in a way that indicates domain name tasting is not a problem. Therefore, the results of this survey should be analyzed in this context.
52	12 Sep 07	Very helpful.
53	12 Sep 07	Somewhat confusing format.
54	12 Sep 07	Thank you.
55	12 Sep 07	As for the provided beneficial statistics for the domain tasting practices during the last couple of years. We kindly ask you to provide us with more statistics regarding this matter in order to comprehend the significance or the domain name tasting and if it is really beneficial or an exploitative practice.
56	11 Sep 07	No.
57	11 Sep 07	No thanks
58	10 Sep 07	Thank you
59	07 Sep 07	thanks for asking
60	06 Sep 07	None.
61	06 Sep 07	Although the theory of domain tasting is good, it is my experience and understanding that there are companies who abuse the purpose of the tasting. It is also rarely a company or an individual with a bona fide interest in the domain. In my experience those who take most advantage of domain tasting are those trying to engage in typo cybersquatting (e.g. disney vs. disney, etc.) There is no reason for ICANN to continue to permit those who would engage in such behavior do it for free. Most legitimate companies based their brands and names on the value of the name relative to the product - and not on the number of hits the domain name gets. For example, a pharmaceutical company would not base the name of its new product on domain traffic. Since domain tasting primarily benefits those who abuse gTLDs, there seems little point in maintaining this service.

## Annex 6 – Request to VeriSign

The body of the mail request from the group chair to VeriSign:

“The DT ad hoc group has agreed to the following request to VeriSign, and respectfully requests this information by Sept 20, 2007. Please advise if you have any questions or concerns about this request

We ask for stats at least for the last one year period -- July 1, 2006 through June 30, 2007 (since VRSN earnings for this period have been announced) – and further historical data would be greatly appreciated as well:

- a) How many domains were registered and subsequently deleted within 5 days during each month, quarter and year? This should be broken out by each registrar and expressed as percentage of total registrations managed by each registrar at that time, please.
- b) What percentage of all adds are grace deleted -- in total and broken down by registrar – during each month, quarter and year?
- c) How many domains have been registered, deleted, and re-registered? Please provide a breakdown of these stats by number of times a domain was re-registered within one year. For example:
  - a. X number of domain names have not been re-registered during this one year period
  - b. Y number of domain names have been re-registered once during this time period
  - c. Z number of domain names have been re-registered twice during this time period
  - d. AA number of domain names have been re-registered between 3 and 5 times
  - e. BB number of domain names have been re-registered between 5 and 10 times
  - f. CC number of domain names have been re-registered between 10 and 20 times
  - g. DD number of domain name have been re-registered more than 20 times”

## 5.7.2 GNSO Issues Report on Domain Tasting

<http://gns0.icann.org/issues/domain-tasting/gns0-domain-tasting-report-14jun07.pdf>

# GNSO Issues Report on Domain Tasting

## STATUS OF THIS DOCUMENT

This is the revised and final version of the Issues Report on Domain Tasting produced by ICANN staff and originally submitted to the GNSO Council on 29 May, 2007. Details of factual corrections made to the 29 May version are in Annex 3 of this document. This revised and final report was submitted to the GNSO Council on 14 June, 2007.

## SUMMARY

This report is submitted to the GNSO Council in response to a request received from the At-Large Advisory Committee for an Issues Report on Domain Tasting.

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# 1 Executive summary

## 1.1 Definitions

### Add Grace Period (AGP)

A Grace Period refers to a specified number of calendar days following a Registry operation in which a domain action may be reversed and a credit may be issued to a registrar. AGP is typically the five day period following the initial registration of a domain name. AGP appears as a contractual term in some, but not all gTLD registry agreements.<sup>1</sup>

AGP allows for the correction of typos and other errors by registrants. Once a domain name is deleted by the registry at this stage, it is immediately available for registration by any registrant through any registrar.

When a domain name is registered through an ICANN accredited registrar, that registrar may cancel the domain name at any time during the first five calendar days of the registration and receive a full credit for the registration fee from the registry.

**Domain Tasting** – Domain tasting is a monetisation practice employed by registrants to use the add-grace period to register domain names in order to test their profitability. During this period, registrants conduct a cost-benefit analysis to determine if the tested domain names return enough traffic to offset the registration fee paid to the registry over the course of the registration period (e.g., currently \$6 US for a .NAME domain name).

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<sup>1</sup> Reference to an add grace period appears in the following gTLD registry agreements: .BIZ (<http://www.icann.org/tlds/agreements/biz/appendix-07-08dec06.htm>) .COM (<http://www.icann.org/tlds/agreements/verisign/appendix-07-01mar06.htm>), .INFO (<http://www.icann.org/tlds/agreements/info/appendix-07-08dec06.htm>), .NAME (<http://www.icann.org/tlds/agreements/name/registry-agmt-appc-5-02jul01.htm>), .NET (<http://www.icann.org/tlds/agreements/net/appendix7.html>), .ORG (<http://www.icann.org/tlds/agreements/org/appendix-07-08dec06.htm>), and .PRO (<http://www.icann.org/tlds/agreements/pro/registry-agmt-appc-30sep04.htm#C.10>).

## 1.2 Background

- The AGP did not arise from an ICANN policy process. AGP was instituted by registries with the agreement of registrars and introduced into the registry contracts for .BIZ, .COM, .INFO, .NAME, .NET, .ORG and .PRO.
- The original intent of the AGP was to allow registrars to recover fees to registries if domain names were mistyped during registration.
- In response to customer (i.e. registrar and registrant) concerns, and in cooperation with ICANN staff, Network Solutions (now VeriSign) implemented the AGP for .com, .net and .org within the first year of the original ICANN agreement for those gTLDs in 1999, but the agreement was never amended to include this requirement.
- When the .com,<sup>2</sup> .net<sup>3</sup> and .org<sup>4</sup> registry agreements were re-executed in 2001, the AGP requirement was included along with other grace period<sup>5</sup> provisions.
- When the first, new gTLDs were approved in November, 2000, the AGP requirement was included in the associated registry agreements.<sup>6</sup>
- Data in the public domain shows that most domain tasting is done via a small proportion of registrars and that a majority of AGP names are immediately dropped.
- The .ORG monthly report for January, 2007<sup>7</sup> shows that five registrars deleted 1,773,910 (99.4%) of domain names within the AGP, retaining only 10,862 domain names following the AGP.
- The combined .COM and .NET monthly report for January, 2007<sup>8</sup> shows that the top ten registrars engaged in domain tasting accounted for 95% of all deleted .COM and .NET domain names. These registrars deleted 45,450,897

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<sup>2</sup> Archived 2001 .COM agreement: <http://www.icann.org/tlds/agreements/verisign/com-index-25may01.htm>

<sup>3</sup> Archived 2001 .NET agreement: <http://www.icann.org/tlds/agreements/verisign/net-index.htm>

<sup>4</sup> Archived 2001 .ORG agreement <http://www.icann.org/tlds/agreements/verisign/org-index.htm>

<sup>5</sup> Sample Grace Period provisions in 2001 .ORG agreement:

<http://www.icann.org/tlds/agreements/verisign/registry-agmt-appc-16apr01.htm#3>

<sup>6</sup> The new gTLDs created in the 2000 round were .AERO, .BIZ, .COOP, .INFO, .MUSEUM, .NAME, and .PRO.

<sup>7</sup> <http://www.icann.org/tlds/monthly-reports/org/pir-200701.pdf>

<sup>8</sup> <http://www.icann.org/tlds/monthly-reports/com-net/verisign-200701.pdf>

domain names out of 47,824,131 total deletes. The top four registrars engaged in domain tasting deleted 35,357,564 domain names, or 74% of all deletes.

### 1.3 Possible directions for ICANN community

- A GNSO policy development process is one of several mechanisms the ICANN community could use to consider domain tasting. Other mechanisms include:
  - the ICANN budget process,
  - registry contractual changes or negotiations, or
  - the process for consideration of new registry services.

In order to inform the ICANN community of possible directions that may be taken, Section 4.2 of this report describes these mechanisms in more detail.,.

### 1.4 Staff recommendation

- The issues surrounding domain tasting have generated significant discussion among several constituencies and stakeholders and would benefit from review as part of a structured discussion. However the GNSO may choose to proceed, staff notes that the completion of concrete fact-finding and research will be critical in informing the community's deliberations.
- In determining whether the issue is within the scope of the ICANN policy process and the scope of the GNSO, staff and the General Counsel's office have considered the following factors:
  1. Whether the issue is within the scope of ICANN's mission statement,
  2. Whether the issue is broadly applicable to multiple situations or organisations,
  3. Whether the issue is likely to have lasting value or applicability, albeit with the need for occasional updates,
  4. Whether the issue will establish a guide or framework for future decision-making,

#### 5. Whether the issue implicates or affects an existing ICANN policy.

- Based on the above, the General Counsel finds that the proposed issue is within scope of the ICANN policy process and within the scope of the GNSO.
- Staff recommends that the Council begin a policy development process, including further fact-finding and research and the consideration of other mechanisms to address the issue. Staff resources would be made available to support these research activities and objectives. To assist the community with its decision-making process, ICANN staff would welcome guidance on specific directions for further research.

#### 1.5 Next steps

- The GNSO Council will meet on 7 June, 2007 and is expected to acknowledge receipt of this report and decide on the next action to take.

## 2 Objective

1. This report is submitted in response to the At-Large Advisory Committee's request for an 'Issues Report on Domain Tasting' which was sent to the GNSO Council on 9 May, 2007 (<http://gns0.icann.org/mailling-lists/archives/council/msg03474.html>).
2. In this context, and in compliance with ICANN Bylaw requirements:
  - a. The proposed issue raised for consideration; domain tasting
  - b. The identity of the party submitting the issue:

The party submitting the issue is the At-Large Advisory Committee (ALAC)<sup>9</sup>, whose role (as defined in the ICANN Bylaws) is to consider and provide advice on the activities of ICANN, insofar as they relate to the interests of individual Internet users. The ALAC indicated in its request that it had the support of the Commercial and Business Users<sup>10</sup> and Intellectual Property<sup>11</sup> constituencies, as well as qualified support from the gTLD Registries constituency<sup>12</sup>. Since GNSO constituencies cannot on their own request an Issues Report, the ALAC is the party submitting the issue for purposes of this report.

- c. How that party is affected by the issue; the ALAC represents the interests of individual Internet users. ALAC raised five consequences of the existing policy that affect Internet users: destabilisation of the domain name system, creation of consumer confusion, increased costs and burdens to legitimate registrants, and, facilitation of trademark abuse and facilitation of criminal

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<sup>9</sup> <http://alac.icann.org/>

<sup>10</sup> <http://gns0.icann.org/commercial-and-business/>

<sup>11</sup> <http://gns0.icann.org/intellectual-property/>

<sup>12</sup> <http://gns0.icann.org/gtld-registries/>

activity. (The full text of the ALAC request for an issues report is in Annex 2 of this report.)

These areas are discussed below:

### **Stability of the DNS**

The ALAC communication notes that the operational load on the registry systems caused by domain tasting may cause instability in the gTLD namespace or the entire DNS.

ICANN's first Core Value is "preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet," and an examination of the actual impact of domain tasting on DNS stability should inform the policy discussion.

On 28 March 2006, PIR, the registry operator for the .ORG top-level domain, published an article titled "Impact on Automated Domain Registrations ('Domain Tasting') on .ORG Registrants"<sup>13</sup>. According to the PIR article, "PIR is concerned about the potential impact of Domain Tasting on the stability and security of the Internet and is working on some initiatives to better manage issues that arise as a result of such activities." (PIR later made a request through the RSEP process to address certain aspects of AGP. The PIR request was approved by the ICANN Board of Directors in November 2006<sup>14</sup>.)

The Security and Stability Advisory Committee (SSAC)<sup>15</sup> issued an Advisory in June 2006 entitled "Renewal Considerations for Domain Name Registrants"<sup>16</sup> which sought to make registrants aware of marketplace

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<sup>13</sup> [http://www.circleid.com/posts/impact\\_of\\_automated\\_domain\\_registration\\_tasting/](http://www.circleid.com/posts/impact_of_automated_domain_registration_tasting/)

<sup>14</sup> <http://www.icann.org/minutes/resolutions-22nov06.htm>.

<sup>15</sup> <http://www.icann.org/committees/security/>

<sup>16</sup> <http://www.icann.org/committees/security/renewal-advisory-29jun06.pdf>

activities (including domain tasting) that might affect them in the renewal phase. Inputs to an investigation of stability issues might include data offered by registry operators and others and further study by the SSAC.

Registry operators to date have not taken a uniform position on the technical impact of domain tasting activity. Steve Crocker of the SSAC has reported that VeriSign responded to a communication that tasting activities do not affect nor threaten the stability of their operations; however, VeriSign has made no official statement on this. In a 2006 letter to the SSAC, PIR stated that: "PIR is concerned about the potential impact of Domain Tasting on the stability and security of the Internet and is working on some initiatives to better manage issues that arise as a result of such activities."<sup>17</sup>

### **Consumer experience**

The ALAC communication notes that consumers may be confused as a result of domain tasting. Consumers trying to register names whose availability changes quickly due to domain tasting activity may be confused because the names seem to appear and disappear.

Existing registrants may also find that their expired names are registered by others much faster than occurred in the past, making registrants significantly more likely to lose a name whose registration they have failed to maintain. A 2006 report by ICANN's Security and Stability Advisory Committee<sup>18</sup> noted that domain name tasting is one of the risks and threats involved for registrants who allow names to expire; reputational harm, commercial considerations, domain name brokering in the after-market, domain traffic monetisation and domain name tasting.<sup>19</sup>

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<sup>17</sup> <http://www.icann.org/correspondence/viltz-to-crocker-26mar06.pdf>

<sup>18</sup> <http://www.icann.org/committees/security/>

<sup>19</sup> SSAC Advisory SAC0010: Renewal Considerations for Domain Name Registrants, June 2006, <http://www.icann.org/committees/security/renewal-advisory-29jun06.pdf>.

Some Internet users may report a lower quality of experience when encountering a high volume of parked pages or advertising-related links in response to search queries. However, some Internet users prefer to encounter parked pages with possibly relevant content or links than a “page not found” response. Some large Internet service providers and popular browsers already redirect unregistered names<sup>20</sup>, so that the elimination of domain tasting practices by registrants would result in the substantially same experience as users now encounter with parked names.

The ALAC suggests that if users encounter continual negative experiences in trying to register domain names or use the domain name system (DNS), the result is a general undermining of confidence in the DNS. Some users have raised concerns that the practice of domain tasting reduces the number of available names to, for example, potential business owners who would use a name to describe their business rather than extract advertising revenue from Internet traffic.

## Costs

The ALAC communication lists a possible consequence of domain tasting as “increased costs and burdens to legitimate registrants.” The request does not define who is considered to be a “legitimate” registrant. However, an examination of the respective costs associated with domain tasting might be useful.

The parties involved in domain tasting have invested the amount of the registration fees, which is then refunded on names deleted within the add grace period, depending on the practice of their registrar. While there is presently no data on financial impact, registrars may find that confusion associated with tasting activities results in higher support costs for them.

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<sup>20</sup> E.g. recent versions of Internet Explorer direct users to a page on the Microsoft website rather than serve up a ‘file not found’ when a user types in an incorrect URL.

The ALAC request notes that “tasted” names may be in conflict with other registered names, resulting in businesses or non-commercial entities assuming monitoring costs and the need to purchase additional defensive registrations. The ALAC also points out that registry costs may be increased due to the operational load from the volume of add and delete transactions.

Domain tasting may also be a source of revenue for registries and registrars, which may offset or exceed the costs involved in maintaining the registry operations or registrar support systems. It is also possible that having more names registered and renewed may be financially beneficial to registries and/or registrars.

### **Trademarks**

The ALAC communication notes that automated programs are able to find and register “typographical permutations” of a trademark. Policies such as the UDRP<sup>21</sup> exist to provide recourse for those who believe their trademarks are being infringed. However, existing dispute resolution mechanisms may not be sufficiently timely or cost-effective for trademark holders to use in dealing with all infringement or typo-squatting activity that may occur as a result of domain tasting. The short timeframes involved in addition, deletion, and re-registration of domain names may mean that some registrants are profiting from short-term use of trademark variations, making it difficult for trademark holders to effectively use the UDRP.

A recent statement from the World Intellectual Property Organisation (WIPO)<sup>22</sup> drew attention to domain tasting as one of several factors that have given rise to the mass registration of domain names, with registrations “often anonymously undertaken on a serial basis without particular attention to third-

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<sup>21</sup> <http://www.icann.org/dndr/udrp/policy.htm>.

<sup>22</sup> [http://www.wipo.int/portal/en/news/2007/article\\_0010.html](http://www.wipo.int/portal/en/news/2007/article_0010.html).

party intellectual property rights.” (Further discussion of the WIPO concerns is in Section 3.7.)

### **Criminal Activity**

The ALAC communication notes that names being added and deleted also makes it more difficult for law enforcement to access records and pursue cases of criminal activity, and that the capability to do domain tasting also enables activities such as phishing or pharming.

Phishing is defined as the practice of creating a replica of an existing webpage to fool a user into submitting personal, financial or password data. Pharming is the practice of redirecting a website’s traffic from the legitimate website to a bogus website for the purpose of stealing personal, financial or other data.

However, ICANN’s role and responsibilities do not extend to Internet content. The use of registered domain names is not within scope of ICANN policy and how domain tasting facilitates such behaviour will require further research.

### **Other effects**

Domain tasting is an existing business model used by certain registrants. Further research may need to look at competition aspects and determine whether the downstream adjustments to any changes to current AGP practices will have other negative consequences. To the extent that the GNSO determines that any of the above consequences exist and are harmful, the GNSO could consider the consequences that may result in the domain marketplace.

ICANN’s Core Values also include “Respecting the creativity, innovation, and flow of information made possible by the Internet by limiting ICANN’s activities to those matters within ICANN’s mission requiring or significantly

benefiting from global coordination,” and “Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment.” In consideration of consumer-related aspects of domain tasting, the GNSO should bear in mind ICANN’s limited role.

d. Support for the issue to initiate the PDP;

The ALAC request for an issues report and subsequent policy development process indicated that it was supported explicitly by the Commercial and Business Users and the Intellectual Property constituencies of the GNSO.

The request also included a statement from the gTLD Registries constituency with qualified support for a “properly framed issues report on the above, including the soliciting of feedback on the utilisation of the five day AGP itself, recommended changes, the effects of such a change, and how any changes would be handled under the provisions in the existing gTLD registry contracts relating to consensus policies and to the contractual obligations of support for the five day grace period within many registry agreements.” The gTLD Registries constituency noted that “it is also important to recognize in the Issues Report that the Registrar Accreditation Agreement with ICANN have provisions relating to consensus policies that also need to be examined. That would have an impact on the RAAs (Registrar Accreditation Agreement).”

## 3 Background

### 3.1 Process background

- On 13 January, 2005, the GNSO Council resolved “to request the ICANN staff manager to write an issues report (as specified in annex A to the ICANN by-laws) on the "Problems caused by contention for domain names made available by a gTLD registry ", so that Council can subsequently decide if a policy development process would be appropriate”. Staff resources were insufficient at that time to respond to this request. When staff resources were increased, from February / March 2005 onwards, the GNSO Council agreed in successive GNSO Operating Plans to de-prioritise this issue.
- Public workshops on the domain name marketplace and domain name monetisation were conducted at ICANN meetings in Marrakech, Morocco (27 June 2006)<sup>23</sup>, Sao Paulo, Brazil (6 December 2006)<sup>24</sup> and Lisbon, Portugal (25 March 2007)<sup>2526</sup>.
- On 9 May, 2007, Alan Greenberg, the At-Large Advisory Committee (ALAC) Liaison to the GNSO Council, notified the GNSO Council that the ALAC had formally requested the ICANN staff to prepare an Issues Report on Domain Tasting<sup>27</sup>.
- For the purposes of this Issues Report, ICANN staff has assumed, based on the ALAC’s communication, that ALAC wishes the GNSO to consider whether policies should be developed that would limit or proscribe domain tasting behaviour.

### 3.2 Issue Background

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<sup>23</sup> <http://www.icann.org/meetings/marrakech/captioning-dn-27jun06.htm>

<sup>24</sup> <http://www.icann.org/meetings/saopaulo/captioning-dnmarket-06dec06.htm>

<sup>25</sup> <http://www.icann.org/meetings/lisbon/transcript-tutorial-secondary-25mar07.htm>

<sup>26</sup> <http://www.icann.org/meetings/lisbon/transcript-tutorial-expiring-25mar07.htm>

<sup>27</sup> <http://gns0.icann.org/mailling-lists/archives/council/msg03474.html>

- Domain tasting is defined in the ALAC's request as "the systematic exploitation of the five day AGP to gain access to domain names without cost." Domain Tasting can also be characterised as a practice used by registrants that uses the add-grace period to register domain names in order to test their profitability. During the five day period, registrants conduct a cost-benefit analysis (using traffic monitoring, pay-per-click or other advertising models) to determine if the tested domain names may return enough revenue to offset the registration fee paid to the registry over the course of the registration period (e.g., currently \$6 US for a .NAME domain name).
- A Grace Period refers to a specified number of calendar days following a Registry operation in which a domain action may be reversed and a credit may be issued to a registrar.
- AGP is typically the five-day period following the initial registration of a domain name. If, for any reason, a domain name is deleted during this period, the registrar will be fully credited for the amount of the new registration fee by the applicable registry. Once a domain name is deleted by the registry at this stage, it is immediately available for subsequent registration by any registrant through any registrar.<sup>28</sup>
- The language describing the AGP in the ICANN contract with the .BIZ registry is as follows:

*"The Add Grace Period is a specified number of calendar days following the initial registration of a domain. The current value of the Add Grace Period for all registrars is five calendar days. If a Delete, Renew, or Transfer operation occurs within the five calendar days, the following rules apply:*

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<sup>28</sup> Reference to an add grace period appears in the following gTLD registry agreements: .BIZ (<http://www.icann.org/tlds/agreements/biz/appendix-07-08dec06.htm>) .COM (<http://www.icann.org/tlds/agreements/verisign/appendix-07-01mar06.htm>), .INFO (<http://www.icann.org/tlds/agreements/info/appendix-07-08dec06.htm>), .NAME (<http://www.icann.org/tlds/agreements/name/registry-agmt-appc-5-02jul01.htm>), .NET (<http://www.icann.org/tlds/agreements/net/appendix7.html>), .ORG (<http://www.icann.org/tlds/agreements/org/appendix-07-08dec06.htm>), and .PRO (<http://www.icann.org/tlds/agreements/pro/registry-agmt-appc-30sep04.htm#C.10>).

Renew:

*If a domain is extended within the Add Grace Period, the account of the sponsoring Registrar at the time of the extension will be charged for the initial add plus the number of years the registration is extended. The expiration date of the domain is extended by the number of years, up to a total of ten years, as specified by the registrar's requested Renew operation.*

Transfer (other than ICANN-approved bulk transfer):

*Transfers under the Registry-Registrar Agreement may not occur during the Add Grace Period or at any other time within the first 60 days after the initial registration. Enforcement is the responsibility of the Registrar sponsoring the domain name registration and is currently enforced by the SRS.*

Bulk Transfer (with ICANN approval):

*Bulk transfers with ICANN approval may be made during the Add Grace Period. The expiration dates of transferred registrations are not affected. The losing Registrar's account is charged for the initial add.*

Delete:

*If a domain is deleted within the Add Grace Period, the sponsoring Registrar at the time of the deletion is credited for the amount of the registration; provided, however, that Registry Operator shall have the right to charge Registrars a fee as set forth in its Registry-Registrar Agreement for disproportionate deletes during the Add Grace Period. The domain is deleted from the Registry database and is immediately available for registration by any Registrar. See Section 3.2 for a description of overlapping grace period exceptions.”<sup>29</sup>*

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<sup>29</sup> See <http://www.icann.org/tlds/agreements/biz/appendix-07-08dec06.htm>. This contract language is typical of gTLDs with AGP.

- AGP is described in the various registry agreements as a documented component of registry specifications; it is not the subject of an ICANN consensus policy. AGP is described in the Functional Specifications included in all current un-sponsored Registry Agreements (.BIZ, .COM, .INFO, .NAME, .NET, .ORG, .PRO).<sup>30</sup>
- Regarding the historic background of the AGP, Chuck Gomes of VeriSign stated during ICANN's June 2006 meeting that AGP was instituted at the agreement of registrars and the registry<sup>31</sup>:

“What we discovered several months later in responses from our customers, which at that time were mostly test bed registrars...is that registrants would sometimes make a typo and there was no recovery for the registry fee under that scenario. So we actually proposed to registrars at that time and to ICANN that we be able to introduce that grace period. It was not part of the first contract for com, net and org. In the renegotiation that occurred in 2001, it was incorporated as part of the contract. So there really was no policy development process. The initial intent was for typos and to allow [a] mechanism to deal with that.”<sup>32</sup>
- Domain tasting appear to be primarily an issue for .COM registrations, although domain tasting also occurs in other gTLDs such as .NET and .ORG, and is also emerging in some ccTLDs.
- Published data regarding .COM, .NET and .ORG show that most tasting of names in these domains is done via a small proportion of registrars, and also that a majority of tasted names are dropped.

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<sup>30</sup> References to an add grace period appears in the following gTLD registry agreements: .BIZ (<http://www.icann.org/tlds/agreements/biz/appendix-07-08dec06.htm>) .COM (<http://www.icann.org/tlds/agreements/verisign/appendix-07-01mar06.htm>), .INFO (<http://www.icann.org/tlds/agreements/info/appendix-07-08dec06.htm>), .NAME (<http://www.icann.org/tlds/agreements/name/registry-agmt-appc-5-02jul01.htm>), .NET (<http://www.icann.org/tlds/agreements/net/appendix7.html>), .ORG (<http://www.icann.org/tlds/agreements/org/appendix-07-08dec06.htm>), and .PRO (<http://www.icann.org/tlds/agreements/pro/registry-agmt-appc-30sep04.htm#C.10>).

<sup>31</sup> At the time AGP was introduced, there was only one gTLD registry; Network Solutions.

<sup>32</sup> <http://www.icann.org/meetings/marrakech/captioning-dn-27jun06.htm>.

- The January 2007 monthly report<sup>33</sup> of PIR, the registry for .ORG, shows that five registrars deleted 1,773,910 domain names within AGP, and retained only 10,862 domain names, i.e. they deleted 99.4% of all registrations within the AGP.
- The January 2007 monthly report<sup>34</sup> of VeriSign, the registry for .COM and .NET, showed that the top ten registrars engaged in domain tasting accounted for 95% of all deleted .COM and .NET domain names during January 2007. These registrars deleted 45,450,897 domain names out of 47,824,131 total deletes. The top four registrars engaged in tasting deleted 35,357,564 domain names, or 74% of all deletes.
- In September 2006 PIR submitted a proposal for a five-cent excess-deletion fee to be applied on a per registrar basis to registrars performing deletions above a threshold of 90% during the AGP.<sup>35</sup> This request was made through the Registry Service Evaluation Policy (RSEP)<sup>36</sup>, a consensus policy developed by the GNSO. The PIR request was approved by the ICANN Board of Directors in November 2006<sup>37</sup>.
- PIR noted in its proposal that “the abuse of the add-grace period is restricted to a few registrars who are engaged in domain tasting on a larger scale than the vast majority of registrars. While the back-end provider for PIR (Afilias) is confident that it currently has the technical capacity to handle any burdens caused by the high percentage of add-grace period transactions being experienced, this situation could change if a large number of additional registrars were engaged in the same practices. Imposing a fee at this time should help limit the risk that could accompany a large surge of add-grace period transactions.”<sup>38</sup>

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<sup>33</sup> <http://www.icann.org/tlds/monthly-reports/org/pir-200701.pdf>

<sup>34</sup> <http://www.icann.org/tlds/monthly-reports/com-net/verisign-200701.pdf>

<sup>35</sup> [http://www.icann.org/registries/rsep/PIR\\_request.pdf](http://www.icann.org/registries/rsep/PIR_request.pdf).

<sup>36</sup> <http://www.icann.org/registries/rsep/rsep.html>

<sup>37</sup> <http://www.icann.org/minutes/resolutions-22nov06.htm>.

<sup>38</sup> [http://www.icann.org/registries/rsep/PIR\\_request.pdf](http://www.icann.org/registries/rsep/PIR_request.pdf), page 12.

- In a 21 November 2006 letter from former PIR CEO, Ed Viltz, to Vint Cerf, Chairman of the ICANN Board, regarding the PIR excess deletion fee proposal, Mr. Viltz stated:

“The PIR Proposal makes it abundantly clear that it is not intended to address the phenomenon known as "domain tasting", nor is it intended to resolve all the problems that have arisen in connection with the 5-day add-grace period. PIR has not taken a position pro or con on domain tasting. Furthermore, it may well be that there are reasons to amend, improve or even abolish the 5-day add-grace period, but the PIR Proposal does not address these.

The PIR proposal is a straightforward attempt to deal with a problem that has arisen from certain abuses of the 5-day add-grace period in the experience of PIR. It is not offered to the Internet community as an endorsement of domain tasting or as a model for other registries (although PIR would have no objection to its adoption by other registries).<sup>39</sup>

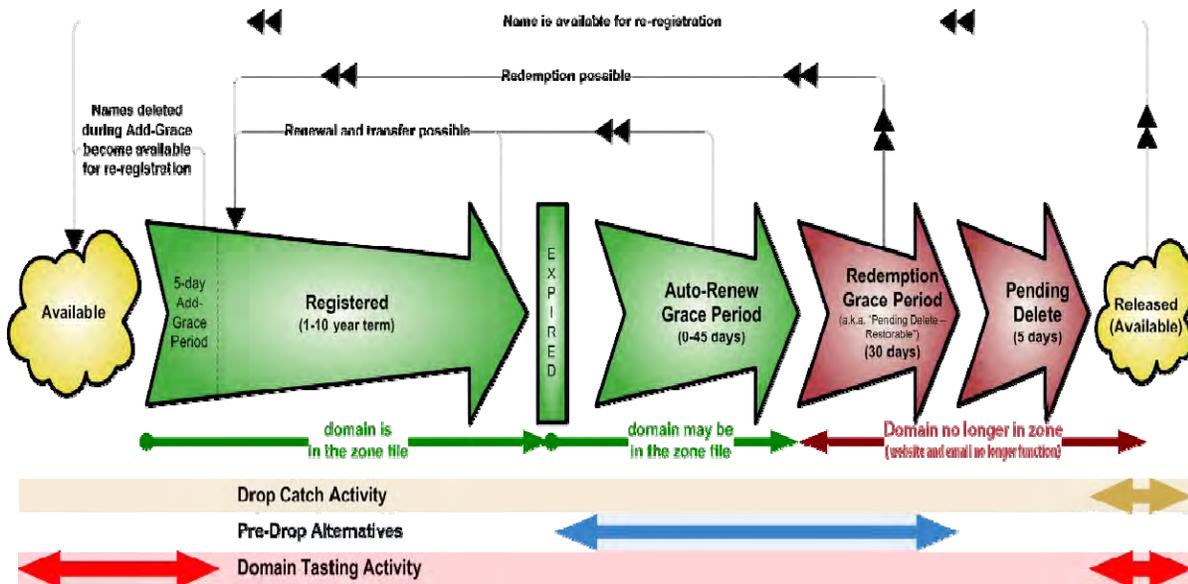
- PIR is implementing the excess deletion fee on 26 May, 2007. This means the July, 2007 invoice to registrars will assess the excess deletion fee on activity during the month of June 2007). As this practice has not yet begun, there is no data currently available on the effect of a fee on domain tasting in the .ORG TLD. This data will be useful in the future for determining the impact of registry efforts to address the level of domain tasting within individual TLDs.

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<sup>39</sup> <http://www.icann.org/correspondence/viltz-to-cerf-21nov06.htm>.

### 3.3 Life cycle of a domain name

The diagram below depicts the AGP phase as part of the registration cycle of a domain name:



Some registrar activity post-expiration may not be reflected in the life cycle chart above.

### 3.4 Uses of the Add Grace Period

- Typos, mis-registrations, consumer fraud  
AGP allows for the correction of typos and other errors by registrants, which may be of benefit to them. Registrars have a variety of practices regarding refunds to registrants in these circumstances.
- AGP can also be used by registrars to correct system errors. For example, if names are erroneously added at the registry, the fees can be refunded to the registrar if the names are deleted during the AGP. AGP may help registrars recover some losses from failed payment transactions or fraud cases, although many of these types of scenarios extend beyond the first five days of registration.

### 3.5 Domain Tasting

Issues Report on Domain Tasting

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- AGP can also be used by registrants to facilitate large-scale addition and deletion of domain names in order to test market value of names. As noted above, this practice is referred to as “domain tasting.”
- A variety of tools can be used by domain holders during the “tasting” period to assess the market value of a domain name and to generate revenue. During this period, the name may resolve to a ‘parking page’ that contains advertising and/or links determined to be relevant to the name or to certain associated search terms, for which the registrant has made pay-per-click arrangements with advertisers.<sup>40</sup>
- Some general sources on how domain name monetization works and a short history of the practice are available in the footnotes.<sup>41</sup>
- Domain parking is a practice used by registrars, individual registrants and Internet advertising publishers to monetize type-in traffic. Type-in traffic refers to Internet users who visit a web-page by typing its URL directly into their browser rather than by clicking on a link from another page such as a search engine result page. Proponents of domain parking say it uses domain names to deliver relevant advertising and enhanced search options instead of serving Internet users with an error page often referred to as a ‘404 file not found’.<sup>42</sup>

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<sup>40</sup> Further information about the Pay Per Click (PPC) advertising model is available here; [http://en.wikipedia.org/wiki/Pay\\_per\\_click](http://en.wikipedia.org/wiki/Pay_per_click).

<sup>41</sup> A selection of articles on the domain name monetisation business: CircleID, “How Domain Traffic Testing/Tasting Works”; [http://www.circleid.com/posts/how\\_domain\\_name\\_tasting\\_works/](http://www.circleid.com/posts/how_domain_name_tasting_works/). CircleID, “The Parked Domain Monetization Business”, [http://www.circleid.com/posts/the\\_parked\\_domain\\_monetization\\_business/](http://www.circleid.com/posts/the_parked_domain_monetization_business/), Wall Street Journal; “Thanks to Web Ads, Some Find New Money in Domain Names”, [http://online.wsj.com/public/article/SB113200310765396752-FYV6dsilRS0N1fsiVu\\_bLf\\_5nI8\\_20061116.html?mod=rss\\_free](http://online.wsj.com/public/article/SB113200310765396752-FYV6dsilRS0N1fsiVu_bLf_5nI8_20061116.html?mod=rss_free). A CircleID article on this history of domain name tasting, “The Closing Window: A Historical Analysis of Domain Tasting”, is here; [http://www.circleid.com/posts/historical\\_analysis\\_domain\\_tasting/](http://www.circleid.com/posts/historical_analysis_domain_tasting/), CircleID, “How Domain Traffic Testing/Tasting Works”, [http://www.circleid.com/posts/how\\_domain\\_name\\_tasting\\_works/](http://www.circleid.com/posts/how_domain_name_tasting_works/), “Getting the Drop on Domain Name Abuse,” BusinessWeek, 5 June 2006, [http://www.businessweek.com/technology/content/jun2006/tc20060605\\_633379.htm](http://www.businessweek.com/technology/content/jun2006/tc20060605_633379.htm), and ‘In Bad Taste’, [http://www.circleid.com/posts/print/domain\\_in\\_bad\\_taste/](http://www.circleid.com/posts/print/domain_in_bad_taste/).

<sup>42</sup> For more information on what a ‘404 File not Found’ is, visit [http://en.wikipedia.org/wiki/HTTP\\_404](http://en.wikipedia.org/wiki/HTTP_404).

- Pay-per-click (PPC) is a technique in which advertisers bid on “keywords” that they believe their target market would type in the search bar when they are looking for a particular type of product or service.
- ICANN's previous workshops on the domain marketplace and secondary market have included discussion of domain monetisation, the role of search engines and AGP deletions (see <http://www.icann.org/meetings/marrakech/dn-workshop-27jun06.htm>), domain tasting and AGP (<http://www.icann.org/meetings/saopaulo/domain-names-marketplace-06dec06.htm>), and the domain name secondary market (<http://www.icann.org/meetings/lisbon/agenda-tutorial-secondary-25mar07.htm>).
- The secondary market in domain names (the market for previously registered domain names) was discussed in detail during the Lisbon workshop (see <http://www.icann.org/meetings/lisbon/presentation-secondary-schumacher-25mar07.pdf>, <http://www.icann.org/meetings/lisbon/presentation-secondary-snap-25mar07.pdf>, and <http://www.icann.org/meetings/lisbon/presentation-secondary-frakes-25mar07.pdf>). Secondary market domain names may be domain names offered for sale by the current registrant or a subsequent registrant.
- It should be noted that domain tasting is only one mechanism which registrants might use for the purpose of gauging traffic on domain names. A variety of other tools and services are also available in the market to perform similar functions. A number of businesses in the domain name industry offer these services.
- While statistics should be obtained independently to inform the discussion, it appears that domain tasting practices in the .COM registry result in approximately 95% of all registered names being deleted within the AGP. It also appears that registrants who register names strictly for tasting delete over 99% of registrations during the AGP.

### 3.6 Domain Kiting

Registrants may also use the AGP for continual registration, deletion, and re-registration of the same names in order to avoid paying the registration fees. This practice is sometimes referred to as “domain kiting.” This term has been mistakenly used as being synonymous with domain tasting, but it refers to multiple and often consecutive tasting of the same domain name. ICANN staff has received anecdotal reports that this type of activity is occurring, but does not currently have data to demonstrate definitively that domain kiting occurs or to what extent.

The anecdotal reports received by the ICANN staff would indicate that:

1. Very few registrants engage in kiting;
2. Those registrars who facilitate kiting are discovered and warned by the registry to cease the behaviour;
3. Kiting practices cannot enable a registrant to “keep” a single domain name. Any name is available to be taken in the drop pool by another registrant. The activity is only practicable if attempting to maintain a number of names – some would be lost at each drop.

### 3.7 Previous discussions on this issue

- Discussions of domain tasting behaviour in the ICANN community to date have revealed a range of views.

In addition to various informal public discussions, ICANN has held a series of workshops on domain marketplace issues at its international public meetings. A session in Sao Paulo, Brazil, in December 2006 focused primarily on marketplace activities during the five-day add grace period.<sup>43</sup>

- A workshop in Marrakech, Morocco in June 2006 featured an educational session on domain monetisation activities, their impacts, and policy

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<sup>43</sup> <http://www.icann.org/meetings/saopaulo/captioning-dnmarket-06dec06.htm>.

- implications.<sup>44</sup> Most recently, tutorials were held in Lisbon, Portugal in March of this year on the expiring names and secondary markets.<sup>45</sup>
- In a public comment forum regarding the proposed excess-delete fee in the .ORG registry<sup>46</sup>, Caroline Chicoine of the Intellectual Property constituency expressed personal concern [and referenced INTA<sup>47</sup> concerns] about domain tasting. Ms. Chicoine said domain tasting was an abusive registration practice that has become a serious problem as it has rapidly expanded since 2004, and called for ICANN to take a pro-active approach to solving this problem.
  - A recent statement from the World Intellectual Property Organisation (WIPO)<sup>48</sup> reported a 25% increase in cyber-squatting<sup>49</sup> disputes in 2006 over the previous year. The statement linked this increase to various developments in the registration market, including domain tasting:

...the evolution of the domain name registration system is causing growing concern for trademark owners, in particular some of the effects of the use of computer software to automatically register expired domain names and their 'parking' on pay-per-click portal sites, the option to register names free-of-charge for a five-day 'tasting' period, the proliferation of new registrars, and the establishment of new generic Top Level Domains (gTLDs). The combined result of these developments is to create greater opportunities for the mass, often anonymous, registration of domain names without specific consideration of third-party intellectual property rights.

- In the same public comment forum<sup>50</sup>, Phil Corwin of the Internet Commerce Association expressed support for the .ORG registry's proposed approach of charging a fee for excess-deletes rather than banning the practice outright.

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<sup>44</sup> <http://www.icann.org/meetings/marrakech/captioning-dn-27jun06.htm>.

<sup>45</sup> <http://www.icann.org/meetings/lisbon/transcript-tutorial-secondary-25mar07.htm>;

<http://www.icann.org/meetings/lisbon/transcript-tutorial-expiring-25mar07.htm>.

<sup>46</sup> <http://forum.icann.org/lists/registryservice/msg00001.html>.

<sup>47</sup> INTA stands for the International Trademark Association, <http://inta.org/>

<sup>48</sup> [http://www.wipo.int/portal/en/news/2007/article\\_0010.html](http://www.wipo.int/portal/en/news/2007/article_0010.html).

<sup>49</sup> See glossary of terms for a definition of cyber-squatting.

<sup>50</sup> <http://forum.icann.org/lists/registryservice/msg00000.html>.

Mr. Corwin opposed “expansion of the rights of trademark holders to the detriment of the equally legitimate rights of domain name owners who have risked considerable capital and labor to develop their DNS [domain names] as valuable properties monetised through the provision of content and associated advertising.”

- Nominet, the ccTLD for .UK, has taken action to curb domain tasting. On 7 August 2006, Nominet announced a limit on the number of registrations in .UK that can be deleted by registrars.<sup>51</sup>
- An 18 May 2007 article in eWeek<sup>52</sup> by Larry Seltzer states that “stopping domain tasting in particular would show some serious good faith [by ICANN].” He also mentions that VeriSign could impose a re-stocking fee on domain tasters. (Note, this is not currently permitted in the .COM registry agreement. To provide this service, VeriSign would have to submit a request to ICANN through the Registry Services Evaluation Policy<sup>53</sup>).
- A 22 May 2007 article in Business2.0 provides further detail on a domain name investor who has used domain tasting as a business model to develop one of the largest privately-held domain name portfolios.<sup>54</sup>

### 3.8 Community Consultation

For some time, ICANN staff has been engaged in consultations with registry operators, registrars, and other constituencies about ways that domain tasting might be addressed. Recently, staff has been involved in focused discussions with VeriSign on possible options, including potential contract amendments to address domain tasting and its effects. VeriSign has stated that it will come back to staff on this issue following internal analysis, and has made a commitment to continue discussions on the issue. Staff expects these discussions to continue, independently of a policy development process within the GNSO. Staff would expect to discuss any viable options arising out of this process with the community through the Registry Services Evaluation Process.

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<sup>51</sup> [http://www.nominet.org.uk/digitalAssets/8783\\_DomainTasting.pdf](http://www.nominet.org.uk/digitalAssets/8783_DomainTasting.pdf)

<sup>52</sup> <http://www.eweek.com/article2/0,1895,2133111,00.asp>

<sup>53</sup> <http://www.icann.org/registries/rsep/rsep.html>.

<sup>54</sup> [http://money.cnn.com/magazines/business2/business2\\_archive/2007/06/01/100050989/index.htm?postversion=2007052214](http://money.cnn.com/magazines/business2/business2_archive/2007/06/01/100050989/index.htm?postversion=2007052214)

## 4 Discussion of possible directions

It should be noted that the GNSO policy development process is one of several ways that domain tasting might be addressed within the ICANN community. This section describes the various mechanisms for addressing this issue in order to inform the ICANN community of possible directions that may be taken.

### 4.1 GNSO Policy Development Process

As stated in the staff recommendations (see Section 5 and Executive Summary in Section 1), ICANN staff support the initiation of a policy development process on this topic as one possible mechanism for considering this topic. A policy recommendation on this issue could impose new requirements, or institute new prohibitions applicable to contracted parties, which ICANN staff would then implement and enforce through its contracts with registries and/or registrars.

### 4.2 ICANN Budget Process

As part of ICANN budgets beginning with FY2004-05, registrars were levied a transactional fee for each "Add" transaction performed at the registry. The budget was implemented so that domains deleted within the add or auto-renew grace periods would not be charged a transaction fee to match the registry agreement(s) requirement that registries not charge registrars for those registrations. Registrars are therefore not billed the transactional fee for names that are deleted within AGP; they pay the transactional fee only for names that are kept. If the transaction fee were charged to registrars on all "Add" transactions, rather than only those which passed through grace period, this would presumably curtail some domain tasting activity.

ICANN's budget for Fiscal Year 2007-08<sup>55</sup> contains the following restrictions regarding registrar eligibility for partial forgiveness of the standard per-registrar variable fee based on activity during the Add Grace Period:

Depending on registrar size and activity, some registrars will continue to be eligible for "forgiveness" of two-thirds of the standard per-registrar variable fee. The criteria for eligibility for partial forgiveness will be as follows: the registrar must have fewer than 350,000 gTLD names under its management, the registrar must not have more than 200 attempted adds per successful net add in any registry, and it must not have more than five percent (5%) of added names deleted during the add-grace period from any registry that offers an add-grace period.

Within the public comment and approval process for the ICANN budget, new provisions which address domain tasting could be instituted. Specific comments submitted during consideration of the ICANN budget related to domain tasting could be incorporated by the Finance Committee and ICANN Board before the final budget is approved. Consultations will occur during the ICANN meeting in San Juan, and following those consultations the budget will be presented to the ICANN Board for consideration on 29 June 2007.

#### 4.3 Contract Negotiations or New Registry Services

Additionally, many of the gTLD registries have contractual provisions which enable them to address the issue of domain tasting on an individual basis.

In September 2006 PIR submitted a proposal for a five-cent excess-deletion fee to registrars performing deletions above a certain threshold during AGP.<sup>56</sup> This request was made through the Registry Service Evaluation Policy (RSEP), a consensus policy developed by the GNSO. The PIR request was approved by the ICANN Board of Directors in November 2006<sup>57</sup>. ICANN staff then proceeded to work with PIR to make the necessary contractual changes to PIR's registry agreement with ICANN. (The discussion in section 3 above of

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<sup>55</sup> <http://www.icann.org/financials/proposed-budget-fy07-08-17may07.pdf>.

<sup>56</sup> [http://www.icann.org/registries/rsep/PIR\\_request.pdf](http://www.icann.org/registries/rsep/PIR_request.pdf).

<sup>57</sup> <http://www.icann.org/minutes/resolutions-22nov06.htm>.

Caroline Chicoine of the Intellectual Property Constituency and Phil Corwin of the Internet Commerce Association was in response to public comments regarding the PIR request.)

Registries may also submit proposed contract changes to ICANN to address activity within their own particular TLDs. To date, no other registries have initiated a proposal for a new registry service through the RSEP process<sup>58</sup>.

## 5 Staff recommendation

The issues surrounding domain tasting have generated significant discussion among several constituencies and stakeholders and would benefit from review as part of a structured discussion. However the GNSO may choose to proceed, staff notes that the completion of concrete fact-finding and research will be critical in informing the community's deliberations.

In determining whether the issue is within the scope of the ICANN policy process and the scope of the GNSO, staff and the General Counsel's office have considered the following factors:

### **Whether the issue is within the scope of ICANN's mission statement**

The ICANN Bylaws state that:

"The mission of The Internet Corporation for Assigned Names and Numbers ("ICANN") is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems. In particular, ICANN:

1. Coordinates the allocation and assignment of the three sets of unique identifiers for the Internet, which are
  - a. Domain names (forming a system referred to as "DNS");
  - b. Internet protocol ("IP") addresses and autonomous system ("AS") numbers; and,
  - c. Protocol port and parameter numbers.

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<sup>58</sup> <http://www.icann.org/registries/rsep/rsep.html>

2. Coordinates the operation and evolution of the DNS root name server system.
3. Coordinates policy development reasonably and appropriately related to these technical functions.”<sup>59</sup>

Domain tasting activities involve the allocation and assignment of domain names. ICANN is also responsible for policy development reasonably and appropriately related to these technical functions. Under items 1a and 3 above, the issue is within the scope of ICANN’s mission statement. As domain tasting activities concern gTLDs, the issue is within the scope of the GNSO to address.

#### **Whether the issue is broadly applicable to multiple situations or organisations**

A consideration of the issues surrounding domain tasting would be broadly applicable to multiple situations or organisations, including each existing gTLD under contract with ICANN, each of 800+ accredited registrars, and a diversity of existing and potential registrants. Note however that a consensus policy resulting from the policy development process would only be applicable to contracted parties (registries and registrars).

#### **Whether the issue is likely to have lasting value or applicability, albeit with the need for occasional updates**

Completion of policy development work on issues surrounding domain tasting would affect future gTLDs, future registrars, and potential business or non-commercial entities which have not as yet entered the market.

#### **Whether the issue will establish a guide or framework for future decision-making**

The outcome of a policy development process will have lasting value as precedent, although the particular circumstances of the market will continue to evolve, and will thus establish a framework for future decision-making on related issues.

#### **Whether the issue implicates or affects an existing ICANN policy**

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<sup>59</sup> ICANN Bylaws, Article 1, Section 1: <http://icann.org/general/bylaws.htm#1>  
Issues Report on Domain Tasting

The issue does not implicate or affect an existing ICANN policy. A list of consensus policies is available at <http://www.icann.org/general/consensus-policies.htm>.

Based on the above, the General Counsel finds that the proposed issue is within scope of the ICANN policy process and within the scope of the GNSO.

Staff recommends that the Council move forward on a policy development process, including further fact-finding and research to provide data to assist policy development and illuminate potential policy options. Staff resources can be made available to support these research activities and objectives.

Questions that might productively be addressed as part of fact-finding include:

- Who benefits from domain tasting, and who is harmed?
- Who would benefit from cessation of the practice and who would be harmed?
- How are registry operators being affected by domain tasting?
- How are registrars being affected by domain tasting?
- How are registrants being affected by domain tasting? Are there different categories of registrants affected differently?
- What enforceable rules could be applied toward domain tasting activity?
- What would be the impact (positive or negative) of establishing limitations, guidelines or restrictions on registrars' use of the AGP?
- What would be the impact (positive or negative) on registries, registrars, and registrants of eliminating the AGP?

## Annex 1 - Glossary of terms

### **Add grace period (AGP)**

A Grace Period refers to a specified number of calendar days following a Registry operation in which a domain action may be reversed and, as appropriate, a credit may be issued to a registrar. The Add-Grace Period is typically the five day period following the initial registration of a domain name.

### **Domain tasting**

A monetisation practice employed by registrants to use the AGP to register domain names in order to test their profitability. During this period, registrants conduct a cost-benefit analysis to see if the tested domain names return enough traffic to offset the registration fee paid to the registry over the course of the registration period (e.g., currently \$6 US for a .NAME domain name).

### **Domain kiting**

A form of domain tasting which involves continual registration, deletion, and re-registration of the same names in order to avoid paying the registration fees. This practice is sometimes referred to as “domain kiting.” This term has been mistakenly used as being synonymous with domain tasting, but it refers to multiple and often consecutive tasting of the same domain name that avoids paying the registration fee. N.B. there is no guarantee that a registrant who allows a name to drop at the end of the AGP will be successful in re-registering it as other registrants may also compete for the same name.

### **Phishing**

The practice of creating a replica of an existing webpage to fool a user into submitting personal, financial or password data.

### **Pharming**

Re-directing a website’s traffic from the legitimate website to a bogus website for the purpose of stealing personal, financial or other data.

### **Type-in traffic**

“Type-in traffic is a term describing visitors landing at a web site by entering a word or phrase (with no spaces or a hyphen in place of a space) in the web browser's address bar (and adding .com or any other gTLD or ccTLD extension)(Presently); rather than following a hyperlink from another web page, using a browser bookmark, or a search-box search.”<sup>60</sup>

### **Typo-squatting**

The practice of registering misspellings of known terms as domain names in order to attract type-in traffic.

### **UDRP**

The Uniform Domain Name Dispute Resolution Policy;

<http://www.icann.org/dndr/udrp/policy.htm>.

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<sup>60</sup> This is the Wikipedia definition of type-in traffic. Further information is available at [http://en.wikipedia.org/wiki/Type\\_in\\_traffic](http://en.wikipedia.org/wiki/Type_in_traffic)

## Annex 2 – ALAC Request for Issues Report on Domain Tasting

This annex reproduces in full the request for an issues report sent by the At-Large Advisory Committee to the GNSO Council:

### Request for Issues Report on Domain Tasting

The **At-Large Advisory Committee**, with the support and involvement of the GNSO **Commercial and Business Users and Intellectual Property Constituencies**, requests the creation of an Issues Report on Domain Tasting. In addition, the gTLD **Registries Constituency** submitted a brief statement that is attached.

Domain Tasting is the systematic exploitation of the 5-day Add Grace Period to gain access to domain names without cost. The AGP is a contractual clause in the registry agreements between ICANN and the operators of the unsponsored gTLD registries which allows for a full refund of domain charges if the name is deleted within 5 days of the add/registration. As a result, a registrant has full use of a domain name for up to 5 days at no net cost to them (other than the potential lost interest on the fee paid and then refunded).

The original intent of the AGP was to allow the no-cost cancellation of a domain registration when registrants or registrars mistyped or misspelled domain names during the registration process. However, it is now widely employed for the completely different purpose of Domain Tasting, providing domain names at no cost allowing the tracking and calculating the amount of revenue generated while the name is parked at a monetization page during the AGP. Furthermore, nothing in the AGP or otherwise prohibits the same registrant or a possibly related registrant from immediately re-registering the name after it is dropped at the end of the five day grace period. Due to virtually instantaneous updating of the zone file, the registrant can get almost continuous use of a name at no net cost (a procedure known as Domain Kiting).

Since 2001, the number of domains that are deleted within the AGP has increased exponentially. It is now estimated by some that between 2 and 4 million domain names are tied up in domain tasting or kiting every day. For a typical large registrar, the number of deletes is perhaps one percent of their total holdings. For some registrars, the number of deletes per month is regularly ten times the number of stable domain names that they hold. Clearly, typing mistakes on the part of the registrant cannot account for all of these AGP deletes.

Names to be registered for Domain Tasting can generally come from several sources:

- Variations of existing names taking advantage of spelling mistakes (typo-squatting), company name/abbreviation confusion and gTLD/ccTLD confusion. Defensive registrations eliminate some of such names, but cannot realistically catch them all.
- Names not renewed by previous owners.
- Domain names composed of a recently registered second-level domains with other TLDs.

A typical individual user of the Internet (the very users that the ALAC has a responsibility to represent), does not know about arcane domain name policy, transport mechanisms, registrars, registries or even ICANN. They view the “Internet” as a holistic combination of the physical network, the policies and practices that make it work, and their user interface, typically a web browser. They expect that when they type in a URL, it will either get them to the web site that they planned to visit, or issue an error message. One of the effects of the exploitation of the AGP is that increasingly, this is not the case. Allowing this to continue to the benefit of domain tasters who use domains names without cost is a violation of the public trust placed in ICANN.

## Consequences of Domain Tasting

Possible consequences of Domain Tasting include:

1. **Destabilization of the Domain Name System** – The tremendous volume and rate of registrations and deletions associated with tasting and kiting is described as placing

operational loads on Registry systems that are orders of magnitude above steady-state operations. Such incessant, systematic stress on registry systems could cause instability in the gTLD namespace or, worse, the entire domain name system.

2. **Creation of consumer confusion** – The high number of domain names estimated to be tied up in domain tasting and kiting every day (2-4 million) can result in consumer confusion and undermine confidence in the Domain Name System as domains repeatedly alternate between availability and registration for 5 day periods and legitimate users are prevented from registering their desired domain names. This user confusion is increased by the transient nature of many of the names, where they are there one day, but gone the next.
3. **Increased costs and burdens to legitimate registrants** – The ability to control (at no cost) domain names that are potentially in conflict with other registered names increases the effective cost of a domain name to its owner through increased defensive registrations and staff resources needed to monitor such potential conflicts. Registry costs must also be increased due to the volume of adds and deletes.
4. **Facilitation of Trademark Abuse** - Automated registration systems permit registration of virtually every typographical permutation of a trademark in order to test for traffic, facilitating trademark infringement on a massive level. Further, by the time the trademark owner discovers that a domain name identical or similar to its trademark has been registered, it is often too late for the trademark owner to act as the domain name has already been deleted along with the Whois data.
5. **Facilitation of Criminal Activity** – Due to the transient nature of AGP-deleted registrations, it is difficult for law enforcement to trace the registrant of tasted domains, which makes these domains ideal candidates for phishing, pharming, and other forms of internet fraud.

## Relevance to ICANN's Mission

According to ICANN's bylaws, ICANN's mission is to "coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and

secure operation of the Internet's unique identifier systems.” The ICANN Bylaws list 11 core values that should guide ICANN's decisions and actions in furtherance of its mission.

Domain tasting implicates the following core values listed in the ICANN bylaws:

1. **Preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet** - as stated above, the increased number of registrations and deletions associated with add/drop schemes may place unexpected and uncontrollable operational loads on Registry systems which could cause instability in the gTLD namespace or even the entire domain name system.
  
- 5.6. **Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment; Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest** – It is estimated that the majority of add/drop registrations may be carried out by as few as 18 registrars out of approximately 600 accredited registrars. If this is in fact the case, a small number of registrars are tying up millions of domain names that could be registered by the remaining 600 registrars, inhibiting effective competition.
  
7. **Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process** – Considering the possible consequences of the continued existence of the AGP and the interest this issue has generated amongst numerous internet communities, it seems clear that should a PDP be initiated, both experts and the entities most affected by Domain Tasting will be eager to participate.

## Statement from the gTLD Registries Constituency

Thanks for forwarding this note to the gTLD Registries Constituency regarding feedback on the subject of Domain Tasting - specifically the utilization of the 5 day (or 120 hour) Add Grace Period during which a domain may be deleted for a full credit of registry charges.

The gTLD Registries Constituency supports your efforts for a properly framed Issues report on the above, including the soliciting of feedback on the utilization of the 5 day Add Grace Period itself, recommended changes, the effects of such a change, and how any changes would be handled under the provisions in the existing gTLD Registry contracts relating to "Consensus Policies" and to the contractual obligations of support for the five day grace period within many registry agreements.

In addition, it is also important to recognize in the Issues Report that the Registrar Accreditation Agreements with ICANN have provisions relating to "Consensus Policies" that also need to be examined. That would have an impact on the Registrar Accreditation Agreements.

Again, we would like to thank you for your solicitation of our initial feedback and look forward to further examining this issue with the ALAC and the GNSO.

## Annex 3 – Corrections to Issues Report

This final and revised version of the Issues Report is a revision following input received from GNSO Council member, Chuck Gomes (Registry Constituency) pointing out factual errors or omissions. To ensure a complete record, Chuck Gomes' email to the GNSO Council is reproduced below:

**From:** Gomes, Chuck  
**Sent:** Tuesday, May 29, 2007 10:02 PM  
**To:** Maria Farrell; Council GNSO  
**Subject:** RE: [council] Issues Report on Domain Tasting

Thanks Maria and all of the staff who worked together to produce this report. I have a few comments that, although not material with regard to the staff recommendations in the report, I think are important for all to understand as the report is considered.

### Section 1.1 Definitions Add Grace Period (AGP)

Please note that the following statement in the 3rd paragraph is misleading: "When a name is deleted by the registry during this period, money on deposit with the registry is refunded to the registrar." First of all, at least with regard to .com and .net registrations but likely with other gTLDs as well, it is very rare for a registrar to have 'money on deposit' with the registry. This is an important point for at least two reasons: 1) some people think that registries benefit financially from new registrations that are deleted in the 5-day add-grace period (AGP) and that is simply not true; 2) refunds are not required because it is simply a matter of crediting a registrars account - there is no exchange of money, only adjustments to credit limits that are back upped by instruments such as letters of credit.

### Section 1.2 Background

Whereas the general information provided in this section seems fine, there are a few details that are missing:

- In response to customer (registrar and registrant) concerns and in cooperation with ICANN staff, Network Solutions (now VeriSign) implemented the AGP for .com, .net and .org within the first year of the original ICANN agreement for those gTLDs, but the agreement was never amended to include the requirement.

- When the .com, .net and .org registry agreements were re-executed in 2001, the AGP requirement was included along with other grace period provisions.
- When the first gTLDs were added, the AGP requirement was included in the associated registry agreements.

### Section 3.2 Issue Background

- The 6th bullet starts out, ". . . Chuck Gomes of VeriSign stated during ICANN's June 2006 meeting that AGP was instituted at the agreement of registrars and registries: . . . " It's a minor point, but there was only one registry at that time.

Chuck Gomes

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**From:** owner-council@gns0.icann.org [mailto:owner-council@gns0.icann.org] **On Behalf Of** Maria Farrell

**Sent:** Tuesday, May 29, 2007 11:55 AM

**To:** 'Council GNSO'

**Subject:** [council] Issues Report on Domain Tasting

Dear Council members,

Attached is the Issues Report on Domain Name Tasting requested by the At-Large Advisory Committee on 9 May (<http://gns0.icann.org/mailing-lists/archives/council/msg03474.html>).

Best regards,

Maria Farrell

### 5.7.3 GNSO Council minutes, 20 November 2007

<http://gns0.icann.org/meetings/minutes-gns0-20nov07.shtml>



## GNSO Council Teleconference Minutes

20 November 2007

### Information

20 November 2007

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[Policies](#)

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[DNSO Site Archive](#)

[Acronyms](#)

[Elections](#)

### List of attendees:

Philip Sheppard - Commercial & Business Users C  
 Mike Rodenbaugh - Commercial & Business Users C. - absent - apologies  
 Bilal Beiram - Commercial & Business Users C - absent - apologies  
 Greg Ruth - ISCPC  
 Antonio Harris - ISCPC  
 Tony Holmes - ISCPC  
 Thomas Keller- Registrars  
 Tim Ruiz - Registrars  
 Adrian Kinderis - Registrars  
 Chuck Gomes - gTLD registries  
 Edmon Chung - gTLD registries  
 Jordi Iparraguirre - gTLD registries  
 Kristina Rosette - Intellectual Property Interests C  
 Ute Decker - Intellectual Property Interests C - absent - apologies  
 Cyril Chau - Intellectual Property Interests C  
 Robin Gross - NCUC  
 Norbert Klein - NCUC  
 Carlos Souza - NCUC  
 Olga Cavalli - Nominating Committee appointee  
 Jon Bing - Nominating Committee appointee  
 Avri Doria - Nominating Committee appointee

18 Council Members  
 (24 Votes - quorum)

### Constituencies

[Commercial & Business](#)

[gTLD Registries](#)

[Internet Service & Connection Providers](#)

[Non-Commercial](#)

[Registrars](#)

[Intellectual Property](#)

### ICANN Staff

Denise Michel - Vice President, Policy Development  
 Liz Gasster - Senior Policy Officer  
 Sue Jongklaas - Regional Business Advisor - Asia-Pacific, Office of the General Counsel  
 Patrick Jones - Registry Liaison Manager  
 Karen Lentz - gTLD Registry Liaison  
 Glen de Saint Gery - GNSO Secretariat

### Absent - excused

Dan Halloran - Deputy General Counsel - absent -excused  
 Olof Nordling - Manager, Policy Development Coordination - absent -excused  
 Kurt Pritz - Senior Vice President, Services - absent -excused  
 Craig Schwartz - Chief gTLD Registry Liaison - absent -excused

### GNSO Council

[Council Members](#)

[ICANN Participants](#)

[Documents](#)

### GNSO Council Liaisons

Suzanne Sene - GAC Liaison - absent - apologies  
 Alan Greenberg - ALAC Liaison

Rita Rodin - ICANN Board member - (Board teleconference)  
 Bruce Tonkin - ICANN Board member - Board teleconference)

[MP3 Recording](#)

**Avri Doria** chaired the meeting.

### Approval of the [agenda](#)

#### Item 1: Update any Statements of Interest

Statements of Interest received from new councillors:

Jordi Iparraguirre

<http://gns0.icann.org/council/soi/iparraguirre-soi-13nov07.shtml>

Olga Cavelli

<http://gns0.icann.org/council/soi/cavalli-soi-20nov07.shtml>

Tim Ruiz

<http://gns0.icann.org/council/soi/ruiz-soi-20nov07.shtml>

**Item 2:**

**Approval of the draft [GNSO Council minutes 11 October 2007](#)**

**Chuck Gomes**, seconded by **Kristina Rosette** moved the adoption of the [GNSO Council minutes of 11 October 2007](#)

Motion unanimously approved

**Decision 1: The Council approved the [GNSO Council minutes of 11 October 2007](#)**

**Item 3: [Intergovernmental Organization Dispute Resolution Process \(IGO-DRP\)](#)**

**Avri Doria** explained by way of background, that Council had received an [Issues Report](#) which recommended a particular Dispute Resolution Policy (DRP). The vote to create a working group to revise the DRP in the Council meeting on 31 October, 2007, did not succeed, then a vote authorising an ad hoc process failed. The [ICANN Bylaws](#) required a vote on approving a Policy Development Process (PDP). Council was being asked to vote on delaying the vote on the PDP until the Intellectual Property Constituency (IPC) could provide a revised DRP, a process Council has used in the past to allow more time for the issue to be clearly defined.

**Kristina Rosette** explained that since the Council meeting in LA on October 31, the Intellectual Property Constituency (IPC) had further discussed the IGO-DRP which had culminated in certain developments.

First, the IPC was in the process of drafting a revised proposed DRP that might satisfactorily address many of the objections articulated thus far.

Second, having a revised proposed DRP that addressed these objections could provide a better basis for deciding whether to proceed with a PDP. In the event of a vote for a PDP there would be less work for the Council or working group as the issues would be better defined. The expected date for circulation of the revised proposed DRP, within the IPC, was not later than COB (Pacific) on Wednesday, 28 November 2007.

Third, as a consequence of this decision, the IPC no longer intended to pursue - either formally or informally - the working group concept set out in the motion I proposed in LA.

In light of the expected revised proposed DRP, and to ensure that all constituencies had sufficient time for review and consultation, **Kristina** proposed a motion to postpone voting on the PDP until the Council meeting on December 20, 2007.

**Avri Doria** read the motion proposed by **Kristina Rosette** and seconded by **Chuck Gomes**

Whereas, the Council has previously requested and received both the 15 June 2007 "GNSO Issues Report on Dispute Handling for IGO Names and Abbreviations"

<http://www.gns0.icann.org/issues/igo-names/issues-report-igo-drp-15jun07.pdf>

and the 28 September 2007 "Staff Report on Draft IGO Domain Name Dispute Resolution Procedure;"

<http://gns0.icann.org/drafts/gns0-igo-drp-report-v2-28sep07.pdf>

and

Whereas, the Council believes that further work on the draft IGO Domain Name Dispute Resolution Procedure is appropriate before voting on whether to initiate a policy development process on this issue;

and

Whereas, the Intellectual Property Constituency is drafting and expects to distribute not later than 28 November a revised proposed draft dispute resolution procedure,

Now, therefore, be it resolved that the Council postpones until its 20 December meeting the vote on whether to initiate a policy development process.

**Philip Sheppard** supported the motion, commenting that the issue was being addressed because it was politically right, and that it did not serve any particular constituency interest, but looking at a text that would be acceptable to constituencies was important.

**Robin Gross** commented that a couple of months difference would not convince the NCUC that starting a PDP on the subject was a good use of the constituencies or Council's time and energy

and thus, was currently prepared to vote 'no' on the matter.

**Jon Bing** commented that there were several unresolved issues, it was a cumbersome process which appeared to be over regulated, and would benefit from more detailed reflections.

**Chuck Gomes** stated that one of the concerns was the rights of existing domain holders with regard to IGO names and the proposed process omitted that issue.

**Kristina Rosette** further elaborated that there was no requirement that the complaining IGO show that the domain name registrant had a bad faith intent in terms of registering a domain name and using it. Similarly omitted, was language that would effectively allow a domain name registrant, facing such a complaint, the opportunity to descend their registration and use of the domain name, because they had either an independent right in the second level or a legitimate use in using the name.

**Avri Doria** called for a voice vote.

One 'nay' was heard and 2 abstentions were noted from Tom Keller (2 votes) and Norbert Klein (1 vote)

The motion passed.

**Decision 2:**

**Whereas, the Council has previously requested and received both the 15 June 2007 "GNSO Issues Report on Dispute Handling for IGO Names and Abbreviations"**

**<http://www.gnso.icann.org/issues/igo-names/issues-report-igo-drp-15jun07.pdf>**

**and the 28 September 2007 "Staff Report on Draft IGO Domain Name Dispute Resolution Procedure;"**

**<http://gnso.icann.org/drafts/gnso-igo-drp-report-v2-28sep07.pdf>**

**and**

**Whereas, the Council believes that further work on the draft IGO Domain Name Dispute Resolution Procedure is appropriate before voting on whether to initiate a policy development process on this issue;**

**and**

**Whereas, the Intellectual Property Constituency is drafting and expects to distribute not later than 28 November a revised proposed draft dispute resolution procedure,**

**Now, therefore, be it resolved that the Council postpones until its 20 December meeting the vote on whether to initiate a policy development process.**

**Item 4: Inter-Registrar Transfer Policy PDP**

**4a - Vote to initiate PDP pending from [31 October 2007](#)**

Background:

There was a 3 part recommendation from the Registrar working group

1. Advisory Concerning Inter-Registrar Transfer Policy

<http://gnso.icann.org/drafts/Transfer-Advisory-23aug07.pdf>

2. Communication to GNSO on Policy Issues Arising from Transfer Review

<http://gnso.icann.org/drafts/Transfer-Policy-Issues-23aug07.pdf>

3. Points of Clarification Inter-Registrar Transfer Policy [PDF, 88K]

<http://gnso.icann.org/drafts/Transfer-Denial-Clarifications-23aug07.pdf>

An [Issues Report on Inter-Registrar Transfers](#)

<http://gnso.icann.org/issues/transfers/issues-report-transfer-denial-clarifications-19oct07.pdf> was produced on 19 October 2007 which considered a limited set of issues relating to when registrars can deny a transfer. Staff recommended that greater precision and certainty around the terms of the Inter-Registrar Transfer Policy would be beneficial to the community generally, particularly for registrants, as well as those parties (gTLD registries and registrars) who were obligated to comply with the policy provisions.

**Avri Doria** called for a roll call vote.

Whereas the [Issues Report on Inter-Registrar Transfers](#)

<http://gnso.icann.org/issues/transfers/issues-report-transfer-denial-clarifications-19oct07.pdf> has been released and discussed

The GNSO council resolves to initiate a PDP to address the issues set forth in the [Issues Report](#) by the Staff.

The motion carried

22 Votes in favour: Philip Sheppard, Kristina Rosette, Cyril Chua, Tony Holmes, Tony Harris, Greg Ruth, Robin Gross, Norbert Klein, Jon Bing, Avri Doria (one vote each)  
Adrian Kinderis, Tim Ruiz, Tom Keller, Chuck Gomes, Edmon Chung, Jordi Iparraguirre

1 Abstention: Carlos Souza

Absent did not vote: Mike Rodenbaugh, Bilal Beiram, Ute Decker, Olga Cavalli (not yet joined the call)

**4b - Contingent vote of forming a TF for the PDP pending from [31 October 2007](#).**

Whereas the Council has decided to initiate a PDP on Inter-registrar Transfers, a Task Force will be created according to the By-laws, section 5 of Annex A of the GNSO Policy Development Process.

The [ICANN bylaws](#) allow for 2 options, forming task force, or collecting constituency statements. Discussion indicated that the non task force route was preferred and that working groups could be formed if more information was necessary following the second option. In addition, the specific issues were not controversial and the quicker route would be more efficient. Concern was expressed about the parameters which should be clearly defined from the outset.

**Avri Doria** called for roll call vote.

The motion did not carry.

23 Votes against: Philip Sheppard, Kristina Rosette, Cyril Chua, Tony Holmes, Tony Harris, Greg Ruth, Robin Gross, Norbert Klein, Jon Bing, Avri Doria, Carlos Souza (one vote each)  
Adrian Kinderis, Tim Ruiz, Tom Keller, Chuck Gomes, Edmon Chung, Jordi Iparraguirre.

Absent did not vote: Mike Rodenbaugh, Bilal Beiram, Ute Decker, Olga Cavalli (not yet joined the call)

**Decision 3**

Whereas the [Issues Report on Inter-Registrar Transfers](#) has been released and discussed The GNSO council resolves to initiate a PDP to address the issues set forth in the [Issues Report](#) by the Staff.

**Liz Gasster** was designated as the responsible staff person and charged with collecting the constituency statements as defined in the [ICANN bylaws](#)

**8. Procedure if No Task Force is Formed**

*a. If the Council decides not to convene a task force, the Council will request that, within ten (10) calendar days thereafter, each constituency appoint a representative to solicit the constituency's views on the issue. Each such representative shall be asked to submit a Constituency Statement to the Staff Manager within thirty-five (35) calendar days after initiation of the PDP.*

Each constituency to appoint a representative, within 10 days, by November 30, 2007, to solicit the constituency's views on the issue.

Each such representative shall be asked to submit a Constituency Statement to the Staff Manager, **Liz Gasster**, within thirty-five (35) calendar days after initiation of the PDP, that is by 25 December 2007.

**Item 5: IDN ccTLD WG Discussion**

**5a. Discussion of Board Motion of Interim solution WG**

**Avri Doria** quoted the [Board Resolution](#) adopted in Los Angeles which accepted a resolution of the ccNSO to form a working group on an interim approach for IDN ccTLDs.

"Resolved (07.89), the Board respectfully invites the Chairs of the ccNSO, GNSO, GAC, ALAC, and SSAC to set-up the IDNC Working Group and appoint members to this group as soon as possible and, when established, requests the IDNC Working Group to commence its work, in accordance with the [Charter](#) adopted by the ccNSO Council . The ICANN Board directs staff to provide the necessary support to the IDNC Working Group, and requests that the IDN Working Group provide a status report on its progress by the conclusion of the ICANN meeting in New Delhi in February 2008.

The [Charter for the IDNC Working Group](#) stated that the IDN Committee will have the following members:

Members of the GAC including its chair;

Members of the ccNSO including its chair;

Two (2) members of the GNSO;  
Two (2) members ALAC;  
One (1) representative of technical community;  
One (1) member of the SSAC: and  
Two (2) ICANN staff members.

The IDNC WG shall select its own chair from the members of the Working Group.

The Council was in agreement and emphasised the necessity for increased GNSO participation in the working group.

**Avri Doria** proposed raising the issue formally at the formative meeting.

In addition, Council agreed that there should be clarity on whether it was a ccNSO working group to which other advisory groups and Supporting organisations are being invited to participate, or was the intent for it to be joint working group.

**Denise Michel** clarified that no limit had been placed on the number of participants from the GAC and the ccNSO. The ICANN Board specifically requested the formation of such a group and that it should consist of representatives from all of the supporting organisations and the advisory committees.

**Edmon Chung** supported participation in the group as there was an inter-relationship with the new IDN gTLD process and agreed that the issue of working group numbers from the GAC and ccNSO should be addressed.

**Avri Doria** clarified that the ccNSO was envisaging 2 processes, an interim fast track process and a full process. In the initial or interim fast track process, within the next year, all those who were ready for an IDN cctld, could apply according to methods to be determined by the IDNC WG. There would not be a reserved list. Whether there would be one, could be discussed in the committee. It would not be the same as the full solution which is envisioned as a long term ccNSO PDP process.

**Avri** explained further that the GNSO process depended on an objection process, and either in the short track or the long track, there could be an objection to any name that was raised, but neither one was creating a reserved list. Neither was creating a critical path to the new gTLD process.

**Chuck Gomes** mentioned a IDN working group recommendation, that if new gTLDs happened before the ccNSO process for IDN ccTLDs, then it would be appropriate to deal with possible conflicts that may exist in the case of where IDN names might be ultimately selected by the ccTLD members. This area might result in more work and the GNSO could work with the ccNSO to avoid possible conflicts beyond the dispute process in the new gTLD recommendations.

**Chuck Gomes** suggested an alternative approach, that in fact if it was meant to be a joint working group, that there be opportunity for a balanced membership between the two supporting organizations involved, the GNSO and the ccNSO.

**Avri Doria** invited Council members to submit further comments regarding the formation of the group to the mailing list.

#### **5b. Discussion on how to bring the [draft GNSO comments as revised in Los Angeles](#) on the ccNSO-GAC IDN Issues Report to closure**

**Chuck Gomes** suggested and Council accepted, that a sub-group be formed to make improvements to the draft that would better accommodate the further comments to the council mail server list made after the revised document in Los Angeles.

**Chuck Gomes** volunteered to the lead with the following participation:

Avri Doria, Olga Cavalli, Edmon Chung, and NCUC and CBUC participation to be named.

**Chuck Gomes** suggested and Council accepted, that any changes to the revised document would be submitted to the GNSO Ad Hoc Group to draft a response to ccNSO-GAC Issues Report on IDN Policy as had been done with the revisions made in Los Angeles.

**Philip Sheppard** suggested that the group should assist with Council's responses and expressed concern that some of the big questions were left to the decision of the ccNSO and GAC, while it would be beneficial for the new working group to give input to such issues.

#### **Item 6: GNSO response to the [Board Governance Committee Working Group draft report on GNSO Improvements](#)**

**Avri Doria** stated that the [report](#) had been discussed in Los Angeles and noted, that while many of the issues would be commented on individually by constituencies or by individual Council or constituency members, a consensus position from the Council could be obtained on some issues.

In discussion concern was raised by the aggressive timeline. Phasing was mentioned as way to handle it but while phasing the implementation stage was broadly agreed on, phasing decision making was not considered acceptable and could be seen as a means of delay.

The Council agreed that a document be drafted, consisting of the sections in the Board Governance Committee (BGC) report where there was broad general approval, posted to the Council mailing list for councillors to comment, and then be edited by noon, UTC on 28 November. In the last 48 hours the Council would be asked to accept or reject the document and if there were no objections, it would be submitted to the BGC by 30 November 2007 at the close of comment period [http://www.icann.org/public\\_comment/](http://www.icann.org/public_comment/).

**Philip Sheppard**, CBUC, volunteered and was accepted as editor of the proposed document.

**Item 7: Establishment of a general GNSO discussion list, similar to the ones for NANOG and IETF.**

**Greg Ruth** explained that conversations with members of the community in Los Angeles indicated that it would be an advantage to have a focused list for IDN discussions, similar to specific topic lists in other organisations. A place to meet and discuss with like-minded individuals but not necessarily a list attached to the GNSO.

Avri Doria posed the following questions

- did Council want to start some list(s) for discussion of GNSO issues?
- did Council need separate lists for separate topics or was one list enough?
- if so was an IDN list needed ?
- were any other lists needed ?
- would they be open lists or restricted somehow?
- what sort of regime would Council use to control/moderate/monitor the lists?

**Adrian Kinderis** said consideration should be given to whether people would feel comfortable posting to an open list on topics that had not yet been properly formulated.

A general list would not be so different from the [General Assembly list](#) already in use, while a specific IDN list could have the same criteria in terms of membership, but prohibit discussions off topic.

The [ICANN bylaws](#) section 3.4 state:

*In addition, the GNSO Council is responsible for managing open forums, in the form of mailing lists or otherwise, for the participation of all who are willing to contribute to the work of the GNSO; such forums shall be appropriately moderated to ensure maximum focus on the business of the GNSO and to minimize non-substantive and abusive postings.*

An additional list under the sponsorship of the GNSO would place expectations on the Council and constituency members to monitor it and provide responses.

Several suggestions were made, such as:

- a list where different specific topics could be discussed,
- an open forum with a monthly discussion with councillors.
- a mail server list might not be the only way to achieve better input and interaction.
- there should be a facility for the public to post questions before an ICANN meeting which could be addressed in the GNSO public forum.
- focus should be placed on gathering public input at ICANN meetings.

**Avri Doria** proposed further discussion on the Council mail server list and proposed the topic, meeting interaction with the community and response issues as an agenda item for a future Council meeting.

**Item 8: [Letter on behalf of Hagen Hultsch re job description for open GNSO Council position in 2008](#)**

Suggested responses had been sent to the mailing list from **Avri Doria** <http://gnso.icann.org/mailling-lists/archives/council/msg04100.html> with an updated job description from **Chuck Gomes** and **Philip Sheppard** <http://gnso.icann.org/mailling-lists/archives/council/msg04125.html> and input from **Alan Greenberg** <http://gnso.icann.org/mailling-lists/archives/council/msg04137.html>

**Avri Doria** proposed that further comments be sent to the Council mailing list and by 30 November 2007 there should be a job description for the open GNSO council position in 2008 for

the Council to review and vote on at the Council meeting on December 6, 2007.

**Patrick Jones** stated that if the response were extended beyond December 6, the input would be less valuable for the Nominating Committee.

**Item 9: Pending Work Item Review**

**Avri Doria** commented on the action items:

- The Reserved Names recommendations for existing TLDs status report was pending and Patrick Jones held the token.
- The Response to Board resolution on IDNccTLDs had been moved to 6 December 2007 but depended on the sub-group led by Chuck Gomes to provide a schedule
- Registrar Transfer policy Review, the working group was ongoing and there would be a status report for the Council meeting on 6 December 2007. In addition, the PDP voted on in item 4, would be added.
- Motion on proxy voting required a motion to the Council suggesting a bylaw change.
- Motion on term limits (2006Nov-06) pending and required Board bylaw action.
- Inter-registrar Policy review to be updated with Council votes and deadlines for constituency statements.
- Domain Tasting PDP status required the constituency representatives to be appointed by 10 November, the constituency statements to be provided by 5 December 2007 and the initial report is due on 25 December 2007, but dates need to be adjusted to accommodate the holiday period.
- The Nominating Committee job description final draft will be provided on 30 November and voted on at the Council meeting on 6 December 2007.
- WHOIS studies would be placed on the agenda for 6 December 2007. Create a team, provide a studies suggestion form by 14 December, Council to approve the studies suggestion form by 20 December 2007. Interested parties should submit proposed studies suggestions by 7 January 2008.
- IGO Dispute Resolution Procedure (DRP) has been postponed awaiting a revised DRP from the IPC.
- GNSO Chair and Vice elections scheduled for completion on 31 January 2008.

**Avri Doria** mentioned that a high-level agenda for the Council meetings up until the ICANN Meetings in Delhi had been worked out and invited Councillors to collaborate in filling out topics that required discussion.

**Item 10: AOB**

10 a. **Adrian Kinderis** requested that items added to the agenda should be done timely so that all councillors had the opportunity to review them before the call.

10 b. Discussion of chair and vice-chair election process

The GNSO secretariat proposed the following procedure and schedule for the GNSO Chair and vice chair elections.

<http://gns0.icann.org/mailling-lists/archives/council/msg04123.html>

The terms for the GNSO Council Chair and Vice-chair run concurrently and expire on 31 January 2008.

Pursuant to the ICANN bylaws

<http://www.icann.org/general/bylaws.htm#X-3.7>

Section 3.7 The GNSO Council shall select the GNSO Chair, for a term the GNSO Council specifies but not longer than one year, by written ballot or by action at a meeting. Any such selection must have affirmative votes comprising a majority of the votes of all the members of the GNSO Council.

There will be a total of 27 votes cast. The winning candidate must receive at least 14 affirmative votes. In case of a tie, there will be a second round of voting.

The process followed in the past for the election of the GNSO Council Chair and Vice-chair, has been a call for nominations open for a period of two weeks for each position separately, Chair followed by Vice-chair.

All nominations should be seconded by the end of this period, and only GNSO Council members are eligible to make nominations and second them.

The voting period, is usually open for 14 days for the position of GNSO Council chair. Voting will take place by secret e-mail ballot. Ballots will be sent out individually to each GNSO Council members' e-mail address. The same procedure that has taken place for the ICANN Board seat #13 elections.

All GNSO Council members are eligible to vote, that is, 3 representatives from each constituency, Registrars, gTLD registries, Commercial and Business Users (CBUC), Non Commercial Users (NCUC), Intellectual Property (IPC), and Internet Service Providers and Connectivity Providers (ISPCP) and the 3 Nominating Committee appointees. Liaisons from the ALAC and the GAC do not vote.

When the e-mail vote is closed, the results will be announced for each council member to check that her/his vote was correctly registered and the results of the e-mail vote will be confirmed at a GNSO Council meeting.

Given the approaching holiday season a proposed election schedule could look like this:

GNSO Council chair:

Call for nominations: Thursday 22 November to 6 December 2007.

Voting period: Thursday 13 December 2007 to Monday 7 January 2008.

(extended voting period due to holiday season)

Announce the results Wednesday 9 January 2008

Confirm the vote at the scheduled GNSO Council meeting on 17 January 2008.

Vice-chair : Call for nominations 9 January to 23 January 2008

Vote: by roll call vote at GNSO Council meeting 31 January 2008.

**Avri Doria adjourned the GNSO Council meeting and thanked everyone for their participation.**

**The meeting ended at 23:00 UTC.**

**Next GNSO Council teleconference will be on 6 December 2007 at 15:00 UTC.**

see: [Calendar](#)

**Action Items arising from the minutes**

**Item 3:**

**Avri Doria stated that the [Intergovernmental Organization Dispute Resolution Process \(IGO-DRP\)](#) would be placed on the Council agenda for a vote at the meeting on 20 December, with the expectation of receiving on 28 November a revised proposed draft Dispute Resolution Process.**

**Item 4:**

**Each constituency to appoint a representative, within 10 days, by November 30, 2007, to solicit the constituency's views on the issue.**

**Each such representative shall be asked to submit a Constituency Statement to the Staff Manager, Liz Gasster, within thirty-five (35) calendar days after initiation of the PDP, that is by 25 December 2007.**

**item 6: Prepare a broad consensus document on the GNSO Improvements for comment on the Council list.**

**Item 7: Meeting interaction with the community and response issues during the ICANN meetings as an agenda item for a future Council meeting.**

**Item 8: Job description for the open GNSO council position in 2008 for the Council to review.**

**Item 10 b. Call for nominations to be launched on Thursday 22 November 2007.**

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Comments concerning the layout, construction and functionality of this site should be sent to [webmaster@icann.org](mailto:webmaster@icann.org).

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5.8.1 Issues Report on specified Inter-Registrar Transfer Policy issues 19 October 2007

<http://gnso.icann.org/issues/transfers/issues-report-transfer-denial-clarifications-19oct07.pdf>

## **GNSO Issues Report Inter-Registrar Transfer Policy: Clarification of Reasons for Denial of a Transfer Request**

### **STATUS OF THIS DOCUMENT**

This is the Issues Report on Clarifications on reasons for denial in the Inter-Registrar Transfer Policy, produced by ICANN staff for submission to the GNSO Council.

### **SUMMARY**

This report is submitted to the GNSO Council in response to the motion passed by the Council on 20 September 2007: “ii) Pursuant to section 1.b of Annex A of ICANN's Bylaws, that the GNSO Council initiate the formal GNSO Policy Development Process by requesting the creation of an issues report evaluating issues raised by the working group document "Points of Clarification Inter-Registrar Transfer Policy (see <http://gns0.icann.org/drafts/Transfer-Denial-Clarifications-23aug07.pdf>).”

## 1 EXECUTIVE SUMMARY

- 1.1 This issues report addresses a limited set of issues associated with the Inter-Registrar Transfer Policy. The Inter-Registrar Transfer Policy (see <http://www.icann.org/transfers/policy-12jul04.htm>) is an existing consensus policy developed through the GNSO's policy development process (PDP), and is now being reviewed by the GNSO.
- 1.2 To initiate the review of the policy, the GNSO formed a Transfers Working Group to examine and recommend possible areas for further policy work. The group created a broad list of policy issues covering several areas (see <http://gnso.icann.org/mailling-lists/archives/council/pdfxg9m5otShO.pdf>) which could be addressed by the GNSO.
- 1.3 The group also identified a focused subset of issues which could be addressed through further clarifications to certain provisions in the existing policy (see <http://gnso.icann.org/drafts/Transfer-Denial-Clarifications-23aug07.pdf>). The Inter-Registrar Transfer Policy enumerates nine reasons for which a registrar of record may deny a request to transfer a domain name to a new registrar. The Working Group noted that the language is unclear on a subset of these reasons, which has resulted in varying interpretations and practices among registrars. The Transfers Working Group has also explored possible ways to clarify the language used in this set of provisions.
- 1.4 The four clauses in question (from Section 3, articulating reasons for which a Registrar of Record may deny a transfer request) are:

- 1.4.1 No payment for previous registration period (including credit card charge-backs) if the domain name is past its expiration date or for previous or current registration periods if the domain name has not yet expired. In all such cases, however, the domain name must be put into "Registrar Hold" status by the Registrar of Record prior to the denial of transfer (Reason #5 in the policy).
- 1.4.2 A domain name was already in "lock status" provided that the Registrar provides a readily accessible and reasonable means for the Registered Name Holder to remove the lock status (Reason #7 in the policy).
- 1.4.3 A domain name is in the first 60 days of an initial registration period (Reason #8 in the policy).
- 1.4.4 A domain name is within 60 days (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so directs) (Reason #9 in the policy).
- 1.5 The launch of a dedicated policy development process limited to consideration of these issues has been confirmed by the General Counsel to be properly within the scope of the ICANN policy process and within the scope of the GNSO.

## 2 OBJECTIVE

2.1 This report is submitted in accordance with Step 2 of the Policy Development Process described in Annex A of the ICANN Bylaws (<http://www.icann.org/general/bylaws.htm#AnnexA>).

2.2 In this context, and in compliance with ICANN Bylaw requirements:

a. The proposed issue raised for consideration:

Specific clarifications to the Inter-Registrar Transfer Policy.

b. The identity of the party submitting the issue:

GNSO Council.

c. How that party is affected by the issue:

The GNSO is responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains. The GNSO includes various constituencies, which are affected in various ways by issues relating to inter-registrar transfers. These issues are discussed in further detail in Section 4 below.

d. Support for the issue to initiate the PDP:

The Council voted at its meeting on 20 September 2007 to request an issues report. Staff is complying with this request and is not aware of any formal expressions of support for the initiation of a PDP on this topic.

e. Staff recommendation:

Staff's recommendation is that the Council initiate a targeted PDP aimed at providing constructive clarifications to these provisions of the Inter-Registrar Transfer Policy. As required by the Bylaws, staff has examined the following areas:

- i. Whether the issue is within the scope of ICANN's mission statement:

ICANN's mission statement includes the coordination of the allocation of certain types of unique identifiers, including domain names, and the coordination of policy development reasonably and appropriately related to these technical functions.

- ii. Whether the issue is broadly applicable to multiple situations or organizations:

The Inter-Registrar Transfer Policy is applicable to every transfer of a domain name between ICANN-accredited registrars, in all gTLDs that have implemented the policy. Thus, it affects a high percentage of gTLD registrants (individuals and organizations).

- iii. Whether the issue is likely to have lasting value or applicability, albeit with the need for occasional updates:

Clarifications to the existing Inter-Registrar Transfer Policy will have lasting value and applicability, as the policy will continue to apply to gTLD registries and registrars.

- iv. Whether the issue will establish a guide or framework for future decision-making:

Clarifications to the existing Inter-Registrar Transfer Policy may establish a guide or framework which would be applicable in other areas.

- v. Whether the issue implicates or affects an existing ICANN policy.

Clarifications to the existing Inter-Registrar Transfer Policy clearly affect the existing policy.

- 2.3 Based on the above, the launch of a dedicated policy development process limited to consideration of the issues in the working group's document "Points of Clarification Inter-Registrar Transfer Policy (<http://gnso.icann.org/drafts/Transfer-Denial-Clarifications->

[23aug07.pdf](#)) has been confirmed by the General Counsel to be properly within the scope of the ICANN policy process and within the scope of the GNSO.

- 2.4 In accordance with step 2(f) of the policy development process, the Staff Manager shall distribute the Issue Report to the full Council for a vote on whether to initiate the PDP.

### 3 BACKGROUND

#### 3.1 Process background

- 3.1.1 On 12 February 2003, the GNSO Council's Transfers Task Force released its Final Report and Recommendations on Policies and Processes for Gaining and Losing Registrars (<http://www.icann.org/gnso/transfers-tf/report-12feb03.htm>).
- 3.1.2 At its meeting on 20 February 2003, the GNSO Council voted unanimously to accept the Final Report of the GNSO Transfers Task Force and to forward it to the ICANN Board as a consensus-policy recommendation (see <http://gnso.icann.org/dns/notes/20030220.GNSOteleconf-minutes.html>).
- 3.1.3 The report was posted on the ICANN website on 4 March 2003, with a call for public comment (see <http://www.icann.org/riodejaneiro/transfers-topic.htm>). The report was also discussed at the ICANN public forum on 26 March 2003, with public comment received (see <http://www.icann.org/riodejaneiro/video.htm>).
- 3.1.4 On 25 April 2003, the ICANN Board voted to approve the recommendations in the report, and authorized staff to implement the policy recommendations in consultation with registries, registrars, and other knowledgeable parties (see <http://www.icann.org/minutes/minutes-25apr03.htm>).

- 3.1.5 On 12 July 2004, ICANN announced the adoption of the Inter-Registrar Transfer Policy (see <http://www.icann.org/announcements/advisory-12jul04.htm>), with an effective date of 12 November 2004.
- 3.1.6 On 12 January 2005, ICANN posted a notice requesting public input on experiences with the Inter-Registrar Transfer Policy (<http://www.icann.org/announcements/announcement-12jan05.htm>). Staff used the public comments along with its experiences in responding to questions and complaints to create a Staff Report on Experiences with the Inter-Registrar Transfer Policy, posted on 14 April 2005 (see <http://www.icann.org/transfers/transfer-report-14apr05.pdf>).
- 3.1.7 On 12 May 2005, the GNSO Council decided “to form a working group with a representative group of volunteers from the GNSO to review the staff report in order to seek clarification, further information and provide guidance for the 6 month review and to report back to the Council at its meeting on 2 June 2005.” (see <http://gns0.icann.org/meetings/minutes-gns0-12may05.htm>).
- 3.1.8 On 17 September 2007, the chair of the Transfers Working Group provided the Council with a set of documents as the outcome of the group’s work (see <http://gns0.icann.org/mailling-lists/archives/council/msg03895.html>). These documents included: (i) a draft advisory containing reminders and clarifications about the policy; (ii) a broad list of policy issues on which the GNSO might wish to do further work; and (iii) a list of issues focused on Section 3 of the policy, for which a focused

PDP aimed at clarifications to these issues would be recommended.

3.1.9 At its meeting on 20 September 2007, the GNSO Council voted in favour of the following motion:

i) The GNSO Council will issue the working group report entitled "Advisory Concerning Inter-Registrar Transfer Policy" (see: <http://gns0.icann.org/drafts/Transfer-Advisory-23aug07.pdf>) for constituency and community review and comment for a period of no less than 14 days, and;

i.a) pursuant to this comment period, all material commentary will be summarized and reviewed by Council

i.b) pursuant to the review by Council that the current, or an amended form of this report be provided to Staff for posting to the ICANN web site as a community advisory.

ii) Pursuant to section 1.b of Annex A of ICANN's Bylaws, that the GNSO Council initiate the formal GNSO Policy Development Process by requesting the creation of an issues report evaluating issues raised by the working group document "Points of Clarification Inter-Registrar TransferPolicy". see: (<http://gns0.icann.org/drafts/Transfer-Denial-Clarifications-23aug07.pdf>)

iii). That the GNSO Council form a short-term planning group to analyse and prioritize the policy issues raised in the report "Communication to GNSO on Policy Issues Arising from Transfer Review" (see: <http://gns0.icann.org/drafts/Transfer-Policy-Issues-23aug07.pdf>) before the Council further considers a PDP on any of the work discussed in the report."

## 3.2 Issue Background

3.2.1 Prior to the adoption of the Inter-Registrar Transfer Policy, provisions on transfers between registrars were included in an exhibit to the Registry-Registrar Agreement (see for example

<http://www.icann.org/tlds/agreements/biz/registry-agmt-appf-11may01.htm>).

3.2.2 Prior to the development of the Inter-Registrar Transfer Policy, ICANN noted a high volume of end-user complaints regarding difficulties in transferring domain names between registrars, and a lack of consistency regarding transfer procedures across registrars.

3.2.3 As noted in the Task Force report (see <http://www.icann.org/gnso/transfers-tf/report-12feb03.htm>), competition among registration service providers provides consumers with the benefits of choice among a variety of registrars with differentiated services and prices. A guiding principle of the Task Force was that domain name registrants should be able to choose a registrar who can serve their needs and should be able to move from one registrar to another when they desire to do so.

3.2.4 The Task Force report summarized its requirements in terms of the words Security, Transparency, Stability, and Portability, and noted that “any recommendation approved for implementation as policy must meet these four standards and achieve balance between them.”

3.2.5 Many of the discussions in the community around interpretation of these provisions have also made reference to principles of security, transparency, stability, and portability. For discussions among registrars on these particular topics

(<http://gnso.icann.org/mailing-lists/archives/registrars/>), see for

example mailing list discussions occurring from 22 Oct – 24 Oct 2004, 5 Oct – 7 Oct 2006, 20 Sep - 1 Oct 2007.

- 3.2.6 Along with the list of issues discussed in this report, the GNSO's Transfers Working Group produced a broader list of issues on which the GNSO might wish to initiate further policy work (see <http://gns0.icann.org/mailling-lists/archives/council/msg03895.html>). This issues report is not intended to address all possible issues related to the transfer policy, but only those relevant to the reasons for denial of a transfer request specified in Section 3 of the policy.
- 3.2.7 Independent of the Transfers Working Group's deliberations, ICANN staff posted a "Notice of Intent to Issue Advisory Regarding the Inter-Registrar Transfer Policy" on 19 September 2007 (see <http://www.icann.org/announcements/announcement-19sep07.htm>). The staff did not perform a review of the entire policy, but aimed to respond to and provide clarity on two particular issues raised by members of the community (the auto-renew grace period and changes to Whois information) within the existing policy. The proposed Advisory was posted for public comment through 19 October 2007, with the intention that staff would evaluate the input received before deciding how to proceed. This effort does not preclude any actions that the GNSO wishes to take relating to these issues. Staff will continue to support the GNSO's policy work on the Inter-Registrar Transfer Policy, and implement any approved recommendations that result from a policy development process.

## 4 DISCUSSION OF PROPOSED ISSUES

### 4.1 Overview

The issues which are the subject of this report concern four points occurring in Section 3 of the Inter-Registrar Transfer Policy, in the list of reasons for which a Registrar of Record may deny a transfer request. These are:

- Denial for nonpayment (reason 5)
- Denial for lock status (reason 7)
- Denial for 60 days of initial registration period (reason 8)
- Denial for 60 days after previous transfer (reason 9)

### 4.2 Denial for nonpayment

4.2.1 The current language (describing a reason for which a registrar of record may deny a transfer request) reads:

No payment for previous registration period (including credit-card chargebacks) if the domain name is past its expiration date or for previous or current registration periods if the domain name has not yet expired. In all such cases, however, the domain name must be put into "Registrar Hold" status by the Registrar of Record prior to the denial of transfer.

4.2.2 An element of confusion regarding this provision is due to the use of the terms "previous" and "current" registration periods, which are

not defined within the policy. Additionally, the current language references the “expiration date” as a point of distinction between when a transfer request may or may not be validly denied for nonpayment. However, particularly in the case of a registration that is auto-renewed by the registry, the expiration date recorded and displayed by the registry (triggered by payment from the registrar to the registry, under applicable terms from the Registry-Registrar Agreement) may differ from the expiration date according to the registrar’s records (triggered by payment from the registrant to the registrar, under applicable terms from the registration agreement). As the expiration date is not a consistent value, there can be various meanings attached to this provision.

4.2.3 In the case of an auto-renewal transaction, the majority of gTLD registries offer an “Auto-Renew Grace Period” to registrars (currently 45 days). If a domain name is deleted or transferred away during this period, the registrar may obtain a credit for the auto-renewal fee from the registry. In the case of an auto-renewal transaction, the registry will add one year to the registration, meaning that a name within the grace period may be considered to be within a “current registration period,” or “has not yet expired.” However, since the auto-renewal transaction between the registry and registrar is not final and can be reversed during the grace period, the name may also be considered to be “past its expiration date.”

4.2.4 The policy further states that:

Instances when the requested change of Registrar may not be denied include, but are not limited to:

- Nonpayment for a pending or future registration period.

ICANN has typically considered the Auto-Renew Grace Period to be a “pending or future registration period” (see <http://www.icann.org/announcements/proposed-advisory-19sep07.htm>). However, staff has supported the referring of this issue to the GNSO because it is desirable for the policy to contain a greater degree of clarity on this point.

#### 4.2.5 The policy also states that:

The Registrar of Record has other mechanisms available to collect payment from the Registered Name Holder that are independent from the Transfer process. Hence, in the event of a dispute over payment, the Registrar of Record must not employ transfer processes as a mechanism to secure payment for services from a Registered Name Holder. Exceptions to this requirement are as follows:

- (i) In the case of non-payment for previous registration period(s) if the transfer is requested after the expiration date, or
- (ii) In the case of non-payment of the current registration period, if transfer is requested before the expiration date.

#### 4.2.6 Referring to the Task Force’s Report

(<http://www.icann.org/gnso/transfers-tf/report-exhd-12feb03.htm>) for the intention behind the policy language, the Task Force Report stated that:

"The general principle seems to be if a registrar can obtain a refund for the registry fee following a transfer during the 45 day grace

period, than the registrar should not be able to deny the transfer for non-payment."

4.2.8 It should be noted that while the registry may offer a grace period to registrars following an auto-renewal transaction, registrars are under no obligation to offer a corresponding grace period to their customers. It is a common practice for registrars to include terms in the applicable registration agreements in which the registrant consents to various post-expiration practices, such as auctions or assignment to third parties (see for example "Advisory: Registrar Expired Name Market Developments," <http://www.icann.org/announcements/announcement-21sep04-1.htm>). However, registrars are required by the Expired Domain Deletion Policy (see <http://www.icann.org/registrars/eddp.htm>) to provide notice to registrants of their deletion and auto-renewal policies, and of any material changes to these policies.

4.2.9 The current provision in the Inter-Registrar Transfer Policy also provides that prior to denying any transfer requests for nonpayment under this clause, a registrar must have placed the domain name on "Registrar Hold" status. This does not appear to be the usual practice, with many registrars using "Registrar Lock" status instead. It should be noted that "Registrar Hold" removes the name from the zone and causes it not to resolve, while a name in "Registrar Lock" may continue to function but will not be able to be transferred. As part of the discussion regarding this provision, it may be helpful to consider whether one is preferable to the other in instances of nonpayment.

### **4.3 Denial for lock status**

4.3.1 The current language (describing a reason for which a registrar of record may deny a transfer request) reads:

A domain name was already in "lock status" provided that the Registrar provides a readily accessible and reasonable means for the Registered Name Holder to remove the lock status.

4.3.2 Referring to the Task Force's Report

(<http://www.icann.org/gnso/transfers-tf/report-exhd-12feb03.htm>) for the intention behind the policy language, the following Q/A occurs:

9. "Some Registrars liberally employ the 'Registrar lock' function as it relates to the domain names they register for Registrants. This often means that Registrants \*can't\* transfer their domain name in a predictable way. Do the Task Force recommendations consider this?"

A. Through extensive discussion within the Task Force and further consultation with the community after the Interim Report, the Task Force formed a minor series of amended recommendations that simply requires Registrars to provide Registrants with simple and transparent mechanisms by which Registrants can simply unlock or lock their domain name using accessible processes established by the Registrar.

Analysis: The Task Force heard this concern from several user groups. Earlier versions of this report contained substantially more stringent recommendations, however further discussion within the Task Force and outreach to various stakeholders

within the DNSO only drew the lack of consensus on the older recommendations into focus. Accordingly the Task Force re-crafted its recommendations in order to support the principles that were supported by consensus.

4.3.3 In the current environment, registrar policies and practices vary with regard to means available to registrants for removing a Registrar Lock status. As a prerequisite to a registrar's denial of a transfer request for this reason, the policy requires that registrars provide a "readily accessible and reasonable means for the Registered Name Holder to remove the lock status." In staff's investigation of complaints about an inability to unlock a name, it is necessary to review the circumstances on a case by case basis, and apply an interpretation as to whether the registrar's practice is reasonable.

4.3.4 ICANN continues to receive complaints from registrants noting difficulty in unlocking names (see data from 2006 at <http://www.icann.org/compliance/pie-problem-reports-2006.html>). ICANN could more efficiently enforce this provision if there were a test available for what is "reasonable or readily accessible." Adoption of a common test or standard would also facilitate uniform enforcement of this provision.<sup>1</sup>

4.3.5 In instances where a domain name is in Registrar Lock status, a transfer that is initiated by a potential gaining registrar will be

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<sup>1</sup> As an example of such a test or standard, Section 5 of the policy includes the following in regard to provision of the authInfo code: "Registrars may not employ any mechanism for complying with a Registered Name Holder's request to remove the lock status that is more restrictive than the mechanisms used for changing any aspect of the Registered Name Holder's contact or name server information."

automatically rejected at the registry level, without an explicit denial by the registrar of record. This makes it difficult for a registrar of record to comply with the requirement to provide the registrant and potential gaining registrar with the reason that the transfer was denied. It may be helpful for the policy language to reflect the process that occurs in the case of this type of denial.

#### **4.4 Denial for 60 days of Initial Registration Period**

4.4.1 The current language (describing a reason for which a registrar of record may deny a transfer request) reads:

A domain name is in the first 60 days of an initial registration period.

4.4.2 As there is no definition for “an initial registration period” included in the policy, this provision has been subject to varying interpretations. It is unclear whether there is only one initial registration period associated with a domain name, or whether there may be multiple initial registration periods, as in the case for example of a change of registrant. No information has been located in regard to the original intention of the Task Force on this provision.

#### **4.5 Denial for 60 days after Previous Transfer**

4.5.1 The current language (describing a reason for which a registrar of record may deny a transfer request) reads:

A domain name is within 60 days (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so directs).

4.5.2 No references were located relating to the original intention of the task force regarding this provision. It can be inferred from the name of the policy that the language refers to an inter-registrar transfer, and this is the position taken in the draft Advisory developed by the Transfers Working Group. However, in order to ensure uniformity in compliance, it may be beneficial to consider providing additional clarity on this provision in the policy itself.

4.5.3 A change of registrant or other changes to registration data may be considered by some registrars to constitute a “previous transfer.” Limiting the definition narrows the scope of circumstances in which a registrar may deny a transfer request, while allowing for broader definitions gives a registrar greater latitude. As noted by some registrars, a transfer requested soon after a change of registrant may indicate possible fraudulent activity, a case in which a registrar may wish to deny the request, although other registrars have noted that there are also legitimate reasons for a change of registrant to precede a transfer request. It should be noted that “evidence of fraud” is already a separate reason for denying a transfer request (Reason #1).

4.5.4 Additionally, a greater capacity for multiple transfers within a set amount of time complicates the dispute resolution process, requiring more registry and registrar resources to resolve problem cases.

4.5.5 The Transfers Working Group has also noted that a reference in this provision to its inclusion or noninclusion of bulk transfers (in accordance with Part B of the policy) could be beneficial. ICANN has typically considered a bulk transfer under Part B of the policy to be a “previous transfer;” however, staff supports the referring of this issue to the GNSO because it is desirable for the policy to contain a greater degree of precision on this point.

#### **4.6 Additional comments**

This Issues Report does not propose options for solutions to these issues. However, the Transfers Working Group has developed language that may be used as a starting point for further discussions in the document entitled “Denial Clarifications” (see <http://gnso.icann.org/mailing-lists/archives/council/msg03895.html>).

## 5 DISCUSSION OF POSSIBLE POLICY OUTCOMES

- 5.1 If a policy development process is initiated on the issues discussed in this report, the probable outcome would be the presentation to the Council of new terms modifying the existing Inter-Registrar Transfer Policy. If the Council and the Board of Directors approved the proposed modifications, this would result in a revised Inter-Registrar Transfer Policy being posted, with notice provided to all relevant parties.
- 5.2 If a policy development process is not initiated, or if there are no changes recommended at the conclusion of a PDP, the result would be that the status quo would continue.
- 5.3 The presumption is that a PDP in accordance with the issues addressed in this report should not result in additional changes to the policy beyond the four areas noted, since the scope of the PDP would be limited to the clauses discussed in Section 4.

## 6 STAFF RECOMMENDATION

- 6.1 Staff has confirmed that the proposed issues are within the scope of the policy development process and the GNSO. It is reasonable from the staff's perspective to expect that greater precision and certainty around the terms of the Inter-Registrar Transfer Policy would be beneficial to the community generally, particularly for registrants, as well as those parties (gTLD registries and registrars) who are obligated to comply with the policy provisions. Staff therefore recommends that the GNSO Council proceed with a policy development process limited to consideration of the issues discussed in this report.
- 6.2 Staff notes that there is a broader set of issues identified by the Transfers Working Group (see <http://gns0.icann.org/drafts/Transfer-Policy-Issues-23aug07.pdf>) that concern the Inter-Registrar Transfer Policy, and also supports the GNSO's consideration of further work on these.

5.12.1 Consultation on Registrar  
Accreditation Agreement Amendments  
<http://www.icann.org/topics/raa/>

## Consultation on Registrar Accreditation Agreement Amendments

### Latest

A summary and analysis of public comment on amending the RAA [has been released](#). Also [available here as a pdf](#).

### Background

The [Registrar Accreditation Agreement](#) (RAA) is the contract that governs the relationship between ICANN and its accredited registrars. The current agreement has been in place since May 2001. The same contract is in place between ICANN and each of the approximately 900 accredited registrars (a directory of accredited registrars can be found at <http://www.internic.net/regist.html> ).

As the market has developed and the number of ICANN accredited registrars and domain name registrations have grown significantly, it has become clear that certain amendments should be made to this important agreement. The amendments are intended to provide clarity and certainty regarding the duties of registrars and the rights of registrants. This page has been created to describe the process, plans and actions for developing and implementing these amendments. Also included are links to relevant documents that have been developed and public comment fora that have been established.

In March, Dr. Paul Twomey, President and CEO of ICANN called for a comprehensive review of the RAA and the Accreditation process. The results of that review included a workshop at ICANN's meeting in San Juan, Puerto Rico and to Board resolutions describing an approach for arriving at and implementing amendments. In accordance with that resolution, ICANN will solicit public input for possible changes to the RAA and the accreditation process. ICANN will also draft proposed amendments in accordance with that input, information received at workshops and public fora to date, and consultations with the gTLD Registrar Constituency. After discussions with the Registrar Constituency, a set of proposed amendments will be published for additional comment before they are submitted as advice to the Board for action.

Documents describing this work are found below and include: the existing RAA; Paul Twomey's call for review of agreements and processes; the ICANN Board resolutions describing and supporting the process; and descriptions of proposed amendments discussed to date. The proposed amendments were discussed in the San Juan workshop and other venues.

A Public Forum to solicit suggestions for and comment on proposals is identified below.

After 30 days, input from the comment forum will be synthesized for discussion with the Registrar Constituency and others to develop a full set of proposed amendments to the RAA. The comment forum will be kept open after that for additional comment. Another forum will be opened when proposed amendments have been drafted and posted for discussion.

### Announcements & Resolutions

- [ICANN Releases RAA Public Consultation Comments](#)  
23 October 2007
- [Adopted Board Resolutions Consultation on Registrar Accreditation Agreement Amendments](#)  
29 June 2007, San Juan, Puerto Rico
- [Protecting Registrants Focus of ICANN Workshop](#)  
25 June 2007
- [Adopted Board Resolution — Protections for gTLD Registrants](#)  
30 March 2007, Lisbon, Portugal
- [Registrar Accreditation Policy and Process Must Be Reviewed](#)

21 March 2007

## Important Documents

- [Registrar Accreditation Agreement](#)
- [Registrar Accreditation Process](#)

## Proposed Amendments

Below are documents describing possible amendments to the RAA. Alternatively, you can view them [in plain text on a separate webpage](#). These documents were assembled first as a result of Paul Twomey's recommendations that were [announced](#) on 21 March 2007. These were discussed briefly with the gTLD Registrar Constituency at the Lisbon and San Juan ICANN meetings and publicly at the [Workshop on Protection of Registrants](#) in San Juan, Puerto Rico, 25 June 2007.

Each of the documents below describes the intent and purpose of the proposed amendment, as well as some of the issues concerning potential implementation of such an amendment. Comments on each of these can be made in the comment forum described below.

- [Eliminating the Practice of Obtaining ICANN Accreditation by Purchase](#) [PDF, 21K]
- [Improved Contractual Compliance Enforcement Tools](#) [PDF, 20K]
- [Potential Group Liability of Registrars Owned by a Single Entity](#) [PDF, 20K]
- [Registrar Data Escrow of Data Underlying Privacy Registrations](#) [PDF, 22K]
- [Management of Reseller Relationships](#) [PDF, 21K]
- [Skills Testing or Certification of Registrar Personnel](#) [PDF, 20K]

Workshop transcript:

<http://sanjuan2007.icann.org/files/sanjuan/SanJuan-ProtectionOfRegistrants-25June07.txt> [TXT, 112K]

## Workshops and Presentations

### [Protection of Registrants Workshop](#)

25 June 2007, San Juan

- Transcript: <http://sanjuan2007.icann.org/files/sanjuan/SanJuan-ProtectionOfRegistrants-25June07.txt> [TXT, 112K]

Public Forum: Issues Arising out of Recent Experiences with RegisterFly  
26 March 2007 Lisbon

- Presentation: [Domain name Registration Issues](#)
- Transcript: <http://www.icann.org/meetings/lisbon/transcript-public1-26mar07.htm.htm> (second half of transcript)

## At Large Policy Working Group on Registrant / Registrar Relations

This [working group](#) will look at the entire scope of the RAA (Registrar Accreditation Agreement), and recommend concrete steps to the larger At-Large community.

A mailing list, RAA-WG, can be subscribed to from

[http://atlarge-lists.icann.org/mailman/listinfo/raa-wg\\_atlarge-lists.icann.org](http://atlarge-lists.icann.org/mailman/listinfo/raa-wg_atlarge-lists.icann.org).

## Public Forums

The initial Public Comment period was open from 30 July 2007 through 10 September 2007 (while the forum remains open, the initial work is based on the input received during this period). It was established for the purposes of: soliciting input regarding potential amendments to the RAA; specific comment on the amendments subjects briefed above; soliciting input regarding potential changes to the registrar accreditation process. For this phase of the review, comments have been synthesized to inform and refine proposed amendments. This synthesis of comments can be found in [plain text here](#) or at the following link as a pdf file: <http://www.icann.org/topics/raa/raa-public-comments-23oct07.pdf> [PDF, 61K]

Another forum will be established to solicit comment on draft amendments constructed in accordance with the comment received here and elsewhere.

Send comments to: [raa-consultation@icann.org](mailto:raa-consultation@icann.org)

View comments at: <http://forum.icann.org/lists/raa-consultation>

5.12.2 Summary Report of RAA Public  
Consultation Comments, October 2007  
<http://www.icann.org/announcements/announcement-23oct07.htm>

## ICANN Releases RAA Public Consultation Comments

Report compiles public input from Registrar Accreditation Agreement consultation

*23 October 2007*

**MARINA DEL REY, Calif.:** The Internet Corporation for Assigned Names and Numbers today released [a compilation of the public input](#) received during the public comment period of the Registrar Accreditation Agreement (RAA) consultation process.

ICANN had committed to release a complete summary and analysis of community feedback collected during the consultation process on revisions to the RAA.

ICANN's President and CEO Dr Paul Twomey started the review process back in March 2007 to look at ways registrants could be protected. The RAA is the contract that governs the relationship between ICANN and its accredited registrars. The current version was put in place in May 2001. The same contract is in place between ICANN and each of the more than 900 accredited registrars (a directory of which can be found at <http://www.internic.net/regist.html>).

Protection of registrants and improving on the contractual relationship between ICANN and its accredited registrars are key elements of the discussion taking place.

The report on the public input is at <http://icann.org/topics/raa/raa-public-comments-23oct07.pdf> [PDF, 61K]

More information on the RAA consultation is at <http://www.icann.org/topics/raa/>

### **About ICANN:**

ICANN is responsible for the global coordination of the Internet's system of unique identifiers like domain names (like .org, .museum and country codes like .uk) and the addresses used in a variety of Internet protocols that help computers reach each other over the Internet. Careful management of these resources is vital to the Internet's operation, so ICANN's global stakeholders meet regularly to develop policies that ensure the Internet's ongoing security and stability. ICANN is an internationally organized, public benefit non-profit company. For more information please visit: [www.icann.org](http://www.icann.org).

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### 5.12.3 Board Resolution on Public Consultation on RAA Amendments

<http://www.icann.org/minutes/resolutions-29jun07.htm#k>

## Adopted Board Resolutions - San Juan, Puerto Rico

29 June 2007

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- [Thanks to Staff, Scribes, Event Teams, and Local Hosts](#)

### Approval of Minutes

Resolved (07.41), the minutes of the Board Meeting of 18 June 2007 are approved.

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### Approval of 2007-2008 ICANN Budget

Whereas, ICANN posted a draft Operating Plan for public comment on 22 March 2007, including links to the strategic plan and details of costing of major projects  
<<http://www.icann.org/announcements/announcement-22mar07.htm>>

Whereas, ICANN held community consultations on the draft Operating Plan at the Lisbon ICANN meeting, with sessions in English at the public forum (with the option of remote participation) and also in French, Spanish and Arabic.

Whereas, the proposed budget for FY 2008 was developed to implement the FY 08 Operating Plan, and was posted for public comment in accordance with the Bylaws on 17 May 2007  
<<http://www.icann.org/announcements/announcement-2-17may07.htm>>. A slightly revised version was posted on 23 May 2007.

Whereas, translations of the budget have been posted in Arabic, French, Russian, and Spanish (with a Chinese version in progress).

Whereas, ICANN has actively solicited feedback on the budget from numerous constituencies, including consultations with the ALAC, gTLD Registries and Registrars constituencies.

Whereas, continuing consultation on the budget has been conducted at ICANN's meeting in San Juan, with sessions at the public forum and also special sessions in French and Spanish.

Whereas, the ICANN Board Finance Committee met in San Juan on 24 June 2007, and recommended that the Board:

- Accept staff recommendation that this budget represents the resources necessary to execute the posted operating plan;
- Adopt the financial budget targets proposed in the FY08 budget, with management discretion to use contingency and execute the plans as needs/issues arise;

- Approve the formal process used to solicit feedback, and appreciates that the feedback has been identified and accommodated through changes to the budget for further analysis for next year;
- Approve the amended proposed budget as of 29 June 2007 to be adopted for Fiscal Year 2008, including increased support for translation, administrative support, revenue plans and fee structures;
- Amend the planning calendar for FY 2008 to allow for the budget and operating plan to be introduced earlier, and at the same time; and
- Direct staff to assess the reserve fund requirement (level and timing) and short and long term revenue models—and report back to Board in Los Angeles.

Resolved (07.42), the ICANN Board approves the recommendations of the Finance Committee and approves the 2007-08 operating plan and budget.

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### **Election of New Chief Financial Officer**

Resolved (07.43), Kevin Wilson is elected as Chief Financial Officer, to serve at the pleasure of the Board and in accordance with the Bylaws of the Corporation, and shall hold his office until his resignation, removal, or other disqualification from service, or until his successor shall be elected and qualified.

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### **Consultation on Transparency and Accountability Operating Principles**

Whereas, the transparency and accountability of ICANN and its processes are of crucial importance to the community.

Whereas, a draft set of Frameworks and Principles for accountability and transparency has been released for consultation and public comment. The principles document ICANN's approach to its work, including several new elements such as a documentary information disclosure policy, a translation policy, and a participation policy.

Whereas, a workshop discussing the draft principles was held during ICANN's meetings in San Juan, Puerto Rico.

Whereas, the Board encourages discussion and community input to facilitate continued improvements and measures designed to increase and assist accountability and transparency. A further workshop concerning enhancements to ICANN's transparency and accountability is planned to be held during ICANN's meetings in Los Angeles in October 2007.

Resolved (07.44), the Board actively encourages debate and discussion with a view to considering further improvements to both transparency and accountability.

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### **.COOP Renewal Sponsor Agreement**

Whereas, ICANN staff conducted good-faith negotiations with DotCooperation LLC, sponsor for the .COOP sponsored top-level domain, for the renewal of their sponsorship agreement.

Whereas, on 20 April 2007, ICANN announced that negotiations with DotCooperation LLC had been successfully completed, and posted the proposed .COOP renewal agreement for public comment <<http://www.icann.org/announcements/announcement-20apr07.htm>>.

Whereas, ICANN extended the public comment period on 16 May 2007 in response to community feedback on the proposed renewal agreement <<http://www.icann.org/announcements/announcement-16may07.htm>>.

Whereas, DotCooperation LLC wrote to ICANN on 15 June 2007 agreeing to delete a provision from the proposed agreement that would have permitted the sponsor to request exemptions from some consensus policies <<http://www.icann.org/correspondence/palage-to-twomey-15jun07.pdf>>.

Whereas, the Board carefully considered the proposed renewal agreement, public comments, and the sponsor's responses, and finds that approval of the proposed renewal agreement would be beneficial for ICANN and the Internet community.

It is hereby resolved (07.45), that the .COOP agreement is approved, and the President is authorized to take such actions as appropriate to implement the agreement.

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### **.TEL ICANN Fee Amendment**

Whereas, Telnic has submitted an amendment to Article VII, Section 7.2(b) of the .TEL Registry Agreement to change the fees paid to ICANN.

Whereas, the language of the proposed agreement is similar to that approved in existing agreements, results in fees aligned more closely to other registries than fees in the existing agreement, and represents a fee reduction.

Whereas, ICANN conducted analysis and review of the requested amendment.

It is hereby resolved (07.46), that the President and General Counsel are authorized to enter into an amendment of the .TEL Registry Agreement to accept the proposed change in fee structure.

### **Report on Protections for gTLD Registrants: Registrar Data Escrow**

(For discussion only.)

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### **Discussion of Global Policy Proposals on Remaining IPv4 Allocations; and AS Numbers**

(For discussion only.)

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### **Adoption of IANA Root Zone Procedures for Evaluating IDN Deployment**

Whereas, the introduction of Internationalised Top-Level Domain Names is considered a priority by ICANN;

Whereas, the IANA Root Zone Procedures for Test IDN Deployment paper is considered an important component of enabling evaluation and testing prior to deployment;

Whereas, significant consultation in the technical community and including a public posting with comment purpose has taken place with no significant recommendation for change received;

Whereas, the IDN TLD Root Server Performance/Tolerance paper has undergone the same review as the IANA procedure and its finalisation is anticipated in conjunction with the root server operators;

Resolved (07.47), the Board accepts the IANA Root Zone Procedures for Evaluating IDN Deployment, and directs staff to implement this in accordance with the contract for IANA performance and IANA's procedures.

Resolved (07.48), the Board considers the root-server operators' participation an important component of the further plans for IDN evaluations and directs staff to receive and implement recommendations received from the RSSAC at their 22 July 2007 meeting.

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### **Regional At-Large Organization for North America**

Whereas, the ICANN Bylaws, Article XI, Section 2, Part 4, provide a process that allows individual Internet users to participate meaningfully in the work of ICANN, as the community known as

'At-Large', and;

Whereas, groups representing individual internet users throughout the North American ("NA") Geographic Region have finalised work on organising themselves as a Regional At-Large Organisation ("RALO") by creating a Memorandum of Understanding between themselves and ICANN, and;

Whereas, the Parties to the MoU signed it at a public ceremony at the San Juan ICANN meeting, the execution of the agreement on ICANN's part contingent upon final approval by the ICANN Board following completion of the public comment period, and;

Whereas, the ICANN Board wishes to recognise and applaud the North American At-Large community in question and the achievement of this milestone;

Whereas, the Board wishes to recognise with the signing of this Memorandum of Understanding and the election of two North American members of the At-Large Advisory Committee, the ALAC is no longer 'Interim', and the whole At-Large community is to be congratulated on an enormous amount of work;

Resolved (07.49), the Board ratifies the Memorandum of Understanding with the North American At-Large Structures, on the same basis under which it was signed.

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### **Consultation on Registrar Accreditation Agreement Amendments**

Whereas, ICANN has received considerable comment and recommendations from registrants and others in the Internet community for improvements in ICANN contracts in order to protect the interests of registrants.

Whereas, ICANN posted several recommendations in a call for major review of ICANN's Registrar Accreditation Agreements (RAA) and the accreditation process.

Whereas, community comment received since the posting tends to affirm those same areas as important and ICANN has published specific areas for amendment.

Whereas, ICANN Board and staff have met with the Registrars Constituency to discuss specific recommended changes to the RAA and agreed to continue discussions to expedite the publication and consideration of proposed amendments.

Whereas, it is important to implement amendments in a timely manner to avoid future harm to registrants.

Resolved (07.50), the Board directs staff to solicit and consider the input of the Internet community, including the At-Large community and the GNSO constituencies, regarding proposed changes to the RAA, registrar accreditation process, and related policies.

Resolved (07.51), the Board requests that staff engage with the Registrars Constituency in order to arrive at, and post for public comment, a set of proposed amendments or alternative version to the RAA, that is intended to address to the extent feasible the concerns raised by the Internet community.

Resolved (07.52), that when the RAA is published for public comment, that notice be provided to allow the At-Large Advisory Committee, the GNSO, and other interested parties to review the proposed revised RAA and provide advice to the Board in its review.

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### **Acknowledgement of Technical Progress on IDNs**

Whereas, the Board expresses its gratitude to the volunteers in the technical community, including the IETF, IAB, RSSAC, and SSAC for their work related to the deployment of IDNs.

Whereas, the Board recognizes the important work being done on the revision of the IDNA

protocol that provides the framework for what characters can be used when registering domain names, as well as the successful results in the laboratory test conducted by Autonomica.

Whereas, ICANN is preparing the near-term release of a publicly accessible facility for the evaluation of at least eleven IDN TLDs that will be provisionally entered into the root zone of the DNS and that will include second-level domains in the same languages as the TLDs, all for evaluation purpose only.

Whereas, the Board recognizes that this is a significant step towards the stable deployment of IDNs.

Whereas, the SSAC has undertaken a technical study to analyze stability and security issues associated with the deployment of IDNs TLDs.

Whereas, the TLD registries working group has recently released IDN Guidelines revisions, and plans to continue this effort as further details of the IDNA protocol revision is being completed.

Whereas, the ICANN Board remains committed to the development and deployment of IDNs that enable people to use domain names with characters other than a through z and 0 through 9, and at the same time benefit from the promise of a single interoperable Internet.

Resolved (07.53), the ICANN Board acknowledges the work performed by the members of the community working on this important topic and urges this work to continue to move forward in a manner that emphasizes the security and stability of the Internet.

Resolved (07.54), the ICANN Board respectfully requests that technical volunteers continue to work closely together to complete their work revising the IDNA protocol and identifying technical requirements for IDN registrations to guide the policy making community.

Resolved (07.55), the ICANN Board requests staff to consider the resulting technical recommendations as essential for the introduction of IDN at the top-level in a manner that ensures the continued security and stability of the Internet.

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### **Acknowledgement of Policy Progress on IDNs**

Whereas, the Board expresses its gratitude to the ICANN community, including the GNSO, ccNSO, GAC, and ALAC for their work related to the deployment of IDNs.

Whereas, the ccNSO, GNSO, GAC and ALAC are actively addressing policy aspects related to the introduction of internationalized top-level labels.

Whereas, a joint effort involving the ccNSO and GAC has made considerable progress, publishing a list of issues and questions that need to be addressed in order to move forward with IDN ccTLDs associated with the ISO 3166-1 two-letter codes.

Whereas, the ICANN community is discussing the details involved in using an interim approach to IDN ccTLDs associated with the ISO 3166-1 two-letter codes to meet near-term demands and to gain experience with mechanisms for selection and authorization of such TLDs that can inform a policy development process aimed at creating an overall policy.

Whereas, the ICANN Board remains committed to the development and deployment of IDNs that enable people to use domain names with characters other than a through z and 0 through 9, and at the same time benefit from the promise of a single interoperable Internet.

Resolved (07.56), the ICANN Board respectfully requests that that the ICANN community including the GNSO, ccNSO, GAC, and ALAC provide the Board with responses to the published list of issues and questions that need to be addressed in order to move forward with IDN ccTLDs associated with the ISO 3166-1 two-letter codes in a manner that ensures the continued security and stability of the Internet. The Board requests status reports regarding progress by the conclusion of the ICANN meeting in Los Angeles in October 2007.

Resolved (07.57), the ICANN Board respectfully requests that the ICANN community including the

GNSO, ccNSO, GAC, and ALAC continue to work collaboratively, taking the technical limitations and requirements into consideration, to explore both an interim and an overall approach to IDN ccTLDs associated with the ISO 3166-1 two-letter codes and recommend a course of action to the Board in a timely manner.

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### **On the Deployment of IPv6**

Whereas, the unallocated pool of IPv4 address space held by IANA and the Regional Internet Registries is projected to be fully distributed within a few years;

Whereas, the future growth of the Internet therefore increasingly depends on the availability and timely deployment of IPv6;

Whereas, the ICANN Board and community agree with the call to action from the Address Supporting Organization and the Number Resource Organization, Regional Internet Registries, the Government Advisory Committee, and others, to participate in raising awareness of this situation and promoting solutions;

The Board expresses its confidence in the Internet community to meet this challenge to its future prospects, and expresses its confidence in the bottom-up, inclusive, stakeholder-driven processes in place to provide any needed policy changes, and;

The Board further resolves to work with the Regional Internet Registries and other stakeholders to promote education and outreach, with the goal of supporting the future growth of the Internet by encouraging the timely deployment of IPv6.

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### **GNSO Improvements**

Whereas Article IV, Section 4 of ICANN's Bylaws calls for periodic reviews of the performance and operation of each Supporting Organization, each Supporting Organization Council, each Advisory Committee (other than the Governmental Advisory Committee), and the Nominating Committee by an entity or entities independent of the organization under review.

Whereas these reviews are part of ICANN's ongoing commitment to its evolution and improvement, and are intended to ensure an independent examination of the role and operation of key elements of ICANN.

Whereas independent reviews of the GNSO and the GNSO Council were completed and submitted to the Board.

Whereas the Board created the "Board Governance Committee GNSO Review Working Group" to consider the independent reviews and other relevant input, and recommend to the Committee a comprehensive proposal to improve the effectiveness of the GNSO, including its policy activities, structure, operations and communications.

Whereas the Working Group posted a working draft and supporting documents which present the group's initial ideas and pose key questions regarding GNSO improvements on which public comment has been and continues to be sought.

Whereas public forums were held in Lisbon and San Juan at which the community discussed the proposed draft and areas of emerging agreement, possible recommendations, and questions about how to improve the GNSO's inclusiveness and representativeness, while at the same time increasing its effectiveness and efficiency.

Whereas the public comment period comments on the working draft is continuing, and the Working Group encourages additional comments.

Whereas the Working Group will consider all input and develop a new draft of proposed recommendations for additional public comment and Board Governance Committee consideration, after which the Board will act on final proposed recommendations on GNSO improvements.

Resolved (07.58), the ICANN Board acknowledges with gratitude the work of the community and the Working Group and encourages additional public comment and stakeholder input on the draft and ideas for appropriate GNSO changes.

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### Other Business

- President's Strategy Committee Update
- Strategic Planning Consultation Update <<http://www.icann.org/planning>>

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### Thanks to Alejandro Pisanty

Whereas Alejandro Pisanty:

- Was elected by the DNSO to serve on the first elected ICANN Board starting at the Annual Meeting in 1999;
- Was elected by the DNSO to a second term starting in mid-2003;
- Was elected by the GNSO to a final term on the board that expired on June 8, 2007;
- Was elected as Vice-Chair of the ICANN Board at the Annual Meeting in 2001 and served in this position through the Annual Meeting in 2006;
- Served as Chair of the ICANN Committee on Evolution and Reform from its formation at the Annual Meeting in 2001 through implementation of its recommendations;
- Served as Chair of the Board Governance Committee from 2004 through 2006;
- Served as: a member of the Executive Committee from 2000 through 2006; a member of the Finance Committee in 2004 and 2006; a member of the Reconsideration Committee from 2001 through June 2003; and a Co-Chair of the ICANN Board & Governmental Advisory Committee Joint Working Group.

Whereas Alejandro Pisanty has tirelessly served the Board and virtually all aspects of the ICANN and Internet communities with brilliance, energy, distinction, panache and a devastatingly ironic wit;

Whereas he has contributed in countless ways to the successes of ICANN with his unique blend of technical, diplomatic and collaborative skills;

Now therefore it is resolved that the ICANN Board offers its sincere and heartfelt gratitude for his long and diligent service and conveys its best wishes for success in his university roles and expresses its great appreciation for his continued service to the Internet community in the Internet Governance Forum, as a leader in the Internet Society, and more generally as an unflinching advocate for the spread of the Internet to all who wish to use it.

(Motion adjourned until Los Angeles.)

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### Thanks to Staff, Scribes, Event Teams, and Local Hosts

The Board wishes to extend its thanks to Gauss Research Laboratory and its Managing Director, Dr. Oscar Moreno for hosting the ICANN meeting. The Board would also like to thank Deputy Assistant Secretary Meredith Atwell Baker of the NTIA, U.S. Department of Commerce; Brad Weiner, Dean, Faculty of Natural Sciences, University of Puerto Rico; Boris Jaskille, Executive Director, Puerto Rico Industrial Development Company; and Bernadette Lewis, Secretary General, Secretariat of the Caribbean Telecommunications Union for participating in the Welcome Ceremony. The Board also thanks those who worked with the local hosts to make this a successful meeting.

The Board expresses its appreciation to the scribes Laura Brewer, Teri Darrenogue, Jennifer Schuck and Charles Motter, to ICANN staff present here in San Juan, and to the rest of the ICANN staff for their efforts in facilitating the smooth operation of the meeting.

The Board also wishes to express its appreciation to all the Gauss Research Laboratory staff and the students of the University of Puerto Rico for support of meeting arrangements, Centennial Communications and JW Technology Service for bandwidth and wireless support, Media Stage,

Inc. for audio/visual support, Sizzling Ideas Event Designers and ICCS for staging and setups. Additional thanks are given to the Caribe Hilton for this fine facility and to their event facilities and support.

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## 5.16.1 .ASIA Registry Agreement

<http://www.icann.org/tlds/agreements/asia/>



## .asia Registry Agreement (6 December 2006)

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### SPONSORED TLD REGISTRY AGREEMENT

This SPONSORED TLD REGISTRY OPERATOR AGREEMENT (this "Agreement") is entered into as of 6 December, 2006 by and between Internet Corporation for Assigned Names and Numbers, a California nonprofit public benefit corporation, and DotAsia Organisation Limited, a Hong Kong not-for-profit limited-by-guarantee corporation.

#### ARTICLE I Introduction

Section 1.1 Effective Date. The Effective Date for purposes of this Agreement shall be the date on which the TLD (as defined below) is delegated within the authoritative root-server system to nameservers designated by Registry Operator.

Section 1.2 Top-Level Domain. The Top-Level Domain to which this Agreement applies is .asia ("TLD").

Section 1.3 Designation as Registry Operator. Upon the Effective Date, until the Expiration Date as defined in Section 4.1 hereof, ICANN hereby designates DotAsia Organisation Limited as the sponsoring organization and sole Registry Operator for the sponsored TLD ("Registry Operator"). ICANN hereby delegates to Registry Operator the authority to develop policies for the sponsored TLD consistent with the requirements of Section 3.1(g) of this Agreement and the provisions set forth in Appendix S of this Agreement.

#### ARTICLE II Representations and Warranties

Section 2.1 Registry Operator's Representations and Warranties.

(a) Organization; Due Authorization and Execution. Registry Operator is a not-for-profit limited-by-guarantee company, duly organized, validly existing and in good standing under the laws of Hong Kong, and Registry Operator has all requisite power and authority to enter into this Agreement. All corporate approvals and actions necessary for the entrance by Registry Operator into this Agreement have been obtained and this Agreement has been duly and validly executed and delivered by Registry Operator.

(b) Statements made During Application Process. The factual statements contained in Registry Operator's application for the TLD, or made by Registry Operator in negotiating this Agreement, were true and correct in all material respects at the time the application was submitted to ICANN and are true and

correct in all material respects as of the date this Agreement is entered into set forth above.

## Section 2.2 ICANN's Representations and Warranties.

(a) Organization; Due Authorization and Execution. ICANN is a nonprofit public benefit corporation duly organized, validly existing and in good standing under the laws of California. ICANN has all requisite corporate power and authority to enter into this Agreement. All corporate approvals and actions necessary for the entrance by ICANN into this Agreement have been obtained and this Agreement has been duly and validly executed and delivered by ICANN.

(b) Best Efforts. As of the date of execution of this Agreement first set forth above, notwithstanding the fact that ICANN currently does not exercise exclusive authority over the constellation of DNS root-nameservers specified, from time to time, in the file [ftp://ftp.internic.net/domain/named.root], as further described in ICP 3 (the "Authoritative Root-server System"), ICANN agrees to work in good faith, using best efforts, to ensure that the TLD shall be delegated to Registry Operator, and that the authoritative root will point to the TLD zone servers designated by Registry Operator for the Registry TLD throughout the Term of Agreement.

## **ARTICLE III Covenants**

Section 3.1 Covenants of Registry Operator. Registry Operator covenants and agrees with ICANN as follows:

### (a) Preserve Security and Stability.

(i) ICANN Temporary Specifications or Policies. Registry Operator shall comply with and implement all specifications or policies established by the ICANN Board of Directors on a temporary basis, if adopted by the ICANN Board of Directors by a vote of at least two-thirds of its members, so long as the ICANN Board of Directors reasonably determines that immediate temporary establishment of a specification or policy on the subject is necessary to maintain the Stability or Security (as defined in Section 3.1(d)(iv)(G)) of Registry Operator Services or the DNS ("Temporary Specification or Policies"). Such proposed specification or policy shall be as narrowly tailored as feasible to achieve those objectives. In establishing any specification or policy under this provision, the ICANN Board of Directors shall state the period of time for which the specification or policy is temporarily adopted and shall immediately implement the Consensus Policy development process set forth in ICANN's Bylaws. ICANN shall also issue an advisory statement containing a detailed explanation of its reasons for adopting the temporary specification or policy and why the Board believes the specification or policy should receive the consensus support of

Internet stakeholders. If the period of time for which the specification or policy is adopted exceeds 90 days, the ICANN Board shall reaffirm its temporary adoption every 90 days for a total period not to exceed one year, in order to maintain such policy in effect until such time as it shall become a Consensus Policy as described in Section 3.1(b) below. If during such one year period, the temporary policy or specification does not become a Consensus Policy meeting the standard set forth in Section 3.1(b) below, Registry Operator shall no longer be required to comply with or implement such temporary policy or specification.

(b) Consensus Policies.

(i) At all times during the term of this Agreement and subject to the terms hereof, Registry Operator will fully comply with and implement all Consensus Policies, as the same may be applicable to Sponsored TLDs, found at <http://www.icann.org/general/consensus-policies.htm>, as of the Effective Date and as may in the future be developed and adopted in accordance with ICANN's Bylaws and as set forth below.

(ii) "Consensus Policies" are those specifications or policies established (1) pursuant to the procedure set forth in ICANN's Bylaws and due process, and (2) covering those topics listed in Section 3.1(b)(iv) below. The Consensus Policy development process and procedure set forth in ICANN's Bylaws may be revised from time to time in accordance with ICANN's Bylaws, and any Consensus Policy that is adopted through such a revised process and covering those topics listed in Section 3.1(b)(iv) below shall be considered a Consensus Policy for purposes of this Agreement.

(iii) For all purposes under this Agreement, the policies identified at <http://www.icann.org/general/consensus-policies.htm> shall be treated in the same manner and have the same effect as "Consensus Policies."

(iv) Consensus Policies and the procedures by which they are developed shall be designed to produce, to the extent possible, a consensus of Internet stakeholders. Consensus Policies shall relate to one or more of the following: (1) issues for which uniform or coordinated resolution is reasonably necessary to facilitate interoperability, Security and/or Stability of the Internet or DNS; (2) functional and performance specifications for the provision of Registry Operator Services (as defined in Section 3.1(d)(iii) below); (3) Security and Stability of the Registry Operator database for the TLD; (4) Registry Operator policies reasonably necessary to implement Consensus Policies relating to Registry

Operator operations or registrars; or (5) resolution of disputes regarding the registration of domain names (as opposed to the use of such domain names). Such categories of issues referred to in the preceding sentence shall include, without limitation:

(A) principles for allocation of registered names in the TLD (e.g., first-come, first-served, timely renewal, holding period after expiration);

(B) prohibitions on warehousing of or speculation in domain names by registries or registrars;

(C) reservation of registered names in the TLD that may not be registered initially or that may not be renewed due to reasons reasonably related to (a) avoidance of confusion among or misleading of users, (b) intellectual property, or (c) the technical management of the DNS or the Internet (e.g., establishment of reservations of names from registration);

(D) maintenance of and access to accurate and up-to-date information concerning domain name registrations;

(E) procedures to avoid disruptions of domain name registration due to suspension or termination of operations by a registry operator or a registrar, including procedures for allocation of responsibility for serving registered domain names in a TLD affected by such a suspension or termination; and

(F) resolution of disputes regarding whether particular parties may register or maintain registration of particular domain names.

(v) Registry Operator shall be afforded a reasonable period of time following notice of the establishment of a Consensus Policy or Temporary Specifications or Policies in which to comply with such policy or specification, taking into account any urgency associated with the Security or Stability of the Internet or DNS.

In the event of a conflict between Registry Operator Services (as defined in Section 3.1(d)(iii) below), on the one hand, and Consensus Policies developed in accordance with this Section 3.1(b) or any Temporary Specifications or Policies established pursuant to Section 3.1(a)(i) above, on the other hand, the Consensus Policies or Temporary Specifications or Policies shall control, notwithstanding any other provisions contained within this Agreement.

(c) Handling of Registry Operator Data.

(i) Data Escrow. Registry Operator shall establish at its expense a data escrow or mirror site policy for the Registry Operator Data compiled by Registry Operator. Registry Operator Data, as used in this Agreement, shall mean the following: (1) data for domains sponsored by all registrars, consisting of domain name, server name for each nameserver, registrar id, updated date, creation date, expiration date, status information, and DNSSEC-related key material; (2) data for nameservers sponsored by all registrars consisting of server name, each IP address, registrar id, updated date, creation date, expiration date, and status information; (3) data for registrars sponsoring registered domains and nameservers, consisting of registrar id, registrar address, registrar telephone number, registrar e-mail address, whois server, referral URL, updated date and the name, telephone number, and e-mail address of all the registrar's administrative, billing, and technical contacts; (4) domain name registrant data collected by the Registry Operator from registrars as part of or following registration of a domain name; and (5) the DNSSEC-related material necessary to sign the TLD zone (e.g., public and private portions of TLD zone key-signing keys and zone-signing keys). The escrow agent or mirror-site manager, and the obligations thereof, shall be mutually agreed upon by ICANN and Registry Operator on commercially reasonable standards that are technically and practically sufficient to allow a successor registry operator to assume management of the TLD. To this end, Registry Operator shall periodically deposit into escrow all Registry Operator Data on a schedule (not more frequently than weekly for a complete set of Registry Operator Data, and daily for incremental updates) and in an electronic format mutually approved from time to time by Registry Operator and ICANN, such approval not to be unreasonably withheld by either party. In addition, Registry Operator will deposit into escrow that data collected from registrars as part of offering Registry Operator Services introduced after the Effective Date of this Agreement. The escrow shall be maintained, at Registry Operator's expense, by a reputable escrow agent mutually approved by Registry Operator and ICANN, such approval also not to be unreasonably withheld by either party. The schedule, content, format, and procedure for escrow deposits shall be as reasonably established by ICANN from time to time, and as set forth in Appendix 1 hereto. Changes to the schedule, content, format, and procedure may be made only with the mutual written consent of ICANN and Registry Operator (which neither party shall unreasonably withhold) or through the establishment of a Consensus Policy as outlined in Section 3.1(b) above. The escrow shall be held under an agreement, substantially in the form of Appendix 2, as the same may be revised from time to time, among ICANN, Registry

Operator , and the escrow agent. The escrow will contain DNSSEC-related material only after Registry Operator implements it in the future.

(ii) Personal Data. Registry Operator shall notify registrars sponsoring registrations in the Registry Operator for the TLD of the purposes for which Personal Data (as defined below) submitted to Registry Operator by registrars, if any, is collected, the intended recipients (or categories of recipients) of such Personal Data, and the mechanism for access to and correction of such Personal Data. Registry Operator shall take reasonable steps to protect Personal Data from loss, misuse, unauthorized disclosure, alteration or destruction. Registry Operator shall not use or authorize the use of Personal Data in a way that is incompatible with the notice provided to registrars. "Personal Data" shall refer to all data about any identified or identifiable natural person.

(iii) Bulk Zone File Access. Registry Operator shall provide bulk access to the zone files for the Registry Operator for the TLD to ICANN on a reasonable basis in the manner ICANN may specify from time to time. Bulk access to the zone files shall be provided to third parties on the terms set forth in the TLD zone file access agreement reasonably established by ICANN, which initially shall be in the form attached as Appendix 3 hereto. Changes to the zone file access agreement may be made upon the mutual written consent of ICANN and Registry Operator (which consent neither party shall unreasonably withhold).

(iv) Monthly Reporting. Within 20 days following the end of each calendar month, Registry Operator shall prepare and deliver to ICANN a report providing such data and in the format specified in Appendix 4. ICANN may audit Registry Operator 's books and records relating to data contained in monthly reports from time to time upon no less than ten days' advance written notice, provided that such audits shall not exceed one per quarter. Any such audit shall be at ICANN's cost, unless such audit shall reflect a material discrepancy or discrepancies in the data provided by Registry Operator . In the latter event, Registry Operator shall reimburse ICANN for all costs and expenses associated with such audit, which reimbursement shall be paid together with the next Registry Operator-Level Fee payment due following the date of transmittal of the cost statement for such audit. For purposes of this section, a "material discrepancy or discrepancies" shall be a discrepancy or discrepancies that, in the singular for the aggregate, result in an understatement in excess of 5% of the fees owed to ICANN by Registry Operator under section 7.2.

(v) Whois Service. Registry Operator shall provide such whois data as set forth in Appendix 5 and Part VI of Appendix S.

(d) Registry Operator Operations.

(i) Registration Restrictions.

(A) Registry Operator shall be responsible for establishing policies, in conformity with the charter, for the naming conventions within the sponsored TLD and for requirements of registration, consistent with Section 3.1(g).

(B) Registry Operator shall be responsible for establishing procedures for the enforcement of applicable Charter restrictions on registration within the TLD, as described in more detail in the sponsored TLD charter attached as Part I to Appendix S.

(C) Registry Operator shall reserve, and not register any TLD strings (i) appearing on the list of reserved TLD strings attached as Appendix 6 hereto or (ii) located at <http://data.iana.org/TLD/tlds-alpha-by-domain.txt> for initial (i.e., other than renewal) registration at the second level within the TLD.

(ii) Functional and Performance Specifications. Functional and Performance Specifications for operation of the TLD shall be as set forth in Appendix 7 hereto, and shall address without limitation minimum requirements for DNS services; operation of the shared registration system; and nameserver operations. Registry Operator shall keep technical and operational records sufficient to evidence compliance with such specifications for at least one year, which records ICANN may audit from time to time upon no less than ten days' advance written notice, provided that such audits shall not exceed one per quarter. Any such audit shall be at ICANN's cost.

(iii) Registry Operator Services. Registry Operator Services are, for purposes of this Agreement, defined as the following: (a) those services that are operations of the Registry Operator critical to the following tasks: the receipt of data from registrars concerning registrations of domain names and name servers; provision to registrars of status information relating to the zone servers for the TLD; dissemination of TLD zone files; operation of the Registry Operator zone servers; and dissemination of contact and other information concerning domain name server registrations in the TLD as required by this Agreement; (b) other products or services that the Registry Operator is required to provide because of the establishment of a Consensus Policy (as defined in Section 3.1(b) above); (c) any other products or services that only a registry operator is capable of providing, by reason of its designation as

the registry operator; and (d) material changes to any Registry Service within the scope of (a), (b) or (c) above.

(iv) Process for Consideration of Proposed Registry Operator Services. Following written notification by Registry Operator to ICANN that Registry Operator may make a change in a Registry Operator Service within the scope of the preceding paragraph:

(A) ICANN shall have 15 calendar days to make a "preliminary determination" whether a Registry Operator Service requires further consideration by ICANN because it reasonably determines such Registry Operator Service: (i) could raise significant Security or Stability issues or (ii) could raise significant competition issues.

(B) Registry Operator must provide sufficient information at the time of notification to ICANN that it may implement such a proposed Registry Operator Service to enable ICANN to make an informed "preliminary determination." Information provided by Registry Operator and marked "CONFIDENTIAL" shall be treated as confidential by ICANN. Registry Operator will not designate "CONFIDENTIAL" information necessary to describe the purpose of the proposed Registry Operator Service and the effect on users of the DNS.

(C) ICANN may seek expert advice during the preliminary determination period (from entities or persons subject to confidentiality agreements) on the competition, Security or Stability implications of the Registry Operator Service in order to make its "preliminary determination." To the extent ICANN determines to disclose confidential information to any such experts, it will provide notice to Registry Operator of the identity of the expert(s) and the information it intends to convey. ICANN shall respect Registry Operator's reasonable objection based on equitable or competitive grounds to the proposed disclosure to a particular expert.

(D) If ICANN determines during the 15 calendar day "preliminary determination" period that the proposed Registry Operator Service, does not raise significant Security or Stability (as defined below), or competition issues, Registry Operator shall be free to deploy it upon such a determination.

(E) In the event ICANN reasonably determines during

the 15 calendar day "preliminary determination" period that the Registry Operator Service might raise significant competition issues, ICANN shall refer the issue to the appropriate governmental competition authority or authorities with jurisdiction over the matter within five business days of making its determination, or two business days following the expiration of such 15 day period, whichever is earlier, with notice to Registry Operator . Any such referral communication shall be posted on ICANN's website on the date of transmittal. Following such referral, ICANN shall have no further responsibility, and Registry Operator shall have no further obligation to ICANN, with respect to any competition issues relating to the Registry Operator Service. If such a referral occurs, the Registry Operator will not deploy the Registry Operator Service until 45 calendar days following the referral, unless earlier cleared by the referred governmental competition authority.

(F) In the event that ICANN reasonably determines during the 15 calendar day "preliminary determination" period that the proposed Registry Operator Service might raise significant Stability or Security issues (as defined below), ICANN will refer the proposal to a Standing Panel of experts (as defined below) within five business days of making its determination, or two business days following the expiration of such 15 day period, whichever is earlier, and simultaneously invite public comment on the proposal. The Standing Panel shall have 45 calendar days from the referral to prepare a written report regarding the proposed Registry Operator Service's effect on Security or Stability (as defined below), which report (along with a summary of any public comments) shall be forwarded to the ICANN Board. The report shall set forward the opinions of the Standing Panel, including, but not limited to, a detailed statement of the analysis, reasons, and information upon which the panel has relied in reaching their conclusions, along with the response to any specific questions that were included in the referral from ICANN staff. Upon ICANN's referral to the Standing Panel, Registry Operator may submit additional information or analyses regarding the likely effect on Security or Stability of the Registry Operator Service.

(G) Upon its evaluation of the proposed Registry Operator Service, the Standing Panel will report on the

likelihood and materiality of the proposed Registry Operator Service's effects on Security or Stability, including whether the proposed Registry Operator Service creates a reasonable risk of a meaningful adverse effect on Security or Stability as defined below:

Security: For purposes of this Agreement, an effect on security by the proposed Registry Operator Service shall mean (1) the unauthorized disclosure, alteration, insertion or destruction of Registry Operator Data, or (2) the unauthorized access to or disclosure of information or resources on the Internet by systems operating in accordance with all applicable standards.

Stability: For purposes of this Agreement, an effect on stability shall mean that the proposed Registry Operator Service (1) is not compliant with applicable relevant standards that are authoritative and published by a well-established, recognized and authoritative standards body, such as relevant Standards-Track or Best Current Practice RFCs sponsored by the IETF or (2) creates a condition that adversely affects the throughput, response time, consistency or coherence of responses to Internet servers or end systems, operating in accordance with applicable relevant standards that are authoritative and published by a well-established, recognized and authoritative standards body, such as relevant Standards-Track or Best Current Practice RFCs and relying on Registry Operator 's delegation information or provisioning services.

(H) Following receipt of the Standing Panel's report, which will be posted (with appropriate confidentiality redactions made after consultation with Registry Operator ) and available for public comment, the ICANN Board will have 30 calendar days to reach a decision. In the event the ICANN Board reasonably determines that the proposed Registry Operator Service creates a reasonable risk of a meaningful adverse effect on Stability or Security, Registry Operator will not offer the proposed Registry Operator Service. An unredacted version of the Standing Panel's report shall be provided to Registry Operator upon the posting of the report. The Registry Operator may respond to the report of the Standing Panel or otherwise submit to the ICANN Board additional information or analyses regarding the likely effect on

## Security or Stability of the Registry Operator Service.

(l) The Standing Panel shall consist of a total of 20 persons expert in the design, management and implementation of the complex systems and standards-protocols utilized in the Internet infrastructure and DNS (the "Standing Panel"). The members of the Standing Panel will be selected by its Chair. The Chair of the Standing Panel will be a person who is agreeable to both ICANN and the Registry Operator constituency of the supporting organization then responsible for generic top level domain Registry Operator policies. All members of the Standing Panel and the Chair shall execute an agreement requiring that they shall consider the issues before the panel neutrally and according to the definitions of Security and Stability described above. For each matter referred to the Standing Panel, the Chair shall select no more than five members from the Standing Panel to evaluate the referred matter, none of which shall have an existing competitive, financial, or legal conflict of interest, and with due regard to the particular technical issues raised by the referral.

(e) Fees and Payments. Registry Operator shall pay the Registry Operator-Level Fees to ICANN on a quarterly basis in accordance with Section 7.2 hereof.

(f) Cooperation. Registry Operator shall cooperate with ICANN in efforts to promote and facilitate the security and stability of the Internet and maintain a reliable and stable DNS. To this end, Registry Operator shall provide such data and assistance related to these issues to ICANN as it may reasonably request from time to time.

(g) General Obligations of Registry Operator to Sponsored Community. During the Term of this Agreement, Registry Operator shall, in developing or enforcing standards, policies, procedures, or practices with respect to the TLD:

(i) publish such standards, policies, procedures, and practices so they are available to members of the sponsored TLD community;

(ii) conduct its policy-development activities in a manner that reasonably provides opportunities for members of the sponsored TLD community to discuss and participate in the development of such standards, policies, procedures, or practices;

(iii) maintain the representativeness of its policy-development and implementation process by establishing procedures that facilitate participation by a broad cross-section of the sponsored TLD

community; and

(iv) ensure, through published procedures, adequate opportunities for members of the sponsored TLD community to submit their views on and objections to the establishment or revision of standards, policies, procedures, and practices or the manner in which standards, policies, procedures, and practices are enforced.

Section 3.2 Covenants of ICANN. ICANN covenants and agrees with Registry Operator as follows:

(a) Open and Transparent. Consistent with ICANN's expressed mission and core values as set forth in its Bylaws, ICANN shall operate in an open and transparent manner.

(b) Equitable Treatment. ICANN shall not apply standards, policies, procedures or practices arbitrarily, unjustifiably, or inequitably and shall not single out Registry Operator for disparate treatment unless justified by substantial and reasonable cause.

(c) TLD Zone Servers. In the event and to the extent that ICANN is authorized to set policy with regard to an Authoritative Root Server System, and in any case consistent with its obligations set forth set forth in Section 2.2(b) above, it will use best efforts to ensure that (i) the authoritative root will point to the TLD zone servers designated by Registry Operator for the Registry Operator TLD throughout the Term of this Agreement; and (ii) any changes to the TLD zone server designation submitted to ICANN by Registry Operator will be implemented by ICANN within seven calendar days of submission.

(d) Nameserver Changes. Registry Operator may request changes in the nameserver delegation for the Registry Operator TLD. Any such request must be made in a format, and otherwise meet technical requirements, specified from time to time by ICANN. ICANN will use commercially reasonable efforts to have such requests implemented in the Authoritative Root-Server System within seven calendar days of the submission.

(e) Root-zone Information Publication. ICANN's publication of root-zone contact information for the Registry Operator TLD will include Registry Operator and its administrative and technical contacts. Any request to modify the contact information for the Registry Operator must be made in the format specified from time to time by ICANN.

#### **ARTICLE IV Term of Agreement**

Section 4.1 Term. The initial term of this Agreement shall be ten (10) years from the Effective Date (the "Expiration Date"). Registry Operator agrees that upon the earlier of (i) termination of this Agreement by ICANN in accordance with Article VI below or (ii) the Expiration Date, it will cease to be the Registry Operator for the TLD, unless, with respect to termination under the foregoing clause (ii), Registry Operator and ICANN

agree on terms for renewal of the Agreement as set forth in Section 4.2 below prior to the Expiration Date.

Section 4.2 Renewal. This Agreement shall be renewed upon the expiration of the initial term set forth in Section 4.1 above, and following any renewal term, unless: (i) an arbitrator or court has determined that Registry Operator has been in fundamental and material breach of Registry Operator's obligations set forth in Sections 3.1(a), (b), (d) or (e); Section 5.2 or Section 7.3 despite notice and an opportunity to cure in accordance with Article VI hereof and (ii) following the final decision of such arbitrator or court, Registry Operator has failed to correct the conduct found to constitute such breach within ten days from the date of the decision of the arbitrator or court or within such other timeframe as may be prescribed by the arbitrator or court, whichever is longer. Provided, however, that Registry Operator agrees that any renewal of this Agreement is conditioned on its negotiation of renewal terms acceptable to ICANN, including, but not limited to, provisions relating to Registry Operator-level fees. Upon renewal, in the event that the terms of this Agreement are not similar to the terms generally in effect in the registry agreements of the five TLDs most reasonably comparable to .asia (provided, however, that if less than five TLDs shall be reasonably comparable, then comparison shall be made with such lesser number), renewal shall be upon terms reasonably modified so long as any increase in such fees shall not exceed the average of the percentage increase in registry fees for such five reasonably comparable TLDs (or such lesser number as provided above), during the prior three-year period.

Section 4.3 Changes. While this Agreement is in effect, the parties agree to engage in good faith negotiations at regular intervals (at least once every three calendar years following the Effective Date) regarding possible changes to the terms of the Agreement, including to Section 7.2 regarding fees and payments to ICANN.

Section 4.4 Failure to Perform in Good Faith. In the event Registry Operator shall have been repeatedly and willfully in fundamental and material breach of Registry Operator's obligations set forth in Sections 3.1(a), (b), (d) or (e); Section 5.2 or Section 7.3, and arbitrators in accordance with Section 5.1(b) of this Agreement repeatedly have found Registry Operator to have been in fundamental and material breach of this Agreement, including in at least three separate awards, then ICANN may request the arbitrators award such punitive, exemplary or other damages as they may believe appropriate under the circumstances.

## **ARTICLE V Dispute Resolution**

Section 5.1 Resolution of Disputes.

(a) Cooperative Engagement. In the event of a disagreement between Registry Operator and ICANN arising under or out of this Agreement, either party may by notice to the other invoke the dispute resolution provisions of this Article V. Provided, however, that before either party may initiate arbitration as provided in Section 5.1(b) below, ICANN and Registry Operator must attempt to resolve the dispute by cooperative engagement as set forth in this Section 5.1(a). If either party provides written notice to the other demanding cooperative engagement as set forth in this Section 5.1(a), then each party will, within seven calendar days after such written notice is

deemed received in accordance with Section 8.6 hereof, designate a single executive officer as its representative under this Section 5.1(a) with full authority to act on such party's behalf to resolve the dispute. The designated representatives shall, within 2 business days after being designated, confer by telephone or in person to attempt to resolve the dispute. If they are not able to resolve the dispute during such telephone conference or meeting, they shall further meet in person at a location reasonably designated by ICANN within 7 calendar days after such initial telephone conference or meeting, at which meeting the parties shall attempt to reach a definitive resolution. The time schedule and process set forth in this Section 5.1(a) may be modified with respect to any dispute, but only if both parties agree to a revised time schedule or process in writing in advance. Settlement communications within the scope of this paragraph shall be inadmissible in any arbitration or litigation between the parties.

(b) Arbitration. Disputes arising under or in connection with this Agreement, including requests for specific performance, shall be resolved through binding arbitration conducted as provided in this Section 5.1(b) pursuant to the rules of the International Court of Arbitration of the International Chamber of Commerce ("ICC"). The arbitration shall be conducted in the English language and shall occur in Los Angeles County, California, USA only following the failure to resolve the dispute pursuant to cooperative engagement discussions as set forth in Section 5.1(a) above. There shall be three arbitrators: each party shall choose one arbitrator and, if the two arbitrators are not able to agree on a third arbitrator, the third shall be chosen by the ICC. The prevailing party in the arbitration shall have the right to recover its costs and reasonable attorneys' fees, which the arbitrators shall include in their awards. Any party that seeks to confirm or vacate an arbitration award issued under this Section 5.1(b) may do so only pursuant to the applicable arbitration statutes. In any litigation involving ICANN concerning this Agreement, jurisdiction and exclusive venue for such litigation shall be in a court located in Los Angeles County, California, USA; however, the parties shall also have the right to enforce a judgment of such a court in any court of competent jurisdiction. For the purpose of aiding the arbitration and/or preserving the rights of the parties during the pendency of an arbitration, the parties shall have the right to seek a temporary stay or injunctive relief from the arbitration panel or a court, which shall not be a waiver of this agreement to arbitrate.

Section 5.2 Specific Performance. Registry Operator and ICANN agree that irreparable damage could occur if any of the provisions of this Agreement was not performed in accordance with its specific terms. Accordingly, the parties agree that they each shall be entitled to seek from the arbitrators specific performance of the terms of this Agreement (in addition to any other remedy to which each party is entitled).

Section 5.3 Limitation of Liability. ICANN's aggregate monetary liability for violations of this Agreement shall not exceed the amount of Registry Operator-Level Fees paid by Registry Operator to ICANN within the preceding twelve-month period pursuant to Section 7.2 of this Agreement. Registry Operator 's aggregate monetary liability to

ICANN for violations of this Agreement shall be limited to fees and monetary sanctions due and owing to ICANN under this Agreement. In no event shall either party be liable for special, indirect, incidental, punitive, exemplary, or consequential damages arising out of or in connection with this Agreement or the performance or nonperformance of obligations undertaken in this Agreement, except as provided pursuant to Section 4.4 of this Agreement. EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS AGREEMENT, REGISTRY OPERATOR DOES NOT MAKE ANY WARRANTY, EXPRESS OR IMPLIED, WITH RESPECT TO THE SERVICES RENDERED BY ITSELF, ITS SERVANTS, OR ITS AGENTS OR THE RESULTS OBTAINED FROM THEIR WORK, INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTY OF MERCHANTABILITY, NON-INFRINGEMENT, OR FITNESS FOR A PARTICULAR PURPOSE.

## **ARTICLE VI Termination Provisions**

Section 6.1 Termination by ICANN. ICANN may terminate this Agreement if Registry Operator fails to cure any fundamental and material breach of Registry Operator's obligations set forth in Sections 3.1(a), (b), (d) or (e); Section 5.2 or Section 7.3 despite notice and an opportunity to cure in accordance with Section 6.3 within thirty calendar days after ICANN gives Registry Operator written notice of the breach, which notice shall include with specificity the details of the alleged breach.

Section 6.2 Termination by Registry Operator. Registry Operator may terminate this agreement and its designation as Registry Operator for the TLD pursuant to 120 days prior notice in writing to ICANN, and subject to compliance with section 6.4 hereof.

Section 6.3 Bankruptcy. This Agreement shall automatically terminate in the event Registry Operator shall voluntarily or involuntarily be subject to bankruptcy proceedings and such proceeding is not dismissed or otherwise mitigated within sixty (60) days. For the avoidance of doubt, the termination provisions of this Section 6.3 shall not apply in the event of any reconstruction, reorganisation (or similar business recombination) of the Registry Operator not arising out of insolvency.

Section 6.4 Notice; Opportunity to Cure. This Agreement may be terminated in the circumstances described in Section 6.1 above only following written notice to Registry Operator and Registry Operator's failure to cure within 30 days or such other reasonable prescribed time period, whichever is longer, with Registry Operator being given a reasonable opportunity during that time to initiate arbitration under Section 5.1(b) to determine the appropriateness of termination under this Agreement. In the event Registry Operator initiates arbitration concerning the appropriateness of termination by ICANN, Registry Operator may at the same time request that the arbitration panel stay the termination until the arbitration decision is rendered, and that request shall have the effect of staying the termination until the decision or until the arbitration panel has granted an ICANN request for lifting of the stay.

Section 6.5 Transition of Registry Operator upon Termination of Agreement. Upon any termination of this Agreement as provided in Sections 6.1 and 6.2, the parties agree to work cooperatively to facilitate and implement the transition of the Registry Operator for the TLD in accordance with this Section 6.4. Registry Operator shall agree to provide ICANN or any successor Registry Operator authority that may be designated for the TLD

with any data regarding operations of the Registry Operator for the TLD necessary to maintain operations that may be reasonably requested in addition to that data escrowed in accordance with Section 3.1(c)(i) hereof, consistent with laws governing existing agreements with registrars and the obligations thereunder.

Section 6.6 Rights in Data. Registry Operator shall not be entitled to claim any intellectual property rights in Registry Operator Data. In the event that Registry Operator Data is released from escrow as set forth in Section 3.1(c)(i), rights, if any, held by Registry Operator in the data shall automatically be licensed on a non-exclusive, irrevocable, royalty-free, paid-up basis to ICANN or to a party designated in writing by ICANN.

Section 6.7 No Reimbursement. Any and all expenditures, capital investments or other investments made by Registry Operator in connection with this Agreement shall be at Registry Operator's own risk and ICANN shall have no obligation to reimburse Registry Operator for any such expense, capital expenditure or investment. Registry Operator shall not be required to make any payments to a successor registry operator by reason of Registry Operator fees paid to Registry Operator prior to the effective date of (i) any termination or expiration of this Agreement or (ii) transition of the Registry Operator, unless any delay in transition of the Registry Operator to a successor operator shall be due to the actions of Registry Operator.

## **ARTICLE VII Special Provisions**

### **Section 7.1 Registry Operator-Registrar Agreement.**

(a) Access to Registry Operator Services. Registry Operator shall make access to Registry Operator Services, including the shared registration system, available to ICANN-accredited registrars. The criteria for the selection of Registrars shall be set forth in Appendix S, part V. Following execution of the Registry Operator-Registrar Agreement, provided registrars are in compliance with such agreement, operational access to Registry Operator Services, including the shared registration system for the TLD. Such nondiscriminatory access shall include without limitation the following:

- (i) All registrars can connect to the shared registration system gateway for the TLD via the Internet by utilizing the same maximum number of IP addresses and SSL certificate authentication;
- (ii) Registry Operator has made the current version of the registrar toolkit software accessible to all registrars and has made any updates available to all registrars on the same schedule;
- (iii) All registrars have the same level of access to customer support personnel via telephone, e-mail and Registry Operator 's website;
- (iv) All registrars have the same level of access to Registry Operator resources to resolve Registry Operator/registrar or

registrar/registrar disputes and technical and/or administrative customer service issues;

(v) All registrars have the same level of access to data generated by Registry Operator to reconcile their registration activities from Registry Operator's Web and ftp servers;

(vi) All registrars may perform basic automated registrar account management functions using the same registrar tool made available to all registrars by Registry Operator; and

(vii) The shared registration system does not include, for purposes of providing discriminatory access, any algorithms or protocols that differentiate among registrars with respect to functionality, including database access, system priorities and overall performance.

Such Registry Operator-Registrar Agreement may be revised by Registry Operator from time to time, provided however, that any such revisions must be approved in advance by ICANN.

(b) Registry Operator Shall Not Act as Own Registrar. Registry Operator shall not act as a registrar with respect to the TLD. This shall not preclude Registry Operator from registering names within the TLD to itself through a request made to an ICANN-accredited registrar chosen in Registry Operator's sole discretion, or reserving names according to Appendix 6 of this Agreement.

(c) Restrictions on Acquisition of Ownership or Controlling Interest in Registrar. Registry Operator shall not acquire, directly or indirectly, control of, or a greater than fifteen percent ownership interest in, any ICANN-accredited registrar without ICANN's prior consent in writing.

## Section 7.2 Fees to be Paid to ICANN.

(a) Payment Schedule. Registry Operator shall pay the Registry Operator Fees specified in Sections 7.2(b) below, and Section 7.2(c), if applicable, by the 20th day following the end of each calendar quarter (i.e., on April 20, July 20, October 20 and January 20 for the calendar quarters ending March 31, June 30, September 30 and December 31) of the year to an account designated by ICANN.

(b) Registry-Level Operator Transaction Fee. Commencing as of the Effective Date, Registry Operator shall pay ICANN a Registry-Level Transaction Fee in an amount equal to US\$0.75 for each annual increment of an initial or renewal (including renewals associated with transfers from one ICANN-accredited registrar to another) domain name registration during the calendar quarter to which the Registry-Level Transaction Fee pertains. For purposes of this Section 7.2(c), a "domain name registration" shall include a domain name within the registry for the TLD, whether consisting of two or

more (e.g., john.smith.name) levels, about which Registry or an affiliate thereof maintains Registry Data on behalf of Registry Operator.

(c) Variable Registry Operator-Level Fee. For fiscal quarters in which ICANN does not collect a variable accreditation fee from all registrars, upon receipt of reasonable notice in writing from ICANN of not less than 45 days, Registry Operator shall pay ICANN a Variable Registry Operator-Level Fee. The fee will be calculated by ICANN, paid to ICANN by the Registry Operator in accordance with the Payment Schedule in Section 7.2(a), and the Registry Operator will invoice and collect the fees from the registrars who are party to a Registry Operator-Registrar Agreement with Registry Operator. The fee will consist of two components; each component will be calculated by ICANN for each registrar.

(i) The transactional component of the Variable Registry-Level Fee shall be specified by ICANN in accordance with the budget adopted by the ICANN Board of Directors for each fiscal year but shall not exceed US\$0.25 per domain name registration (as defined in Section 7.2(b) above).

(ii) The per-registrar component of the Variable Registry Operator-Level Fee shall be specified by ICANN in accordance with the budget adopted by the ICANN Board of Directors for each fiscal year, but the sum of the per registrar fees calculated for all registrars shall not exceed the total Per-Registrar Variable funding established pursuant to the approved 2004-2005 ICANN Budget.

(d) Interest on Late Payments. For any payments ten days or more overdue, Registry Operator shall pay interest on late payments at the rate of 1.5% per month or, if less, the maximum rate permitted by applicable law.

## **ARTICLE VIII Miscellaneous**

Section 8.1 Indemnification of ICANN. Registry Operator shall indemnify, defend, and hold harmless ICANN (including its directors, officers, employees, and agents) from and against any and all claims, damages, liabilities, costs, and expenses, including reasonable legal fees and expenses, arising out of or relating to: (a) the selection of Registry Operator to operate the Registry for the TLD; (b) the entry into this Agreement; (c) establishment or operation of the Registry for the TLD; (d) Registry Operator Services; (e) collection or handling of Personal Data by Registry Operator; (f) any dispute concerning registration of a domain name within the domain of the TLD for the Registry; and (g) duties and obligations of the Registry Operator in operating the Registry for the TLD; provided that, with respect to item (g) only, Registry Operator shall not be obligated to indemnify, defend, or hold harmless ICANN to the extent the claim, damage, liability, cost, or expense arose due to a breach by ICANN of any obligation contained in this Agreement. For avoidance of doubt, nothing in this Section 8.1 shall be deemed to require Registry Operator to reimburse or otherwise indemnify ICANN for the costs associated with the negotiation or execution of this Agreement, or with the monitoring or management of the parties' respective obligations under this Agreement.

Further, this section shall not apply to any request for attorney's fees in connection with any litigation or arbitration between or among the parties.

Section 8.2 Indemnification Procedures. If any third-party claim is commenced that is indemnified under Section 8.1 above, notice thereof shall be given to ICANN as promptly as practicable. Registry Operator shall be entitled, if it so elects, in a notice promptly delivered to ICANN, to immediately take control of the defense and investigation of such claim and to employ and engage attorneys reasonably acceptable to the indemnified party to handle and defend the same, at the indemnifying party's sole cost and expense, provided that in all events ICANN shall be entitled to control at its sole cost and expense the litigation of issues concerning the validity or interpretation of ICANN policies or conduct. ICANN shall cooperate, at its own cost, in all reasonable respects with Registry Operator and its attorneys in the investigation, trial, and defense of such claim and any appeal arising therefrom; provided, however, that the indemnified party may, at its own cost and expense, participate, through its attorneys or otherwise, in such investigation, trial and defense of such claim and any appeal arising therefrom. No settlement of a claim that involves a remedy affecting ICANN other than the payment of money in an amount that is indemnified shall be entered into without the consent of ICANN. If Registry Operator does not assume full control over the defense of a claim subject to such defense in accordance with this Section, Registry Operator may participate in such defense, at its sole cost and expense, and ICANN shall have the right to defend the claim in such manner as it may deem appropriate, at the cost and expense of Registry Operator.

Section 8.3 No Offset. All payments due under this Agreement shall be made in a timely manner throughout the term of this Agreement and notwithstanding the pendency of any dispute (monetary or otherwise) between Registry Operator and ICANN.

Section 8.4 Use of ICANN Name and Logo. ICANN grants to Registry Operator a non-exclusive royalty-free license to state that it is designated by ICANN as the Registry Operator for the Registry Operator TLD and to use a logo specified by ICANN to signify that Registry Operator is an ICANN-designated Registry Operator authority. This license may not be assigned or sublicensed by Registry Operator.

Section 8.5 Assignment and Subcontracting. Any assignment of this Agreement shall be effective only upon written agreement by the assignee with the other party to assume the assigning party's obligations under this Agreement. Moreover, neither party may assign this Agreement without the prior written approval of the other party. Notwithstanding the foregoing, ICANN may assign this Agreement (i) in conjunction with a reorganization or re-incorporation of ICANN, to another nonprofit corporation organized for the same or substantially the same purposes, or (ii) as may be required pursuant to the terms of that certain Memorandum of Understanding between ICANN and the U.S. Department of Commerce, as the same may be amended from time to time. Registry Operator must provide notice to ICANN of any subcontracting arrangements, and any agreement to subcontract portions of the operations of the TLD must mandate compliance with all covenants, obligations and agreements by Registry Operator hereunder. Any subcontracting of technical operations shall provide that the subcontracted entity become party to the data escrow agreement mandated by Section 3.1(c)(i) hereof.

Section 8.6 Amendments and Waivers. No amendment, supplement, or modification of this Agreement or any provision hereof shall be binding unless executed in writing by both parties. No waiver of any provision of this Agreement shall be binding unless evidenced by a writing signed by the party waiving compliance with such provision. No waiver of any of the provisions of this Agreement or failure to enforce any of the provisions hereof shall be deemed or shall constitute a waiver of any other provision hereof, nor shall any such waiver constitute a continuing waiver unless otherwise expressly provided.

Section 8.7 No Third-Party Beneficiaries. This Agreement shall not be construed to create any obligation by either ICANN or Registry Operator to any non-party to this Agreement, including any registrar, registered name holder or members of the Registry Operator.

Section 8.8 Notices, Designations, and Specifications. All notices to be given under or in relation to this Agreement shall be given either (i) in writing at the address of the appropriate party as set forth below or (ii) via facsimile or electronic mail as provided below, unless that party has given a notice of change of postal or email address, or facsimile number, as provided in this agreement. Any change in the contact information for notice below shall be given by the party within 30 days of such change. Any notice required by this Agreement shall be deemed to have been properly given (i) if in paper form, when delivered in person or via courier service with confirmation of receipt or (ii) if via facsimile or by electronic mail, upon confirmation of receipt by the recipient's facsimile machine or email server, provided that such notice via facsimile or electronic mail shall be followed by a copy sent by regular postal mail service within two (2) business days. Whenever this Agreement shall specify a URL address for certain information, Registry Operator shall be deemed to have been given notice of any such information when electronically posted at the designated URL. In the event other means of notice shall become practically achievable, such as notice via a secure website, the parties shall work together to implement such notice means under this Agreement.

If to ICANN, addressed to:

Internet Corporation for Assigned Names and Numbers  
4676 Admiralty Way, Suite 330  
Marina Del Rey, California 90292  
Telephone: 1/310/823-9358  
Facsimile: 1/310/823-8649  
Attention: President and CEO  
With a Required Copy to: General Counsel  
Email: as specified from time to time

If to Registry Operator, addressed to:

[Registry Operator]  
Telephone:  
Facsimile: \_\_\_\_\_  
Attention: \_\_\_\_\_  
Email: \_\_\_\_\_

Section 8.9 Language. Notices, designations, determinations, and specifications made under this Agreement shall be in the English language.

Section 8.10 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Section 8.11 Entire Agreement. This Agreement (including its Appendices, which form a part of it) constitutes the entire agreement of the parties hereto pertaining to the operation of the TLD and supersedes all prior agreements, understandings, negotiations and discussions, whether oral or written, between the parties on that subject. In the event of a conflict between the provisions in the body of this Agreement and any provision in its Appendices, the provisions in the body of the Agreement shall control.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives.

**INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS**

By: \_\_\_\_\_

Dr. Paul Twomey

CEO

Date:

**DotAsia Organisation Limited**

By: \_\_\_\_\_

Edmon Chung

CEO

Date:

5.16.2 .ASIA launch announcement, 13  
June 2007

<http://www.dotasia.org/pressreleases/DotAsia-PR-2007-06-13.pdf>



FOR IMMEDIATE RELEASE:

## **.Asia debuts to Fuel Asia Market Growth**

Regional domain extension designed to meet the needs of the thriving Asia Internet community

**Hong Kong, 13 June 2007** – DotAsia, a not-for-profit, membership-based organisation incorporated in Hong Kong, today announced that the .Asia top-level domain [TLD] had been added to the Internet root ushering in a new era of online growth for the region. The .Asia extension allows individuals and companies to target the largest Internet community in the world as well as people looking for relevant information about Asia, from Asia, and for Asia. For companies, brands, and marketers, the new top level domain adds a strong sense of affiliation to corporate brands and online identities and communicates a commitment to Asia.

“Today, there are already 400 million Internet users in Asia accounting for only 10% of the region’s total population. With a rapidly growing Asian economy, we believe that the introduction of .Asia will help fuel the continued growth of the Internet in the region and drive more opportunity for both business and individuals,” commented Edmon Chung, CEO, DotAsia Organisation. “.Asia is prime Internet real estate that no business or individual should miss out on.”

The introduction of the .Asia extension, a regional domain which is a natural word, marks the next evolution of the Internet that can open up a world of possibilities for individuals and companies. Among the businesses that will benefit by having a .Asia domain are domestic companies expanding in the region, global firms with Asia-focused sectors, regional exhibitions or conference related websites, and regional focused promotional events.

Today, the word ‘Asia’ is widely used in numerous brands and company names. A Google search returned about 1.5 million results for the term “Asia Ltd.”. The monster.com website listed about 300 names that started with the term ‘Asia’ on its online company database for US companies. The amazon.com site listed more than 900 entries when searching “Asia” under the magazine category, and over 200,000 entries in books.

“The beauty of .Asia is that it provides value that goes well beyond a simple domain extension. The term ‘Asia’ is versatile in its usage, and can be used equally well to signify both where an entity comes from, as well as to identify its intended audience” adds Mr. Chung.

The DotAsia organization is committed to the long term growth and evolution of the Internet. Beginning today, DotAsia is introducing a comprehensive set of policies to protect trademark owners, IPR holders, and companies to ensure the orderly introduction

of the .Asia extension. Preparations are now underway for the launch of the 'Sunrise' process, the exclusive period that allows public bodies, trademark owners, and companies to apply for .Asia extensions.

The Sunrise period, which will begin in October 2007, will be divided into three phases, with the first stage intended for Governmental Reserved Names, second phase for Registered Marks (i.e. Trademarks and service marks), and the final stage for Registered Entity Names (i.e. company names, organisations, etc.). For those interested in obtaining a .Asia extension, they are encouraged to navigate to [www.registry.asia](http://www.registry.asia) for more information.

### **About DotAsia Organisation**

The DotAsia Organisation is the Sponsoring Organisation and Registry Operator for the .ASIA Sponsored Generic Top Level Domain. DotAsia is a not-for-profit, community-based organisation incorporated in Hong Kong. Asia has developed into a global force in the international commercial, political and cultural network. The .ASIA domain aspires to embrace this dynamism in the Asia Century to become a nucleus, intersection and breeding ground for Internet activity and development in the region.

Issued on behalf of DotAsia by Edelman PR. For further information, please contact:

Matt Collette  
Edelman  
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Tel: +852 2837-4743

## 6.1.1 ICANN Bylaw Article on Periodic Review

Article IV: Accountability and Review,  
Section 4. Periodic Review of ICANN  
Structure and Operations

<http://www.icann.org/general/bylaws.htm#IV>

- b. declare whether an action or inaction of the Board was inconsistent with the Articles of Incorporation or Bylaws; and
  - c. recommend that the Board stay any action or decision, or that the Board take any interim action, until such time as the Board reviews and acts upon the opinion of the IRP.
9. Individuals holding an official position or office within the ICANN structure are not eligible to serve on the IRP.
  10. In order to keep the costs and burdens of independent review as low as possible, the IRP should conduct its proceedings by e-mail and otherwise via the Internet to the maximum extent feasible. Where necessary, the IRP may hold meetings by telephone.
  11. The IRP shall adhere to conflicts-of-interest policy stated in the IRP Provider's operating rules and procedures, as approved by the Board.
  12. Declarations of the IRP shall be in writing. The IRP shall make its declaration based solely on the documentation, supporting materials, and arguments submitted by the parties, and in its declaration shall specifically designate the prevailing party. The party not prevailing shall ordinarily be responsible for bearing all costs of the IRP Provider, but in an extraordinary case the IRP may in its declaration allocate up to half of the costs of the IRP Provider to the prevailing party based upon the circumstances, including a consideration of the reasonableness of the parties' positions and their contribution to the public interest. Each party to the IRP proceedings shall bear its own expenses.
  13. The IRP operating procedures, and all petitions, claims, and declarations, shall be posted on the Website when they become available.
  14. The IRP may, in its discretion, grant a party's request to keep certain information confidential, such as trade secrets.
  15. Where feasible, the Board shall consider the IRP declaration at the Board's next meeting.

#### **Section 4. PERIODIC REVIEW OF ICANN STRUCTURE AND OPERATIONS**

1. The Board shall cause a periodic review, if feasible no less frequently than every three years, of the performance and operation of each Supporting Organization, each Supporting Organization Council, each Advisory Committee (other than the Governmental Advisory Committee), and the Nominating Committee by an entity or entities independent of the organization under review. The goal of the review, to be undertaken pursuant to such criteria and standards as the Board shall direct, shall be to determine (i) whether that organization has a continuing purpose in the ICANN structure, and (ii) if so, whether any change in structure or operations is desirable to improve its effectiveness. The results of such reviews shall be posted on the Website for public review and comment, and shall be considered by the Board no later than the second scheduled meeting of the Board after such results have been posted for 30 days. The consideration by the Board includes the ability to revise the structure or operation of the parts of ICANN being reviewed by a two-thirds vote of all members of the Board.
2. The first of such reviews, to be initiated no later than 15 December 2003 and to be completed in time for Board consideration at ICANN's annual meeting in 2004, shall be of the GNSO Council and the ICANN Root Server System Advisory Committee. The second of such reviews, to be initiated no later than 15 November 2004 and to be completed in time for Board consideration at ICANN's annual meeting in 2005, shall be of the ccNSO, the ccNSO Council, and such other organizations as the Board may designate.
3. The Governmental Advisory Committee shall provide its own review mechanisms.

#### **ARTICLE V: OMBUDSMAN**

##### **Section 1. OFFICE OF OMBUDSMAN**

1. There shall be an Office of Ombudsman, to be managed by an Ombudsman and to include such staff support as the Board determines is appropriate and feasible. The Ombudsman shall be

6.2.1 GNSO Review London School of  
Economics (LSE) Report  
<http://www.icann.org/announcements/announcement-15sep06.htm>

## **GNSO Review - London School of Economics (LSE) Report**

*15 September 2006*

ICANN has been provided with the LSE's review of the Generic Names Supporting Organization (GNSO) [[Report](#), [Annexes](#)]. This report will be used to inform ICANN's effort to develop detailed proposals for improving the GNSO's structures and processes. ICANN's Board will work with the GNSO and the ICANN community to consider this report, along with previous reviews and public input, in a collaborative process to strengthen this key policy-making body. This independent review of the GNSO is the first in a series of such reviews mandated in ICANN's bylaws as part of ICANN's ongoing commitment to evolve and improve its operations. Comments on this report can be posted to [gnso-improvements@icann.org](mailto:gnso-improvements@icann.org) and reviewed at <http://forum.icann.org/lists/gnso-improvements>.

**LSE Public Policy Group and Enterprise LSE**

**A Review of the Generic Names  
Supporting Organization (GNSO)**

**for the Internet Corporation for Assigned  
Names and Numbers (ICANN)**

**Main Report  
September 2006**

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Published: LSE Public Policy Group

Contact: LSE Public Policy Group, London School of Economics, Houghton Street,  
LONDON WC2A 2AE, England.

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The LSE Public Policy Group (PPG) was founded in 1998. Since then, the work of the group has grown considerably and PPG now includes members from many departments in the School and from other major universities. The Group conducts a mix of commercial and pro bono activities, including consulting, research, occasional conferences, and publications. It works closely with Enterprise LSE, the consultancy arm of the London School of Economics.

Contact: [j.tinkler@lse.ac.uk](mailto:j.tinkler@lse.ac.uk)

Web site: <http://www.lse.ac.uk/collections/LSEPublicPolicy/>

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## Executive Summary

**1. *Scope of the Review.*** The Internet Corporation for Assigned Names and Numbers (ICANN) seeks to put in place a unique model of governance for the Internet's domain name system, one that rests on 'bottom-up stakeholder involvement'. ICANN has several Supporting Organizations that form a key part of this model, along with a statement of values underpinning how this system should operate (see Annex Figure A3). The Supporting Organizations make possible the policy development processes which provide the foundations for ICANN's legitimacy as an open and global policy-making body for the Internet.

**2.** One of these bodies, the Generic Names Supporting Organization (GNSO) plays a key role in relation to policy development about generic domain names (such as .com, .net, .info, .biz etc). The GNSO is a relatively new body, but in the space of a few years it has responded to rapid changes in the operations and stakeholders of the Internet. It has successfully generated a set of institutions and procedures for policy development on generic names issues, and has generated policy on a wide range of issues involving complicated and often technical issues, such as access to personal data, integrity of domain names, and procedures for growing the gTLD space. This study reviews the operations of the GNSO in terms of their representativeness, transparency, effectiveness and compliance with ICANN's Bylaws.

**3. *Representativeness.*** There are six GNSO Constituencies that firms, other organizations or individuals in the area of generic names may join as members. The Constituencies and their councilors on the GNSO Council undertake a large amount of work to do with policy development on generic domain names. The Constituencies are necessarily diverse in their nature and activity, and generally take the view that a reasonable amount of autonomy from ICANN staff structures are an important component of their bottom-up consultation work. The Constituencies show a mixed pattern of participation, with relatively high levels of involvement in two Constituencies covering Registries and Registrars, but relatively

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narrow participation in four others, covering business users, intellectual property, internet service providers and non-commercial users.

4. The current pattern of Constituencies is relatively complex and no longer seems well-adapted to the needs of all stakeholders in the rapidly changing Internet community. Although the Constituency structure does provide a potential home for almost all types of interest, there are signs that the current structures tend to reflect a snapshot of interests that were present at the beginning of this decade and lack internal flexibility to incorporate new types of stakeholders from commercial and civil society. There is consequently much scope to grow and diversify membership of the GNSO, and to adapt structures in a such a way that they are flexible and agile enough to respond to new policy development issues. There are some worrying signs of dominance of some constituencies by a small core people and of low participation rates in policy development work by Constituency members.

5. *Transparency.* ICANN itself is a highly visible international body and its decisions and activities are much discussed in the Internet community. However, the external visibility of the GNSO Council is poor, largely because of past inadequacies in the ICANN website. Potential members of ICANN with interests in generic domain names currently have to join sub-organizations (GNSO constituencies) rather than being able to join ICANN itself. Yet GNSO Constituencies are even less visible internationally than GNSO itself. So joining a Constituency has unacceptably high information costs for anyone who is not already a deep insider in ICANN. This presents considerable barriers to a functioning and diversified bottom-up policy development process. The processes and policy development exchanges of the GNSO Council are highly transparent, more so than most similar organizations. There are however some signs that Constituencies are hard to penetrate for newcomers and that baseline standards such as disclosure of interests are not adequately enforced.

6. *Effectiveness.* The work of the GNSO Council focuses on formally designated 'policy development processes' (PDPs) whose supposedly rapid timings are laid down in ICANN's Bylaws, timings which it has not proved practicable to adhere to. Many PDPs take quite a long time to complete and their impacts are not easy to

assess. Council members devote huge amounts of unpaid time to its deliberations with face-to-face meetings, many conference calls and much email business. The GNSO Council has a ‘legislative’ pattern of operating with frequent votes, while task forces have become essentially only sub-committees of Council members. The process of reaching ‘consensus’ on major policy issues is often arduous because of conflicting interests and weak structural incentive for Constituencies to identify core issues early and work deliberatively to agree widely acceptable positions. The current arrangements for voting introduce further complexities by assigning double-weight votes to two Constituencies (Registries and Registrars).

*7. Compliance.* Apart from the unrealistic timings for policy development process, the GNSO’s operations comply with the ICANN Bylaws. There is however relatively little sign that policies developed by the GNSO since its establishment have been subject to comprehensive impact assessment.

*8. Principles for making changes.* Any changes made to the GNSO’s operations need to follow through on four key principles:

- The GNSO’s operations need to become more visible and transparent to a wider range of stakeholders than at present.
- Any reforms made need to enhance the representativeness of the GNSO Council and its Constituencies.
- The GNSO’s structures need to be more flexible and adaptable, able to respond more effectively to the needs of new and old stakeholders in a rapidly changing Internet environment.
- Changes in the GNSO Council’s operations are needed to enhance its ability to reach genuinely consensus positions, enjoying wide support in the Internet community.

*9. Specific suggestions for reform.* We formulate a set of 24 evidence-based and practicable recommendations to help GNSO to improve where there are currently problems. These suggestions can be accepted or not individually, but they hang together as a coherent body of reforms. Some main points include:

- cutting down the number of Constituencies from six to three, covering registration interests, business users and civil society;

- 
- creating a direct (primary) membership in ICANN for firms, other organizations and individuals. Newly joined members interested in generic names issues would then be directed to also join one of the new, simpler and easier to understand Constituencies that we outline below. The Constituencies would receive more ICANN support to sustain their activities and outreach work, while being run by and accountable to their members as now;
  - creating radically improved ICANN and GNSO websites that can effectively represent the GNSO to the Internet community as a whole;
  - abolishing the current weighted voting for registration interests but giving both them and business users (broadly construed) an effective veto over non-consensus change;
  - raising the threshold for consensus policy from 66 to 75 per cent agreement;
  - radically reducing the use of telephone conferencing and shifting to more face to face GNSO Council meetings, for which all participants would receive reasonable travel and accommodation expenses;
  - making more use of intensive task forces to bring in external expertise, to broaden the involvement of interests from the Internet community and to speed up policy development;
  - using staff expertise more fully and constructively to speed up policy development and to help focus GNSO Council's attention on making key issues and decisions;
  - creating term limits for GNSO councilors (of either three or four years) and putting in place stronger protections against the non-disclosure of interests.

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## List of recommendations

*(In this list the paragraph number given in black refer to the specific point in the main text where the full recommendation is spelt out and explained. There is generally some analysis of the need for change given in the main text paragraphs immediately before each recommendation).*

### *Recommendation 1*

*A centralized register of all GNSO stakeholders should be established, which is up-to-date and publicly accessible. It should include the members of Constituencies and others involved in the GNSO task forces. (Paragraph 2.5)*

### *Recommendation 2*

*GNSO Constituencies should be required to show how many members have participated in developing the policy positions they adopt. (Paragraph 2.14)*

### *Recommendation 3*

*There needs to be greater coherence and standardization across Constituency operations. For this to work effectively, more ICANN staff support would be needed for constituencies. (Paragraph 2.22)*

### *Recommendation 4*

*A GNSO Constituency support officer should be appointed to help Constituencies develop their operations, websites and outreach activity. (Paragraph 2.23)*

### *Recommendation 5*

*Constituencies should focus on growing balanced representation and active participation broadly proportional to wider global distributions for relevant indicators. (Paragraph 2.39)*

### *Recommendation 6*

*The basis for participation in GNSO activities needs to be revised, from Constituency-based membership to one deriving from direct ICANN stakeholder participation. (Paragraph 2.44)*

### *Recommendation 7*

*The GNSO should improve the design and organization of the current website, develop a website strategy for continual improvement and growth over the next three years, and review usage statistics on a regular basis to check that traffic to the website is growing over time and understand more fully what external audiences are interested in. (Paragraph 3.10)*

### *Recommendation 8*

*Document management within the GNSO needs to be improved and the presentation of policy development work made much more accessible. (Paragraph 3.14)*

*Recommendation 9*

*The GNSO should develop and publish annually a Policy Development Plan for the next two years, to act both as a strategy document for current and upcoming policy work, and as a communications and marketing tool for general consumption outside of the ICANN community. It should dovetail with ICANN's budget and strategy documents. (Paragraph 3.16)*

*Recommendation 10*

*The GNSO and ICANN should work proactively to provide information-based incentives for stakeholder organizations to monitor and participate in GNSO issues. (Paragraph 3.19)*

*Recommendation 11*

*The position of the GNSO Council Chair needs to become much more visible within ICANN and to carry more institutional weight. (Paragraph 3.26)*

*Recommendation 12*

*The policies on GNSO Councilors declaring interests should be strengthened. Provision for a vote of 'no confidence' leading to resignation should be introduced for non-compliance. (Paragraph 3.28)*

*Recommendation 13*

*Fixed term limits should be introduced for GNSO Councilors either of two two-year terms (as applied in some Constituencies already) or perhaps of a single three-year term. (Paragraph 3.30)*

*Recommendation 14*

*The GNSO Council and related policy staff should work more closely together to grow the use of project-management methodologies in policy development work, particularly focusing on how targeted issue analysis can drive data collection from stakeholders (rather than vice versa). (Paragraph 4.14)*

*Recommendation 15*

*The GNSO Council should rely more on face-to-face meetings supplemented by online collaborative methods of working. The Chair should seek to reduce the use of whole-Council teleconferencing. (Paragraph 4.19)*

*Recommendation 16*

*The GNSO Councilors should have access to a fund for reasonable travel and accommodation expenses to attend designated Council meetings, instead of having to meet such costs from their own resources as at present. (Paragraph 4.21)*

*Recommendation 17*

*The GNSO Council should make more use of Task Forces. Task Force participants should be more diverse and should be drawn from a wider range of people in the Internet community, and national and international policy-making communities. (Paragraph 4.26)*

*Recommendation 18*

*An ICANN Associate stakeholder category of participation should be created, so as to create a pool of readily available external expertise, which can be drawn upon to populate Task Forces where relevant. (Paragraph 4.27)*

*Recommendation 19*

*The current GNSO Constituency structure should be radically simplified so as to be more capable of responding to rapid changes in the Internet. The Constituency structure should be clear, comprehensive (covering all potential stakeholders) and flexible, allowing the GNSO to respond easily to the rapid changes in the make-up of Internet stakeholders. We suggest a set of three larger Constituencies to represent respectively Registration interests, Businesses and Civil Society. (Paragraph 4.35)*

*Recommendation 20*

*A reorganization of GNSO Constituencies would also allow the Council to be made somewhat smaller (we suggest 16 members) and hence easier to manage. (Paragraph 4.36)*

*Recommendation 21*

*The definition of achieving a consensus should be raised to 75 per cent. Weighted voting should be abolished. Both measures could help to create more incentives for different Constituencies to engage constructively with each other, rather than simply reiterating a 'bloc' position in hopes of picking up enough uncommitted votes so as to win. (Paragraph 4.38)*

*Recommendation 22*

*The way in which the GNSO Council votes to elect two Directors to the ICANN Board should be changed to use the Supplementary Vote system. (Paragraph 4.40)*

*Recommendation 23*

*The amount of detailed prescriptive provision in the ICANN Bylaws relating to the operations of the GNSO should be reduced. ICANN Bylaws should outline broad principles and objectives for the GNSO but the detailed operational provision (including the section on the PDP) should be transferred to the GNSO Rules of Procedure. This would allow the GNSO to agree amendments and to introduce new innovations in its working methods and timelines in a more realistic and flexible way, while operating within ICANN's guiding principles. (Paragraph 5.7)*

*Recommendation 24*

*Both ICANN and the GNSO Council should periodically (say once every five years) compile or commission a formal (quantitative and qualitative) assessment of the influence of the GNSO's work on developing policy for generic names. This should include an analysis of how the GNSO's influence with national governments, international bodies and the commercial sector might be extended. (Paragraph 5.12)*

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## Part 1: Introduction

### An overview of the Generic Names Supporting Organization (GNSO)

**1.1** The Internet Corporation for Assigned Names and Numbers (ICANN) was established in September 1998 as a non-profit corporation responsible for the assignment of unique identifiers making up the Internet domain name and numbering system, and the technical coordination required to ensure the system's stability and interoperability. A major part of ICANN's mission is to develop global policy relating to its technical and management functions in the generic and country code top-level domain (TLD) systems. Its current structure consists of three Supporting Organizations responsible for the policy development role. (See Annex A, Figures A1 and A2 for more information on ICANN's internal organization.)

**1.2** In ICANN terminology a Supporting Organization (SO) is a consultative and policy-development body, whose function is to allow multiple stakeholders in the global Internet community to contribute to policy-making on matters that fall within ICANN's remit. The views of SOs go to the ICANN Board, and where the SO can achieve a consensus their view has special force in guiding and shaping Board policy. It has been an important part of ICANN's distinctive character as the body guiding Internet development in respect of domain names and numbers that SOs allow for bottom-up involvement by diverse stakeholders. SOs also play a key role in fostering the development of consensus policies, i.e. those enjoying a broad and substantial level of agreement amongst different interests and communities involved in the Internet (even if not always universal agreement).

**1.3** The GNSO was set up in December 2002. It is responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains. The GNSO consists of six Constituencies designed to represent the interests of different groups of stakeholders in generic names: gTLD Registries, Registrars, Business and Commercial Users, Intellectual Property, Internet Service and Connectivity Providers, and Non-Commercial Users. Each Constituency recruits members and arranges to consult them, usually establishing a chair and executive structures to help process GNSO business and to collate the views of Constituency

members. The Constituencies are summarized in Figure 1 below and further information is contained in Annex B at the end of the report.

**Figure 1: Summary of the six GNSO Constituencies**

<i>Constituency name</i>	<i>Who the Constituency mainly represents</i>
gTLD Registries	Registries are firms that operate top level domains and provide connections to the Internet's root servers. This Constituency also includes 'sponsors' (organizations representing user communities to which ICANN has delegated rights to manage top level domains).
Registrars	Registrars are firms marketing the registration of domain names to final customers, businesses and other users
Business and Commercial Users (known hereafter as the Business Constituency or 'BC')	Corporations, small and medium enterprises and trade and professional associations representing such corporations and SMEs
Intellectual Property (known hereafter as the IP Constituency or 'IPC')	Trade associations in the US, Europe and internationally who monitor intellectual property (IP) rights issues and infringements, and lawyers in the IP area
Internet Service and Connectivity Providers (known hereafter as the ISP Constituency)	Firms marketing Internet connectivity, email services and often Web site domains to final customers
Non-commercial Users (known hereafter as the NCU Constituency or the 'NCUC')	Noncommercial organizations with registered domain names in gTLDs or ccTLDs, such as the universities, charities and NGOs

Each Constituency elects three members to the GNSO Council. In addition, three other members of the Council are appointed by another part of the ICANN organization called the Nominating Committee (whose role is to bring into ICANN talented people with a disinterested stance). The GNSO Council thus has 21 members and its operations are the core of the Supporting Organization. The Council meets three times a year, face to face, at the ICANN meetings.

## Terms of reference for this Review

1.4 Since December 2002, ICANN's Bylaws have stated that periodic reviews should take place of its SOs to examine how their procedures are working. Following competitive tender, in February 2005 the ICANN Board commissioned the LSE Public

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Policy Group to conduct an independent review of the GNSO. The ICANN Bylaws (Article IV, Section 4) stipulate that two high-level questions should form the basis for the review of its supporting organizations as follows:

- Whether the organization has a continuing purpose in the ICANN structure;  
*and*
- Whether any change in the structure or operations is desirable to improve its effectiveness.

The ICANN Board additionally asked the LSE Public Policy Group to look at the following four issues:

- Representativeness;
- Transparency;
- Effectiveness; *and*
- Compliance.

We have grouped the exact specifications in the Terms of Reference by each of these four broad issues. Annex H provides a full listing of the Terms of Reference, arranged by these four grouped areas.

## Methodology for the review

**1.5** To conduct this enquiry we used a range of different methods, designed to generate a wealth of objective evidence, and to yield different kinds of data that ‘triangulate’ with each other. Triangulation is a technique where the inevitable limitations on the usefulness of any one method, can be countered by drawing on the strengths of other methods so as to yield more reliable judgments and estimations. Our approach is set out in detail in Annex D of this report, but briefly our main methods were:

- From the extensive document archives on the ICANN website, and with the generous assistance of ICANN staff, we assembled a thorough documentation of GNSO’s activity since its formation in 2002.
- We collated data on the conduct of GNSO’s policy development process, looked at the issues and debates covered and examined the viewpoints expressed in the GNSO Council by Constituency representatives. We also collated data on GNSO Council votes.

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- We examined all the documentation available on GNSO Constituencies, looking at membership details, participation in policy consultation, and the involvement of personnel.
  - We established a website for the GNSO Review and wrote to all Constituency members that we could identify asking them to give us their views in response to an online survey posted there, and to send us views by email or contact us to give their views in person. In the review period 107 people filled in the survey and a considerable number of people contacted us additionally.
  - We conducted lengthy and detailed face-to-face or phone interviews with over 100 people who were experienced and knowledgeable about GNSO's role in ICANN, including all but one current GNSO Council members and relevant members of the ICANN Board.
  - We visited the ICANN meeting in Wellington and observed a range of different meetings of Constituencies, meetings of GNSO Council and public presentations by GNSO Council and the ICANN Board. We also observed a phone conference of GNSO Council.
  - We systematically scanned the Web for comments or discussions on the work of GNSO and ICANN.

**1.6** The operations of GNSO are of central importance for those of ICANN as a whole, but it is important to note that the scope of our enquiry was limited to GNSO alone. However, some of our findings and recommendations below have a certain degree of broader relevance. They may raise some issues with implications for the other parts of ICANN with whom GNSO links and interacts.

**1.7** In our online survey, we asked respondents to score a range of different challenges facing the GNSO in the future in terms of importance. We used a Likert scale from 1 to 7, where 1 = Not at all important to 7 = Very important. Figure 2 below gives a summary of the number of times different challenges ranked highest in people's selections and the number of time different challenges ranked lowest. The net score gives some indication of overall importance. The most important challenges for the GNSO involve improving the quality of gTLD policy making, and improving transparency and openness.

**Figure 2: Survey respondents' views on the main challenges facing the GNSO in the future**

	Ranked highest	Ranked lowest	Net score (highest-lowest)
Improving the quality of gTLD policy making	35	17	18
Improving transparency and openness in gTLD policy development	40	22	18
Representing more effectively the views of the Internet users worldwide	36	24	12
Broadening the range of organizations participating in gTLD policy development	28	23	5
Some other challenge	7	2	5
Encouraging more intensive participation by major organizations in gTLD policy development	22	25	- 3
Raising the profile of the GNSO as a policy development body	24	34	-10
Notes: Rows in black font were more commonly ranked highest than lowest as a priority. Rows in red font were more often seen as a low priority.			
Source: LSE PPG online survey of Constituency members and individuals			

**1.8** The Review is structured into four main substantive Parts looking at:

- The quality of the participation and representation of stakeholders in the Internet community achieved by the GNSO and its six Constituencies (Part 2);
- The visibility, transparency and openness of the GNSO process (Part 3);
- How effective the GNSO has been in undertaking its work and developing policy positions (Part 4); *and*
- The regularity of GNSO's operations in compliance with ICANN's Bylaws (effectively its internal constitution) and the implementation of GNSO policy positions (Part 5).

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## **Part 2:**

# **The quality of the representation of stakeholders in the Internet community achieved by the GNSO and its six Constituencies**

**2.1** This Part of the report examines the quality of participation and representation achieved by the GNSO and its six Constituencies. It focuses on the following questions:

- How actively do stakeholders participate in policy development?
- How effectively do Constituencies represent their members' interests?
- How well do the current Constituencies represent the diversity of stakeholders they claim to represent?
- How can the GNSO further enhance participation and representation?

**2.2** Achieving a reliable comparative picture of representation and participation across the Constituencies has not been particularly easy. Our interviews have generated a wide range of views about practices and activities in other Constituencies. We have often found that strong perceptions prevail across Constituency members about the quality of participation and representation in other Constituencies. At times, perceptions have seemed quite predictable in that certain groupings of Constituencies tend to hold quite entrenched views about other groupings. Our unobtrusive analysis of Constituency data has also generated a great diversity of information about the nature and extent of participation and representation across Constituencies. As with all our findings in this report, we have sought to triangulate different types of evidence as thoroughly as possible in order to control for misleading perceptions.

**2.3** The existence of strong perceptions across Constituencies is perhaps an inevitable function of the strong and diverse interests at stake in the GNSO (particularly business interests). There is a danger that perceptions put forward by competing interests work with equal and opposite forces, a 'superstructure' consisting of all possible perceptions. From the point of view of the researcher attempting to sort perception from reality, the trick is to break down this superstructure and clear a space on which to build analysis. More importantly, from the point of view of the GNSO and its policy development goals, this kind of self-perpetuating superstructure can have a corrosive impact on

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policy consensus. For there is little incentive for one Constituency to trust the behavior of opposing Constituencies to a sufficient extent that prevailing perceptions may be put aside. Constituencies may therefore be inclined to take up default positions in ‘equal and opposite mode’ based on prevailing perceptions, and the potential for meaningful consensus will be greatly reduced. (Annex Figures A9 and A10 give a broad picture of some of the prevailing perceptions that surfaced, which we do not explore in more detail here.)

### How actively do stakeholders participate in policy development?

**2.4** Although the ICANN model itself is not predicated on the idea of membership, the GNSO Constituency model does operate through a membership system involving relatively autonomous mechanisms for bottom-up participation. Constituencies have considerable flexibility in how they support, and are accountable to, their members. One minimal requirement for this system however should be that current and potential members across all Constituencies should be able to see which other organizations are currently members, and should be able to get in touch with other member organizations via designated individual representatives who are easy to identify. We were not clear that this requirement is currently met. A great deal of time has been spent during this research seeking to identify and follow up on organizations listed as members of the GNSO Constituencies. The GNSO Secretariat kindly requested that the six Constituencies complete a questionnaire containing core information about their organizational structures, processes, and current members. Three Constituencies responded to this questionnaire, the GTLD Registry Constituency, the BC, and the NCU Constituency. However it took our research team considerable time and effort to compile a full list of members for all six Constituencies, and to identify individual participants and their links to particular member organizations. Some Constituency websites do not even keep an up-to-date list of members. The current difficulty of finding full and accurate information on which organizations are currently members of Constituencies makes it hard for prospective members to determine how representative constituencies are and how worthwhile it would be for them to participate. This has some obvious adverse implications for transparency (see Part 3 below).

*Recommendation 1*

*A centralized register of all GNSO stakeholders should be established, which is up-to-date and publicly accessible. It should include the members of Constituencies and others involved in the GNSO task forces.*

**2.5** We recommend setting up a centrally held online register of GNSO Constituency stakeholders, with generic information about member organizations showing what type of firm or body they are, its contact details, and the name and email of a designated representative. Where a stakeholder is itself a representative organization (such as an interest group or trade association) acting on behalf of others, some basic information should be given about the number of organizations represented. The stakeholder register should be publicly available on the GNSO or ICANN website.

**2.6** Turning to the issue of how current members of Constituencies participate in their affairs, we again found wide disparities across Constituencies in the information available on participation. Having established some kind of comprehensive spreadsheet of Constituency members and possible designated contacts, our evidence suggests that there are gaps of varying sizes between the organizations listed as members, and the actual participation by these organizations in Constituency policy development. Our researchers trawled Constituency websites and the GNSO website for as many indicators of participation as possible. We followed this up with a formal request to the Constituencies for any data on participation not publicly available. Only one Constituency, the gTLD Registry Constituency responded to our request with detailed information. We also received a written response from the BC.

**2.7** There is no single, perfect way to gauge participation in constituencies given the diversity of the industry communities represented. One way of gauging the level of activity at Constituency level is to analyze the extent to which mailing lists are used. Some Constituencies such as the Registrar and the NCUC have open access mailing lists, which give a good indication of the extent of participation in the Constituency and the range of organizations involved. Figure 3 shows a basic analysis of mailing lists of four Constituencies out of six. It is useful to compare the number of contributors with total current members, and the number of postings by half-year period. The number of contributors for the supply-side Constituency lists, Registries and Registrars, are broadly equivalent to the number of current members. Registry postings have increased

by around 50 per cent in the period 2003 to 2006, while Registrar postings to their public list have decreased by roughly the same proportion (a new private mailing list for Registrars may explain this decrease). The NCU Constituency shows slightly less activity on its public list compared to the

**Figure 3: Analysis of activity on Constituency public mailing lists**

	Current members	Total participants	Number of contributors in half year period	Number of postings in half year period	Core ratio (25 : 75)
Registry	14	<i>No data</i>	Up, 14 to 18	Up, 700 to 1100	<i>No data</i>
Registrar	56	101	Steady, 40 to 50	Down, 1000 to 400	25 : 78
NCU	44	51	Down, 28 to 17	Down, 330 to 230	25 : 71
ISP	42	8	Steady, 4 to 8	20 to 80	
BC	39	<i>No data</i>	<i>No data</i>	<i>No data</i>	<i>No data</i>
IP	33	<i>No data</i>	<i>No data</i>	<i>No data</i>	<i>No data</i>

NOTE 1: The figures in this table summarize more detailed data presented in Annex A, Figures A11 to A14, of this report. The number of postings and individual contributors are given for half year periods from January 2003 to June 2006. **Total participants** show the total number of individuals contributing to the list at least once during this time period. **Number of contributors in half year period** indicates how many individuals are participating in the list. **Number of postings in half year period** indicates how much the list is being used. **Core ratio** gives an estimate of the concentration of usage by showing the percentage of total postings sent by the top 25 per cent contributors. The ratio 25:75 indicates that the top 25 per cent of contributors account for 75 per cent of total postings.

NOTE 2: For the NCUC, 2003 was a period in which they completely revised their charter and instituted new membership criteria, leading to a higher than normal level of activity.

NOTE 3: The BC pointed out to us that although we compare fluctuations in participation rates in this table, absolute figures are not strictly comparable for the purposes of drawing conclusions.

Source: LSE PPG analysis of Constituency public mailing lists

registration Constituencies, and had just fewer than 20 contributors to the list in the first half of 2006 (equivalent to just under half of total membership). Mailing list data was not available for the Business and IP Constituencies. The actual participation levels tend to suggest a ‘rule of thumb’ ratio of 25:75, where one quarter of the members are generally responsible for at least three quarters of the participatory activity.

**2.8** We looked for alternative ways to evaluate the extent of participation at Constituency level. Three out of six Constituencies provided data on the number of participants attending Constituency meetings since early 2003. The BC and the IP Constituency publish minutes of meetings on their websites. We received data from the Registry Constituency on meeting attendance. Figure 4 shows the findings. Again the Registry Constituency shows solid attendance in relation to total members over 115 meetings for which data was available. The BC and IP Constituencies also show steady attendance even if the regularity of the meetings held appears to be much less than the

Registry Constituency. We were not able to find any data on meeting attendance for the other three Constituencies, either on their websites or in response to formal requests.

**Figure 4: Analysis of average levels of attendance at Constituency meetings**

	Current members	Total participants	Average participants at face-to-face meetings	Average participants at teleconference meetings	Meetings for which data were available
Registry	13	<i>Not available</i>	Up 10 to 17	Steady 10 to 12	115
IP	33	133	Steady around 20	From 40 to 10	13
BC	39	51	Steady 10 to 12	Steady 10 to 12	21
Registrar	56	<i>No data</i>	<i>No data</i>	<i>No data</i>	Nil
NCU	44	<i>No data</i>	<i>No data</i>	<i>No data</i>	Nil
ISP	42	<i>No data</i>	<i>No data</i>	<i>No data</i>	Nil

Note: The figures in this table summarize more detailed data presented in Annex A, Figures A15 to A18, of this report. Participation is calculated for all meetings for which minutes were available, and figures show average number of participants per meeting for all years available. **Total participants** show the total number of individuals attending any meeting at least once since the start of 2003.

Source: LSE PPG analysis of publicly available minutes of Constituency meetings

## How effectively do Constituencies represent their members' interests?

**2.9** Our online survey sought to capture the views of Constituency member organizations on how well represented they felt by their respective Constituency. In all, 51 current members of Constituencies (around one fifth of the total) took the trouble to complete a survey. Although this response rate makes it difficult to draw rock-solid conclusions for individual Constituencies, it is possible to draw some limited conclusions, especially if there are any signs of dissatisfaction with the Constituency process.

**2.10** Amongst respondents Figure 5 shows that there seems to be general satisfaction with the way in which Constituencies represent their members' interests. All ten Registry respondents rated their Constituency at five or above, reflecting a general feeling that was buttressed in interviews that the Constituency is largely representative. In other Constituencies, although there is general satisfaction, there are also signs that some members feel there is scope for improvement in the way that their Constituency represents the wider array of organizations of their type. Our interviews with Constituency members confirmed these signs of dissatisfaction around the edges.

Smaller registrars we spoke to suggested that the Registrar Constituency tends to be more representative of larger registrars and could do more to encourage membership across the smaller organizations. Some members of the BC also suggested that the influence of one or two individuals tended to detract from the overall quality of representation in the Constituency.

**Figure 5: Survey respondents' views on how effectively their Constituencies take account of their views**

<i>Scores given for</i>	Registry	Registrar	NCU	IP	BC	ISP
<b>How effectively [your Constituency] takes account of the views of your organization</b>						
1 to 3		2	2		1	
4		1				
5 to 7	10	11	7	4	6	
<b>How effectively [your Constituency] takes account of all organizations of your type</b>						
1 to 3		4	1		2	
4		1	2			
5 to 7	10	9	6	4	5	
NOTE: More details on the online survey questions can be found in Annex E. Respondents were asked to give a score for each of these questions on a Likert scale from 1 to 7, where 1 = Not at all effectively and 7 = Very effectively. We received insufficient responses from the ISP Constituency.						
Source: LSE PPG online survey of Constituency members						

**2.11** Looking in more detail at satisfaction levels amongst Constituency member organizations, we asked a series of questions in our survey about the way in which respective Constituencies develop policy positions. There are some interesting variations in Figure 6, particularly in the relative scores within Constituencies. The highest scoring aspect across all Constituencies is for the production of authoritative written statements of Constituency positions. Apart from the Registry Constituency which scored distinctly highly across all three questions here, respondents tended to score their Constituencies comparatively lower on making data available on the degree of consensus across Constituency members. The Registrar Constituency and the BC also scored comparatively lower on the use of consistent procedures to canvas views across their members.

**Figure 6: Survey respondents' views on how effectively their Constituencies develop and evidence policy positions**

	Use consistent procedures for establishing consensus across Constituency members	Produce authoritative written statements of Constituency positions	Make data available on the degree of consensus across Constituency members
Registry	6.4	6.3	6.3
NCU	5.4	5.3	4.3
IP	5.5	5.5	3.5
Registrar	4.6	5.3	3.1
BC	4.6	5.3	3.1
ISP	<i>Insufficient data available</i>		
<b>Total average</b>	<b>5.3</b>	<b>5.5</b>	<b>4.0</b>
NOTE: More details on the online survey questions can be found in Annex A. Respondents were asked to give a score for each of these questions on a Likert scale from 1 to 7, where 1 = Not at all effectively and 7 = Very effectively. We received insufficient responses from the ISP Constituency.			
Source: LSE PPG online survey of Constituency members			

**2.12** There was considerable variation in number and availability of Constituency statements and other formalized policy positions. In order to assess range and availability across Constituencies, we compiled a list of 18 policy issues that Constituencies might reasonably have commented on in recent years (see Figure 7). These included all Constituency statements produced as part of formal policy development processes (PDPs), as well other relevant issues which were not subject to a PDP such as Constituency responses to the ICANN Strategic Plan (Annex A, Figure A22 lists these 18 policy issues in full). The Registry Constituency pointed out that some of its Constituency statements had not been included in our list of 18 possibles. Figure 7 also shows the extent to which statements gave basic information on the number of Constituency members participating in the development of the statement. We have contrasted these data with another proxy for the intensity of representation and participation, the proportion of postings by the GNSO Councilors to the GNSO public mailing list. Statements published by the Registry and Registrar Constituencies were the only ones that showed any sign of containing data on the number or range of organizations participating in the development of the Constituency position. None of the Constituencies representing Internet users displayed any data on the number of organizations actively participating in the development of policy positions. These Constituencies are very active in the work of the GNSO Council. For example, the BC

made available a very high proportion of Constituency statements and has easily been the most vocal Constituency on the GNSO mailing list in recent years.

**Figure 7: Analysis of published Constituency statements and levels of contribution from Constituencies on the GNSO public mailing list**

	Publication of Constituency statements (out of 18)	Number of Constituency statements containing data on Constituency member participating
<i>Based on:</i>	<i>Annex A Figure A22</i>	
Registry	11	3
Registrar	9	1
BC	15	0
IP	13	0
NCU	12	0
ISP	9	0
Source: LSE PPG analysis of Constituency statements published on Constituency websites or published in issue reports of the GNSO NOTE 1: For a full list of the 18 policy issues selected by the LSE team, please refer to Annex A Figure A22. It should be noted that the policy issues selected are only a sub-set of all issues discussed by Constituencies, and were chosen independently by the LSE team. NOTE 2: The Registry Constituency confirmed that all statements issued by the Constituency were issued as a result of a majority vote whether or not the document contained detailed data on participation. NOTE 3: In one instance, the BC filed a comment that their views were still consistent with their original filing.		

**2.13** The GNSO has made progress in recent policy development work to establish a more systematic structure to Constituency statements in terms of a more formulaic question and answer format. We discuss in Part 4 how the initial report in the policy development process might be structured around a key issues analysis or issue-based questions. We also discuss the possibility of integrating some quantitative questions into the Constituency statement to distinguish between different priorities and interests in Constituency positions. However, currently only a small minority of policy statements developed by Constituencies have any kind of data indicating the level of participation or support for a particular Constituency position. One or two recent statements from the Registry Constituency have contained data on the number of members participating in the process. We have heard a range of arguments for and against the introduction of some basic underlying data of this kind. Senior personnel, including Board members, have suggested that more in-depth information on levels of participation and agreement from the Constituency members would facilitate weighing up and interpreting any final policy recommendations from the GNSO Council. Other

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interviewees argue that Constituencies are often not required to achieve consensus across their members (and at times cannot). Some have said that members cannot be forced to participate, and so silence from member organizations on a particular issue can legitimately be taken as agreement on a consultation document. There have been attempts in some recent policy development processes to collect underlying data from Constituencies.

*Recommendation 2*

*GNSO Constituencies should be required to show how many members have participated in developing the policy positions they adopt.*

**2.14** We recommend that all Constituencies should be required to poll members on Constituency statements produced as part of a policy development process (as some Constituencies already do), and Constituencies should provide a summary of poll results when submitting statements to the policy development process. Constituency statements feeding into the policy development process should incorporate evidence of how many members have *actively* agreed to Constituency positions. Silence from member organizations should not be interpreted as agreement (contrary to what some Constituency members suggested to us in interviews). Furthermore, we suggest that Constituency members have a means to indicate their level of agreement on Constituency-wide positions, on a simple category scale such as: Strongly Agree, Agree, Neither agree nor disagree, Disagree, Strongly disagree. This data may feed into reports in an aggregated and anonymized format as an indication of the levels of consensus views at Constituency level.

**2.15** Any discussion of how effectively Constituencies are able to represent their membership should take into account the resources available to the Constituencies to fund their operations. The GNSO Constituencies receive revenues of their own through annual membership fees paid by their members to cover their administrative and program costs. These fees vary considerably across the Constituencies, from less than USD100 to nearly USD1000, with a (guess)timated total revenue of around USD 85,000 across four constituencies (excluding the gTLD Registry and ISP Constituencies, see Annex B).

**2.16** GNSO Councilors are not currently paid for their work on the Council and in their Constituency. Some Councilors may have business interests relevant to Council discussions and can sometimes be compensated for time invested in Council business

**Figure 8: GNSO proportion of ICANN expenditure and revenues**

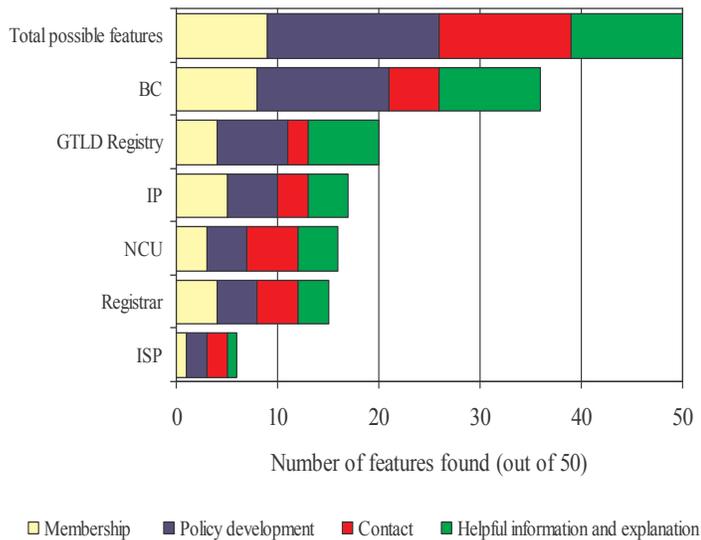
<i>USD thousands</i>	Fiscal year			
	2003-04	2004-05	2005-06	2006-07
ICANN annual expenditure	8,273	15,834	22,988	30,977
ICANN revenues	8,618	16,032	23,566	34,179
<i>Revenue from gTLD Registries and Registrars as a percentage of total ICANN revenue</i>	87	91	90	97
<i>Estimated expenditure on the GNSO as a percentage of total ICANN expenditure</i>	2	4	6	7
NOTE: For details of how estimated expenditure for the GNSO was calculated please see the notes to Figure A41 in Annex A. ICANN annual expenditure and revenue figures for 2003-04, 2004-05, and 2005-06 are approved budget figures from ICANN Financial Reports. Data for 2006-07 are proposed budget figures.				

and cover travel costs through their employers. Members of the Council appointed by the Nominating Committee receive travel costs for attending ICANN and other GNSO-related meetings.

**2.17** In Figure 8 above we estimate that the proportion of total ICANN expenditure specifically on, or in support of, the GNSO increased from around 2 per cent in 2003-04 to around 6 per cent in 2005-06, with a provisional increase of another one percentage point for the fiscal year 2006-07. We were not able to obtain exact figures for ICANN expenditure on the GNSO, and so these estimates are based on staff costs, overheads and other related expenditure (see Annex A, Figure A41 for details). The increase in expenditure is largely accounted for by salary and overhead costs for additional ICANN staff support. Although the benefits from this increased expenditure are realized in terms of stronger executive policy coordination, the Constituencies have not received incremental funds from ICANN over the years to help build administrative and outreach activity.

**2.18** For Constituencies, their website is (or should be) one of the primary interfaces with potential new members or participants in the policy process who are not already involved. We found considerable variation in the quality and content of Constituency websites (see Figure 9 below). Some Constituency websites were lamentably out-of-date or lacking in basic

**Figure 9: Analysis of Constituency websites and the presence of 50 desirable features**



NOTE: The gTLD Registries have self-defined membership and therefore would not need to use their website to encourage new members. We would therefore expect a relatively lower score on the membership and contact category.

Source: LSE PPG analysis of Constituency websites

details on how to join or any explanation of the potential benefits from joining. The Registrar Constituency currently has two separate websites, [www.icann-registrars.org](http://www.icann-registrars.org) signposted from the ICANN website and a newer version hidden away at [www.icannregistrars.org](http://www.icannregistrars.org). The ISP website ceased to function during this research, and still refers to the Names Council, suggesting that it has not been updated since early 2003. We carried out an ‘unobtrusive measures’ analysis of Constituency websites. We compiled a list of around 50 possible features that one might reasonably expect Constituency websites to have. This is not an exhaustive list, neither is it based on any definitive list of features websites should have. The list of questions is reproduced in Annex Figure A24. We coded each Constituency website for each of these 50 items to

get a sense of the diversity of information available. The ‘Total’ row bar shows the maximum number of coded features per category, and the bars show how Constituencies actually performed by comparison. The quality of Constituency websites varied greatly, with five out of six Constituencies exhibiting less than two fifths of our coded features. By far the most comprehensive website belonged to the BC, with just under four fifths of coded features.

**2.19** We asked Constituency member organizations in our online survey to score different aspects of their own Constituency websites. We counted the number of times each aspect ranked highest or lowest in each response, shown in Figure 10. Here positive numbers in the net score column show overall satisfaction and negative scores show dissatisfaction. Current members tend to be most satisfied with the way in which Constituency websites do quite straightforward administrative functions, such as making reports and minutes available and posting contact details for office holders. Respondents tend to be less positive about more sophisticated functions, such as facilitating open discussion and especially attracting new members. The strong consensus amongst our interviewees is that Constituency websites currently do very little to attract new members to the GNSO.

**Figure 10: Survey respondents’ views on different aspects of their Constituency website**

	Ranked highest	Ranked lowest	Net score (highest – lowest)
Posting contact details of office holders	26	5	21
Making reports and minutes available	21	8	13
Keeping up-to-date with relevant GNSO news and issues	21	8	13
Keeping members’ contact details up-to-date	20	9	11
Facilitating open discussion on key issues	21	13	8
Attracting new members to the Constituency	9	24	-15

Source: LSE PPG online survey of Constituency members

**2.20** There are currently considerable variations in the constitutional and operational arrangements across Constituencies. These differences raise the transaction costs of participation for organizations and individuals who might want to participate in ICANN’s work, especially if they are interested in more than one Constituency. The Constituency websites are diverse in terms of their branding and content and may

appear confusing to potential new members. In some cases websites are dormant even for existing members. This is an example where diversity can undermine representation rather than encouraging it. We do not believe that relying on Constituencies to improve this situation on their own will be feasible (particularly given the varying levels of scarce resources). There are currently some important cross-Constituency groups and meetings, but these generally involve clusters of specific Constituencies rather than regularized and inclusive interaction across all Constituency executives.

**2.21** We recognize that the Constituencies are by nature diverse and rely on a certain level of autonomy in terms of establishing procedures and positions. Nevertheless it is our view that much can be gained from a more coherent approach to managing and growing shared functions and capabilities across the Constituencies. Despite obvious diversity, Constituencies share important administrative and strategic functions. A more standardized approach to supporting constituencies from ICANN staff has the potential to lower costs for Constituencies and to greatly increase their accessibility for members, and potential member (and non-member) organizations.

*Recommendation 3*

*There needs to be greater coherence and standardization across Constituency operations. For this to work effectively, more ICANN staff support would be needed for constituencies.*

**2.22** A more ‘off-the-shelf’ approach by ICANN to supporting Constituencies might involve making available to Constituencies some pre-packaged products that they could apply to their own administration and membership-attracting strategies. For example, this might involve consolidation of Constituency websites as sub-parts of the ICANN website in such a way that each Constituency has a section that is coherently branded but which allows them the flexibility to publish and communicate in their own way. Each Constituency might have direct content management access to their respective sub-sites. Mailing lists and other correspondence should be secure to Constituency members only. Although Constituencies are inherently different, there is great potential for them to develop, with ICANN’s help, common products to facilitate administration and outreach at Constituency level. This might include design of generic ICANN marketing literature which can be tailored by Constituencies according to their own

needs. We reviewed Constituency statements in the paragraphs above, and there is certainly opportunity to develop more standardized formatting for statements based around issue analysis for different pieces of policy. Generic ICANN email alerts or RSS feeds might also be developed from this more coherent platform, allowing Constituencies to offer members ICANN news updates and latest policy work. The essential objective here is that the link between Constituencies, the GNSO, and ICANN should be far more obvious and understandable to potential members (and the wider Internet community).

#### *Recommendation 4*

*A GNSO Constituency support officer should be appointed to help Constituencies develop their operations, websites and outreach activity.*

**2.23** Following on from Recommendation 3, it is important to consider how best to organize the resources for developing an ‘off-the-shelf’ approach to supporting the needs of Constituencies, at minimal cost. ICANN policy and operational staff could institute some kind of forum for developing and sharing professional tools and practices across Constituencies. But there also seems a strong rationale for strengthening the support available to Constituencies by creating a GNSO Constituency Officer, with a key role of supporting common corporate development work across the Constituencies.

#### **How well do the current Constituencies represent the diversity of stakeholders in their areas of interest?**

**2.24** In evaluating the representativeness of Constituencies we also sought to look at the extent to which the range of current Constituency member organizations reflects the global distribution of domain names registered under gTLDs and Internet usage in general. We do not believe that it would be a meaningful exercise to try to establish the extent to which Constituency member organizations are actually statistically representative of the global population of individuals or organizations, particularly not in relation to the global commercial and third sectors. This is because ICANN’s role in the governance of the Internet is a relatively specific one. At any one time only a small (and inherently hard to establish) proportion of civil society organizations will be interested in or concerned about its policy decisions and detailed debates on Internet names and numbers. However it is possible to evaluate very broadly to what extent

current membership broadly reflects global diversity. We looked at Constituency member lists, allocated each member to a global region, and then calculated the maximum number of Constituency votes that could be cast by organizations in each region. Where information was available, we have used specific Constituency voting allocations to do this. A distribution of voting power for each Constituency can be constructed for each global region (assuming that all Constituency members vote). We

**Figure 11: Estimated global distribution of Constituency membership**

	Approximate ICANN global regions					Categorized as International
	Europe	Africa	Asia Pacific	North America	Latin America and Caribbean	
Estimated proportion of domain names registered in GTLD space (% of total)	19	0.2	11	66	4	<i>Na</i>
Estimated percentage of Internet users worldwide (% of total)	29	3	38	23	7	<i>Na</i>
The following figures give an indication of the percentage distribution of maximum possible votes across ICANN global regions for each Constituency.						
Registry	42	0	0	58	0	
Registrar	28	0	15	55	2	
BC	26	3	4	35	0	31
IP	26	0	7	35	2	30
NCU	12	8	28	30	11	12
ISP	41	3	10	8	10	21
NOTE 1: We coded each Constituency member by its allotted number of votes at Constituency level, and the global region in which it is registered. This gives a very general indication of the extent to which Constituencies are over or under-represented in different global regions.						
NOTE 2: The data in this table is based on the ICANN regions confirmed at the ICANN annual meeting in Montreal in June 2003 ( <a href="http://www.icann.org/montreal/geo-regions-topic.htm">http://www.icann.org/montreal/geo-regions-topic.htm</a> ). This categorization puts countries in the Middle East and the Caucasus in the Asia Pacific global region. We are not aware of any further modifications to ICANN global regions since June 2003.						
NOTE 3: The BC asked us to categorize one of their members based in Jordan in the Africa region, particularly as much of the activity of this organization is situated in North Africa. The data above reflects this request.						
Source: LSE PPG analysis of global Internet data and Constituency membership data						

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then calculated the proportions of ‘total domain names registered under gTLDs’ and ‘total Internet users’ for each region. Figure 11 above compares the Constituency vote distribution by global region with these two indicators of distribution of global Internet activity. It is worth mentioning that the data in Figure 11 is based on the ICANN global regions, which have not been subject to change since 2000. Turkey and countries in the Middle East are currently categorized as Asia Pacific (perhaps a slight anomaly), and it may be worth the GNSO and ICANN as a whole working to refine global region definitions to capture changing patterns in Internet usage in these regions. Also, representative organizations are often international in focus and therefore cannot be easily categorized by global region. We have established an International category for members, which have a global spread (most commonly in the IP and BC). Although Constituencies provide guidelines for voting rights for Constituency members, we found it at times difficult to establish how many votes member organizations actually received.

**2.25** A first rough indication of the proportionality of Constituency membership in Figure 11 is in terms of global distribution of gTLD registrations. There is a heavy skew here towards domain name registrations in North America (two thirds of the total), and to assist comparison the Constituencies are ordered by the representation of North America users. By comparison with the proportion of United States gTLD registrations most constituencies are lower, while gTLD Registries and Registrars are somewhat closer to the North America percentage figure. The NCU Constituency has some indication of over-representation stakeholders in three out of five global regions, which of course is no bad thing. This suggests that diversity of membership in the NCU is relatively strong. The Registrar Constituency is also relatively proportional across all five regions. The BC and IP Constituency are interesting as they both show relatively similar distributions across the five regions and patterns which are quite close to the overall distribution of registrations, suggesting a balance of membership power close to the actual global distribution of gTLDs. The ISP Constituency has a strong over-representation in Europe. The ISP Constituency has organized a global meeting for ISPs.

**2.26** However, the second row of Figure 11 shows an alternative comparator, an estimated distribution for the number of global Internet users (at the end of 2005). This

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gives a very different picture, with much less of a skew towards North America, and a much stronger showing in Europe and Asia Pacific. Whereas two thirds of all gTLD registrations are in North America, just under one quarter of Internet users are located in this region. In terms of objectives for Constituencies, particularly user Constituencies, the user distribution might be closer to the one which Constituencies could aspire to approximate in terms of growing their own membership. The NCU Constituency shows quite a close fit to the distribution of global Internet users across at least four out of five regions. The BC and IP Constituencies show under-representation in two out of five regions, but it is important to take into account that around one third of the members for each of these Constituencies are internationally-oriented representative bodies.

**2.27** We looked for a way of evaluating the size and profile of Constituency member organizations, particularly the organizations represented by the most active individuals in each Constituency. We noted above an apparent rule of thumb that around one quarter of Constituency members are responsible for around three quarters of the activity. Using mailing lists or meeting attendance as indicators of activity, we ordered the most active participants for each Constituency since early 2002, recorded the organizations they represented, and focused on the Top Ten most active organizations for each of the four user Constituencies - BC, IP, ISP and NCU. We collected Alexa metrics data for these active member organizations' website homepages, including 'reach per one million users' and 'traffic ranking of the website'. For each Constituency we looked at the top-ranking member organization and the median member organization for each of these two indicators. Figure 12 below shows the results for each of the four user Constituencies.

**Figure 12: Estimating the web profiles of the top ten most active member organizations in four user Constituencies**

	Reach per million users		Traffic rank of website		Number of organizations too small to feature
	Top member	Median member	Top member	Median member	
BC	18,135	21	26	62,284	2
IP	1,720	21	586	69,154	0
NCU	128	3	12,131	290,960	1
ISP	<i>Insufficient data available</i>				
<p>Note: This table gives an indication of the web profile of those member organizations that are most active at Constituency level. We have reviewed available data on the Top 10 most actively represented organizations in each Constituency since June 2003. We have used <a href="http://www.alexa.com">www.alexa.com</a> to get an indicative traffic rank and 'reach per million users' profile for each organization. The data shows the top and the median score for each Constituency.</p>					
<p>Source: LSE PPG analysis of Alexa website traffic and website user data</p>					

**2.28** Looking in more detail first at *the Business Constituency* (BC) the mix of top ten most active organizations appears to be somewhat miscellaneous. Not all are household names, and although one or two big brand names appear, they tend to be towards the bottom of the table and have largely IP based interests. The top ranking member organization in terms of 'reach per million users' is the Walt Disney Company, with on average two in every 100 people visiting this website (the 26<sup>th</sup> highest ranked website in terms of overall traffic): however, representatives from the Walt Disney Company have attended six meetings out of 24 since 2002, and infrequently in the last two years, suggesting 'distanced' participation at best. Big name organizations such as Verizon and the News Corporation give the Top 10 commercial credibility and explain why the median scores in Figure 11 for the Business Constituency are on a par with the IP Constituency.

**2.29** Our evidence clearly shows that there is a committed core of BC representatives some of whom are affiliated to large and well-known commercial corporations and trade associations. However, data (in Annex A, Figures A15 and A18), suggest that direct participation rates tend to fall off relatively quickly. Although around 33 representatives of BC member organizations have attended at least one BC meeting since 2002, around 25 representatives have attended 5 meetings or less (out of a possible total of 24). We estimate that 5 member organizations have attended more than

10 of the 24 meetings for which minutes were available. Since 2002 only the three current Constituency representatives have attended at least three quarters of all meetings for which minutes were available. Three major corporations and four representative associations listed as Constituency members have never attended a BC meeting as far as our analysis shows.

**2.30** Looking at the type of organizations most active in the BC, there are three representative organizations for businesses, two major global telecommunications companies, two major global content provider companies, a leading Middle Eastern accountancy and IP firm, and a range of small single-person consultancy businesses (see Annex A, Figure A27). Looking at the BC membership list in full, there is a much wider spread of organizations, including some well-known Internet-specific names like Yahoo, Inc. It is very hard to establish to what extent these organizations actually play a part in the GNSO process. Some interviewees argued to us that the BC should aim to grow its coverage of new Internet-related markets, particularly e-commerce and web hosting companies, and encourage new organizations to participate actively in policy development. Our interviews with technology business associations familiar with the BC echoed this point, suggesting that BC does not currently provide a home for new types of organizations in the world of e-commerce. Other interviewees suggested that other major Internet-related business sectors such as financial services and retail industries did not seem to figure on the current membership list. Figure 13 below gives an indication of the level of direct penetration of the current membership into some key business sectors.

**Figure 13: The market value of corporations who are members of the Business and Intellectual Property Constituencies**

Sector	Total cumulative market value of the Top 25 companies in this sector (\$bn)	Number of BC and IP Constituency members amongst the Top 25	Market value of these Constituency members as a percentage of Top 25 sector market value
Banking	2,317	0	0
Telecommunications	1,237	4	2
Diversified Financials	1,115	0	0
Hardware and equipment	1,050	2	9
Software services	831	1	6
Food, Drink and Tobacco	980	1	7
Insurance	926	0	0
Retailing	796	0	0
Media	607	3	31
Conglomerates	575	0	0
Source: Forbes Global 2000			

**2.31** Turning to *the IP Constituency*, the ten most active member organizations tend to be representative associations. These organizations have large and well-known corporate clients and members, and so a similar website analysis can be slightly misleading, because websites of the representative organizations may not always be as well visited as the websites of their members. The median figures for the IP Constituency in Figure 12 suggest a similar profile to the BC Constituency in terms of users per million Internet users and traffic volumes. However, perhaps not surprisingly, the largest member organization in this Constituency has a much smaller web profile than the largest one in the BC. It is interesting that all but none of the most active member organizations in the IP Constituency have a recognizable and active website (a possible sign that the ten most active member organizations in the IP Constituency are all well established enough to have a functioning website).

**2.32** Our data on the IP Constituency tends to confirm a picture of relatively solid participation by some major global IP stakeholders. Detailed data (at Annex A, Figures

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A28) show that at least 17 out of 20 major international representative bodies have attended at least one IP Constituency meeting. However, there is still quite a high proportion of Constituency members in the categories of regional and national members that have never attended a Constituency meeting. Again the picture is one of a strong and relatively small core of active participants. The top 12 participant organizations include some major names, both representative bodies and corporations. Evidence on participation elsewhere in this report shows that the IP Constituency Council representatives are perhaps less active than other Constituencies at Council level, and have shown quite high rate of Councilor turnover (see Annex Figures A17 and A45). Despite numerous reminders to the Constituency members about our online survey, we received surprisingly few returns given the apparently reasonable levels of activity by Constituency members that our data indicates.

**2.33** For *the ISP Constituency* we were unable to establish a top ten most active organizations, due to lack of data and insufficient survey responses. However, the ISPC have told us that that the level of participation in the last five ICANN meetings averaged over 20 individuals with more than 14 different organizations represented, a point borne out in observation of an ISPCP session at the ICANN annual meeting in Wellington.

**2.34** The *NCU Constituency* appears to be quite diversely representative at least in terms of distribution of its members. It nevertheless scores comparatively lower in the size and profile of its most active members in comparison to the BC and the IP Constituencies. This is perhaps understandable considering the organizations involved in these three Constituencies are very different. The websites of the most active NCUC members tend to be significantly less visited and have significantly less incoming traffic, although only one active member organization has a website which is not recognizable by Alexa. These indicators suggest therefore that the NCUC tends to be diverse yet relatively small-scale in its membership profile. The very limited resources available to this Constituency constrain the extent to which outreach work can take place.

**2.35** Although the NCU Constituency membership is quite diverse when looked at from within, it is largely meaningless to try to come to any statistical conclusion about how

reflective the current membership is of the wider population of global non-commercial organizations. One way forward for the NCU Constituency however might be to identify some key indicators of spread against which its membership can be evaluated. We suggested above that global Internet users and registered domain names in the gTLD space could be two generic indicators of balance. More specific indicators for the NCU Constituency are entirely feasible, such as density of non-governmental organizations by global region and percentage of organizations operating in different policy areas. Figure 14 gives an indication of density of non-governmental organizations by global region. It is interesting here to see that NGOs are much better developed in higher income than lower income economies, although the gap is less in Latin America. Looking at the vote share for the NCUC, Latin America comes fourth out of five in terms of global spread, and so we might conclude, in very tentative terms of course, that the NCUC could look to grow its presence in Latin American non-governmental networks. Figure 15 shows the distribution of NGOs activity across different types of activity. Again this might serve as a function-specific guide for growing NCU Constituency activity.

**Figure 14: The density of non-governmental organizations by global region and level of economic development**

	Global Civil Society		
	Low and middle income economies	High income economies	Total
Europe / Middle East	1.9	34.8	<b>16.1</b>
North America		13.0	<b>13.0</b>
Latin America / Caribbean	9.6	20.3	<b>10.0</b>
Asia Pacific	3.5	12.0	<b>5.1</b>
Africa	1.5		<b>1.5</b>
NOTE: Figures in this table show density by 'number of NGOs per million of population'. For each global region we have calculated average density.			
<i>Source: LSE PPG analysis of data from Global Civil Society Yearbook 2004/05</i>			

**Figure 15: The average percentage of activity by non-governmental organizations across different areas of activity by the level of economic development**

<i>NGOs active in</i>	Global Civil Society		
	Low and middle income economies	High income economies	<b>Total</b>
Economic development, infrastructure	25.3	23.6	<b>24.6</b>
Research	20.2	22.1	<b>21.0</b>
Law, policy and advocacy	12.6	11.6	<b>12.3</b>
Social development	12.1	10.3	<b>11.5</b>
Education	6.6	6.0	<b>6.4</b>

NOTE: Figures in this table show the average percentage of total NGO activity relating to different areas.

Source: LSE PPG analysis of data from Global Civil Society Yearbook 2004/05

**2.36** The current system of GNSO's operations is not very old, stemming from a decision made in 2002 to separate out the Supporting Organizations for generic names (gTLDs) and for country code names (ccTLDs). Prior to this decision there was a single Domain Name Supporting Organization (DNSO), where country code names were represented by one of seven Constituencies (the other six effectively making up the current Constituencies in the GNSO). When the GNSO was established in December 2002 as a separate body dealing specifically with gTLD policy development, the six Constituencies were largely carried over. Yet even in the course of a few years, there are mixed signs of growth and atrophy in the quality of representation and the degree of actual participation across the Constituencies.

**2.37** Some aspects of the current GNSO Constituency system seem to reflect a snapshot of the interest groupings most active on generic names issues in the founding stages of ICANN in the late 1990s. Many interviewees told us that the origins of the current Constituency system are found in the organized interests that played key roles in establishing ICANN at that period. These included major American computer and telecommunications corporations (such as AT&T, MCI, IBM and Telstra) who were engaged with the process; some major content provider corporations (such as Disney and Time Warner); representative associations in the intellectual property area; and early-established elements of the registration industry (basically Network Solutions). Internet service providers (ISPs) were also represented since they were playing a major role in helping consumers to gain access to domains and URLs. Constituencies at this

time were ‘self-organizing’ (as stated in the GNSO Bylaws), which some interviewees told us meant the ‘loudest voices prevailed’.

**2.38** A further piece of the snapshot involved the presence of intellectual property interests. Many of our interviewees agreed that by the end of the 1990s intellectual property issues relating to the use of domain names were in the late stages of formalization with the development of the Uniform Domain Name Resolution Process (UDRP). The World Intellectual Property Organization (WIPO) held a public hearing in the period between the 1998 White Paper and the formal recognition of ICANN in early 1999, and issued a report suggesting features of the UDRP. The rules eventually adopted by ICANN differed from those in certain respects. ICANN’s Board and a ‘small drafting group’ composed of various ICANN Constituency representatives drafted the UDRP in use today. Analysis of some of the major public forum discussions shows that the original UDRP adoption generated the largest amount of discussion (in terms of numbers of contributors and words written) of any subsequent policy development process discussion. Subsequently the UDRP has come to be widely regarded as a successful initiative, and a good cross-section of our interviewees suggested in varying degrees that it could be viewed as one of ICANN’s successes. However, some critics and researchers argue that it is biased towards complainants. This necessarily brief historical background in the previous paragraphs brings out the importance of factoring in the context under which the GNSO Constituencies were established. This is particularly the case when considering the current picture of representation and participation in the GNSO and thinking about feasible participation conditions for the future.

*Recommendation 5*

*Constituencies should focus on growing balanced representation and active participation broadly proportional to wider global distributions for relevant indicators.*

**2.39** It would not be useful to recommend any specific targets or thresholds for membership or participation, which would be a largely meaningless exercise. However, there are a number of possible examples of global indicators that Constituencies could use to guide future work on outreach and effort to grow membership and participation. These may be very general such as the percentage of domain names registered under gTLDs, or they may be specific to particular Constituencies, such as the global

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distribution of non-governmental organizations working in the field of new technologies. Growth in membership should be monitored by Constituencies to ensure that distribution is as balanced and proportional as possible in relation to key indicators.

**2.40** In response to questions about representation and participation, many interviewees argued to us that although the security and stability of the Internet is of vital importance to many organizations, it is unrealistic to expect people from these organizations to want to continuously participate in developing policy on it. As one person shrewdly put it, ‘most people want to use the Internet, not develop policy on it’. Although this view seems intuitively compelling, there are currently policy issues on the horizon which are directly relevant and interesting to a wide range of actors, notably data privacy and IDNs. Individuals or organizations who find they have lost a valuable domain name to fraudulent or overly exuberant resale activity have a direct interest in institutional structures that allow them to influence policy (or at least have a say on policy issues). Government organizations have also shown themselves increasingly interested in work that the GNSO is doing on issues relating to website registration data. These are two examples of how technical and often complicated GNSO policy issues translate into actual, real-life issues for a wide range of people. So we believe that there is scope to improve the current level of involvement in the GNSO’s work.

**2.41** In our survey completed by non-member organizations (that is, any organization not currently a member of a GNSO Constituency) we asked respondents to score factors which would be important to them and would encourage them to become a member of the relevant GNSO Constituency. We also asked respondents about potential barriers that would explain why they are not currently members of the relevant Constituency. Figure 16 (below) summarizes the most popular responses and suggests two important points. First, while it confirms that ensuring the stability and security of the Internet is a vitally important consideration for organizations, it illustrates that another important motivation involves helping to shape the future of the Internet. So the view put forward in the previous paragraph (that very few organizations actually want to make policy on gTLDs) is perhaps too pessimistic. A second, closely related point is that the main barriers that organizations identified are to do with feeling alienated or distanced from the ICANN process, not really knowing how to participate, or simply not being aware of the GNSO process. In fact, the least cited reason for not joining GNSO was that

‘generic domain name policy is not a primary concern for our organization’, suggesting a positive potential to grow the membership of GNSO Constituencies.

**Figure 16: Reasons given by survey respondents for why their organization would consider joining a GNSO Constituency, and why their organization is not currently a member of the relevant GNSO Constituency**

	HIGHEST	2 <sup>nd</sup> HIGHEST
Reason to get Involved	Ensuring security and stability of the Internet	Helping to shape the future of the Internet
Reason not to get Involved	It is difficult for an organization like ours to influence these kinds of issues	We were not aware of the GNSO Constituency system
NOTE: Annex A Figures A30 and A31 show the full results.		
Source: LSE PPG online survey of non-member organizations		

**2.42** Our interviews and research into other major international representative bodies such as the International Chamber of Commerce (ICC) or the World Information Technology Services Association (WITSA) suggest that the entry level for membership can be a decisive factor in encouraging a wide variety of organizations to participate in policy development. In both these comparators, firms and bodies become members at the corporate or ‘whole organization’ level, and are then filtered towards the relevant policy forums or commissions. For example, organizations interested in participating in the work of the ICC join the ICC as local or national level members, and are channeled towards the relevant Commissions or special working groups. Similarly, organizations can join the ITU and then participate in one of the three Sectors according to their own interests. We found little sense that ‘authentic’ bottom-up processes of participation are undermined by having this whole-organization route in. In our discussions with representatives from a range of representative associations (see Annex C), interviewees suggested that this system provides a range of obvious benefits: in particular a more professionalized support environment for member organizations; greater flexibility for members to pick and choose policy discussions; and lower administrative costs for the member organization itself in terms of communicating with members and keeping them aware of ongoing work and so on.

**2.43** Currently the main interface with the GNSO is solely through becoming a member of a relevant Constituency. Many interviewees pointed out to us that joining existing Constituencies that (rightly or wrongly) appear to be subject to control by relatively small groups of interests is often very off-putting to prospective members. If they react adversely to perceiving such defects in Constituencies, potential members may then steer clear of any involvement with GNSO and ICANN as a whole. There are also dissatisfactions about the variation in practices across Constituencies and the apparently restrictive and now dated missions of current Constituencies. Resources at the Constituency level are often limited and lack standardization – a consequence of the bottom-up stakeholder philosophy, but also a factor that considerably increases the perceived complexity and impenetrability of GNSO’s operations. The activities of Constituency executives and their levels of outreach activity and membership support have been variable and are hard to predict. Finally having to take out membership only via an amateur-run Constituency gives the impression to potential members of being far removed from the heart of ICANN and from influence on its policy processes. Consequently the marginal benefits of being a stakeholder in the ICANN process may seem diffuse.

*Recommendation 6*

*The basis for participation in GNSO activities needs to be revised, from Constituency-based membership to one deriving from direct ICANN stakeholder participation.*

**2.44** A key change that could help boost GNSO membership would be for organizations and individuals to become stakeholders in ICANN through a centralized stakeholder process. The primary interface would be with ICANN rather than with GNSO Constituencies. And a more standardized and coherent ICANN stakeholder package should be developed so as to allow new organizations to feel much more directly involved. We also show below (paragraphs 3.2 and 3.3) that ICANN is much more visible to the Internet community as a whole than is GNSO, so that for users especially the information costs of joining ICANN will be much less than those involved in finding out about, understanding and joining the current GNSO Constituencies. Depending on their interests and legal status, new ICANN members would be channeled towards the relevant stakeholder Constituencies (or to other representative channels if member interests lay in non-gTLD issues). Membership fees could be tiered to individuals and to the size and type of organizations or firms (as is currently the case

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with some Constituencies), but a single scale would prevail. Revenues from fees would be centrally collected by ICANN. Expenditure on Constituency professional work and outreach development would come from a remitted major element of ICANN stakeholder fees. And performing successfully (such as attracting a high rate of potential members as actual members, or improving participation levels appreciably) should also attract a commensurate contribution from the central ICANN budget, so as to give (reformed) Constituencies incentives to be proactive in attracting members and contributors.

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## **Part 3:**

### **The visibility, transparency and openness of the GNSO process**

**3.1** The transparency criterion is concerned primarily with the GNSO process being open to inspection and scrutiny by internal and external actors. If a decision-making process is to be transparent, it must first of all be easily visible and accessible. Potentially interested stakeholders must be able to find out what is going on, which organizations are involved, what timetables and policy processes are in operation, what kinds of consideration are being looked at, and how they themselves can best follow and influence discussions. A key question is therefore whether the current operations of GNSO create sufficient visibility to allow the essential foundation stone of transparency to be seen to be in place?

#### **The external visibility of the GNSO**

**3.2** The operations of ICANN have been well described in a number of recent extensive and detailed published accounts by academics or impartial observers. However, in all such accounts the Generic Names Supporting Organization has very low visibility compared to that of ICANN as a whole. For instance, in a 414 page report on ICANN written by the National Academy of Sciences in the United States there is a detailed contents page running to 7 pages, which does not include any mention of the GNSO. Similarly, a search in Google Books generates 3 hits on the GNSO compared to around 1,600 for ICANN. Turning to the coverage of ICANN on the Web and in Internet mailing lists, we have found only a very tiny proportion of references to ICANN which make any reference at all to GNSO as a whole or to the GNSO Council. A basic search for the terms ‘ICANN’ and ‘GNSO’ in major international written media databases such as Nexus Lexis Executive shows that GNSO results tend to be significantly less than 1 per cent of equivalent results for ICANN. Searching the IETF website, we find around 80 results for the GNSO compared to just over 34,000 for ICANN (see Annex A, Figure A32 for some indicative search results).

**Figure 17: Comparing the web visibility of the GNSO and ICANN**

	Search for 'GNSO'	Search for 'ICANN'
Average number of results across four different search engines ( <i>Google, Yahoo, AltaVista, and MSN</i> )	150,000	13 million
Estimated percentage of total results in...		
<b>.com</b> gTLD	8	53
<b>.org</b> gTLD	71	21
<i>(Of which were <a href="http://icann.org">icann.org</a>)</i>	<i>(45)</i>	<i>(4)</i>
Country code TLDs	9	16
Other gTLDs	12	10
Total percentage	100	100
Source: LSE PPG analysis of search results from four established Internet search engines		

**3.3** A further insight into the relative visibility of ICANN compared to GNSO is the scale of their two web presences given in Figure 17 above. In order to get a rough picture of where the GNSO web presence was strongest (i.e. in terms of TLDs), we ran searches for the terms 'ICANN' and 'GNSO' using four established search engines, restricting the searches to individual generic TLDs and all country TLDs. We took the estimated total number of results for each search, across each search engine, and calculated an average across the four. The average number of search results for 'ICANN' was around 13 million compared to 150,000 for 'GNSO' (about 1 per cent). An interesting contrast also appears in the lines below. Around half of the results for 'ICANN' appear in the dot.com domain (including press, commercial sector, and other private sites), compared to 8 per cent for 'GNSO'. Perhaps not surprisingly, the great proportion of results for 'GNSO' appear in the dot.org domain. However, using the Google page link function, we found that around 50 per cent of links to the GNSO homepage originate from within the [icann.org](http://icann.org) domain, with a further 48 per cent originating from one website [www.latinamericann.org](http://www.latinamericann.org), a Latin American NGO with a link to the GNSO on every page of its website. These results are suggestive of the extent to which current knowledge of and commentary about GNSO is confined to 'deep insiders'.

**3.4** At the outset of our work for this Review we set up a multilingual research website at [www.icann-gnsoreview.org](http://www.icann-gnsoreview.org) in order to canvas as many views on the GNSO as possible from around the world. The research was advertised in the global press, and we employed a group of ten international post-graduate students over a period of six weeks to identify key organizations from the commercial and civil society, contact relevant individuals within these organizations, and invite them to comment on the GNSO or more generally on generic TLD policy development at ICANN. The response to this intensive work to build awareness for the Review was extremely disappointing. We received a very limited response, suggesting to us that the range of opinions about, and the level of awareness of, the GNSO outside of the already active ICANN community itself was very low. Our discussions with members of government agencies in the USA, UK, the EU, the OECD and with members of the Government Advisory Committee (GAC) also revealed relatively low awareness amongst officials directly involved with ICANN of the work of the GNSO. Our interviewees assured us that we should expect general levels of awareness of GNSO in the country governments themselves and in major international organizations to be even lower. This view was also partially confirmed by several senior government officials with extensive involvement in Internet issues whom we approached for interviews, who declined because they said that they did not know enough about GNSO's operations to comment.

**3.5** Many insiders have argued to us that 'GNSO is ICANN', in two important senses. First, looking at revenue data and other outputs, GNSO issues, or at least issues relating to GNSO stakeholders, are at the heart of the ICANN process. Second, GNSO is in many ways the most distinctive and most established piece of machinery supporting ICANN's claim to facilitate 'bottom-up, stakeholder participation' in an open and transparent way in the governance of the Internet. The GNSO is therefore a strange combination of being a critical and integral part of ICANN, but one that is almost invisible to people who are not already closely involved with ICANN.

**3.6** A main reason why GNSO's visibility on the Internet is currently very low is that there have been serious deficiencies in the design of ICANN's overall website over recent years. These problems have long been known to the Board and the ICANN Chief Executive, arising from previous restrictions on resources and particular personnel

issues. However, website problems in the modern age cannot be treated as peripheral or as involving only a dispensable or luxury good. Especially for a body such as ICANN and its main components such as GNSO, a properly working and designed website is an integral element of being an effective organization at all, and its role in respect of facilitating transparency is of critical importance. Our interviewees almost universally expressed deep frustration with the current Web provision. Respondents to our survey also gave overall negative evaluations to two aspects of current GNSO website provision, as shown in Figure 18 below, those relating to engaging external groups and building up the profile of GNSO. Steps have been taken in the recent months to address this issue and the current consultation and first signs of design change on the ICANN website are a positive development. But there remains much more to do.

**Figure 18: How respondents evaluated different aspects of the GNSO website**

	Ranked highest	Ranked lowest	Net highest - lowest score
Making relevant reports and minutes available	39	8	31
Keeping up-to-date with relevant GNSO news and issues	30	11	19
Facilitating open discussion on key issues	18	20	-2
Encouraging views and comments from a wide range of interests	15	31	-16
Building the organizational profile of the GNSO	12	36	-24
Source: LSE PPG online survey of Constituency members and individuals			

3.7 The parts of ICANN's website concerned with GNSO are currently set up and used as a working tool for Councilors and a repository for all policy-related documentation that is produced. In many ways they provide a very comprehensive information resource that is potentially of considerable value. Openness is also pursued to a high degree. For instance, Council phone conferences are recorded as MP3 files and deposited on the Website, so that an interested observer could potentially replay the whole event, should they wish to do so. There is an extensive mailing list that impressively has averaged between 1 and 2 postings per day since mid June 2003. All minutes of Council meetings are freely available. Figure 18 above also shows that respondents to our survey evaluated the internal roles of the GNSO website more positively. However, currently accessing and understanding this data is only feasible for

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people with high levels of skills and who already know what they are doing and what they are looking for. Many interviewees were particularly frank with us about the lack of the design and poor organization of the website for outsiders and even experienced insiders to cope with. A previous review of the GNSO Council carried out by a consultant in 2004 recommended that the GNSO website be overhauled – yet subsequently no progress has been made. In terms of building the wider profile of GNSO as part of the ICANN organization, the current Web provision is weak.

**3.8** It is generally commonplace nowadays for major commercial, government and other non-commercial organizations to monitor the use of their website, collect and process usage statistics or metrics, and then feed these back into their web strategy and overall operational activity. Basic structural and user metrics can provide invaluable information to an organization about how customers are interacting with them and the types of information that they find most valuable. For a policy development body such as the GNSO, any feedback on which kinds of policy information people are searching for would seem to be an invaluable commodity in terms of building a policy resource, attracting further visits to the site, and potentially recruiting new stakeholders. We are therefore surprised to find that the GNSO (and indeed ICANN more widely) do not routinely collect website usage statistics on a regular basis, nor use them to inform their communication and marketing strategies and to help shape their operational activity.

**3.9** There can be no transparency without visibility, and for a body whose central task is Internet governance that means critically immediate visibility on the web. Organizations with imperfect websites often react to deficiencies being pointed out by implying that such problems can be easily corrected by a simple application of finances and effort. We do not share this confidence. In our experience website problems normally reflect some substantial political problems inside organizations, and they can only be successfully addressed when such problems are resolved.

*Recommendation 7*

*The GNSO should improve the design and organization of the current website, develop a website strategy for continual improvement and growth over the next three years, and review usage statistics on a regular basis to check that traffic to the website is growing over time and understand more fully what external audiences are interested in.*

**3.10** We recommend that the GNSO (and necessarily the wider ICANN) website is redesigned, maintaining the wealth of information currently available at lower tiers of pages, but also incorporating a properly designed top three or four levels. The website should aim to present systematically GNSO's (and necessarily ICANN's) activities to a global public in an accessible fashion, but also in some useful detail. Following on from recommendation 7 above, Constituency sections should be clearly labeled from the GNSO homepage along with other relevant sections, such as 'Access our policy reports', 'Policy work in progress', Events and meetings, and so on. Designated ICANN staff members will need to be assigned responsibility for maintaining the top layers of pages in a 'fit for purpose' state and to ensure that corporate branding is consistent. A specific plan and funding for website improvements need to be incorporated into ICANN's operational plan as a high priority. The GNSO Council needs to review web statistics relating to its pages at least annually. It should aim to grow traffic to the site year on year, and to keep track of (and develop) parts of the site that are most frequently visited.

### Document management

**3.11** It is not always easy to establish the narrative of policy development from information and documentation available on the GNSO website. Many policy papers are labeled in confusing or arcane ways, and the labels are nowhere explained. Many of our interviewees, particularly relatively new participants in the GNSO process, have suggested that document management practices on the GNSO website currently make it difficult to get an overview of policy issues over recent years. Even highly experienced Council members acknowledged that it takes a considerable amount of time to get acquainted with the informal protocols and working procedures of the GNSO. And the current documentation pathways and numerous iterations of policy reports often make it confusing to orientate oneself in terms of overall narrative of policy development.

**3.12** At the start of our research, we trawled the GNSO website to get a comprehensive picture of all policy development that has been carried out since December 2002 (see Annex A, Figure A5 for a summary). We found that the GNSO website provided very little overall explanation of how documents published on the site related to different stages of the policy development process. It is often hard to tell from the headings and

introductory text whether documents are preliminary reports, final reports, revised final reports and so on. Having spent four months crawling over the ICANN and GNSO websites for relevant background documentation, we were able to compile a comprehensive table of all policy development work by the GNSO (see Figure 22 below in Part 4). However, it is still not clear to our experienced research team whether we have read all relevant iterations of key documents. In cases where the website groups documents under particular areas of policy work, generally documents were ordered in a chronological order with scant information about which documents were most authoritative. It seems very important that this work is presented to the Internet community in a form which facilitates getting up-to-speed, establishing what has been achieved, and what remains to be done.

**3.13** In addition some policy narratives on the GNSO website seem to get lost. Figure 22 (in Part 4) presents a summary of how long different policies have taken to develop through to implementation. In some cases, a final GNSO report or the report of a Task Force will be published on the website. But subsequently there will be very little information about how the findings or recommendations in this report have been progressed or what has happened as a consequence. For example, the recent policy development process work on the introduction of new gTLD registry services was formally adopted by the ICANN Board in November 2005, but then there was a long gap with no information on the website about how the implementation program would proceed. Only very recently has ICANN announced that implementation of this policy would take effect from August 2006. The emphasis of the policy process on formal stages of development make it crucial that newcomers or interested observers are able to get a clear picture at a glance about where the GNSO (and ICANN) is on progressing key pieces of work.

*Recommendation 8*

*Document management within the GNSO needs to be improved and the presentation of policy development work made much more accessible.*

**3.14** We recommend that any redesign of the website include a forensic trawl through the existing documentation, removal of extraneous documentation from the main pages (and creation of archives if necessary), and the introduction of crystal-clear labeling practices. For example, for each policy development process (PDP) that has been

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carried out in recent years, there should be a page with an up-to-date document narrative available, documents clearly labeled, and some basic summary information about the Task Force membership (where relevant) and the final outcomes that resulted. We also recommend that any ‘Access our policy reports’ section of the GNSO website contain a full list of currently relevant policy reports, coherently titled, dated, available in HTML and PDF format, and all in one place, ordered chronologically.

**3.15** Currently there is no one document that can be used effectively to promote or raise awareness externally of the type of policy issues that GNSO handles. This might be the equivalent of an annual report or a business plan, essentially the kind of document that markets the whole of an organization’s activities to a general and external audience. A good number of interviewees, Council members included, raised the point that it is difficult to get potential organizations interested at events and conferences without some kind of summary document that encapsulates the work of the GNSO. There is currently an Excel table, circulated and updated by GNSO staff, giving an overview of the current work that the GNSO is involved in. However, as in other cases, this working document would not be at all useful as a marketing tool for an external audience, since it is not in an appropriate format nor sufficiently accessible for lay readers. After thorough search and interview discussion, we are unable to find a document which might be used as a marketing and communication tool as much as a factual description of the work in progress and under proposal at the GNSO.

*Recommendation 9*

*The GNSO should develop and publish annually a Policy Development Plan for the next two years, to act both as a strategy document for current and upcoming policy work, and as a communications and marketing tool for general consumption outside of the ICANN community. It should dovetail with ICANN’s budget and strategy documents.*

**3.16** This change would set in place a realistic program of work for the GNSO over a provisional two-year period. It would help to prioritize upcoming issues, standardize programs of work, and break any major and complicated issues (such as WHOIS privacy or IDNs) into modular and digestible chunks of work. It should be based on consultation across Constituencies, but also involving other ICANN supporting organizations, and perhaps also the Government Advisory Committee (GAC) and external national and international policy development expertise. The work program

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should be presented as a formal document, breaking down policy development work into some key areas, and setting out some broad timeframes for completion. It should be based on notional calculations of an average cost per PDP, and fit within the available time and resources given the existing GNSO arrangements. The first year of the Plan would need to be regarded as firmly committed but the second year could be more indicative, so as to retain flexibility to respond agilely. It is important to give stakeholders a clearer picture not just of what GNSO is doing at present but of what topics it will cover in the near future. Such a work plan should also help to neutralize any controversy about the scope of the GNSO's policy work, and to ensure commitment and buy-in across all Constituencies for upcoming work.

**3.17** The GNSO does not currently have a communications or marketing strategy. Some interviewees have suggested to us that given its relatively narrow policy development role vis-à-vis the ICANN Board, there is perhaps no justification for it to have one. Under the existing system of GNSO Constituency membership, however, some kind of communications with Constituency members and indeed potential new members would seem to be a core plank of the creating incentives for continued and new forms of participation. Providing incentives for members to participate (or more fundamentally to pay their dues) is certainly a central plank of almost all membership-based organizations. As illustrated in Part 2, Constituency membership lists and communications with members are largely disaggregated across Constituencies, and consequently there is no central register of GNSO members and certainly no proactive work to keep members up-to-date with GNSO activities and issues. Neither the GNSO nor ICANN appear to use RSS feeds with stakeholders. As a result, the onus is on stakeholders to keep up with events through trawling the GNSO website.

**3.18** Given that GNSO councilors and Constituency activists voluntarily commit thousands of hours of their time to policy development work, it seems strange that there is currently no policy publication series or any sign of ICANN branded output that is linked to GNSO or represents its activities to any wider public. For example, in a comparator organization the e-Business, IT and Telecoms (EBITT) Commission within the ICC produces relatively short PDF policy reports or digests, consistently branded with an ICC header but presented as the work of the EBITT commission. GNSO policy reports tend to come in all shapes and sizes, without consistent ICANN branding. Our

previous recommendation in paragraph 2.22 relates to greater use of ‘off-the-shelf’ tools and corporate material by Constituencies in order to strengthen the working and marketing link between the GNSO and ICANN as a whole. Establishing ICANN policy or working paper series might be a fruitful opportunity to brand existing work by Constituencies and other committees in a more coherent and accessible way, and to develop more graduated outputs from the policy development process. Graduated outputs might well focus on different potential audiences for policy work, ranging from formal PDP output, through to press and media friendly output, and short and digestible think-pieces or discussion pieces that could be circulated to universities, non-governmental and research sectors, and other Internet stakeholders.

*Recommendation 10*

*The GNSO and ICANN should work proactively to provide information-based incentives for stakeholder organizations to monitor and participate in GNSO issues.*

**3.19** In Part 2 we recommended a fundamental change to the way in which organizations interface with the GNSO and ICANN, by shifting from a GNSO Constituency membership model to an ICANN stakeholder model. An ICANN-level interface in our view would greatly enhance the prospects of involvement by a wider range of organizations in GNSO’s policy development, and it should create new possibilities for growing clearer incentives for new organizations to take part as ICANN stakeholders. There would be obvious opportunities here to develop a comprehensive database or register of ICANN stakeholders, to segment ICANN stakeholders according to their interests or extent of participation, and then to develop ‘selective incentives’ for these organizations in the form of regular and accessible information, news alerts, policy digests and so on. An ICANN stakeholder register would promise a range of wider marketing benefits, would allow for more coherent communication across different ICANN areas. There is a vast wealth of institutional and technical knowledge within the ICANN community, and a more integrated communications strategy at ICANN level could help to feed a much greater range of this knowledge into GNSO’s policy development work. An ICANN working paper series on gTLD issues would be one example of a selective incentive for organizations to become ICANN stakeholders, and get more deeply involved in policy development work. In the contemporary theory of interest group and NGO participation, making available to members ‘selective

incentives' that are not available to non-members is assigned a great deal of salience. GNSO and its Constituencies need to enhance their efforts in this respect.

### The visibility of the GNSO *within* the ICANN community

**3.20** In addition to the problems clouding GNSO's external visibility, there are also important issues about how visible or well-understood its work is even within the confines of the ICANN community. There were indications that GNSO in some respects has a low profile role even within the ICANN community itself. For instance, our interviewees' perceptions tended to vary widely on how high profile the GNSO is at ICANN Board level. We asked interviewees to estimate roughly what percentage of Board time is taken up dealing specifically with policies developed by the GNSO. Responses varied from around 30 per cent to around 10 per cent. Some people have said to us that the GNSO is a vital influence in the Board's deliberations on gTLD issues, and indeed our survey respondents scored 'Delivering practicable recommendations to the ICANN Board' highest in a list of aspects of the PDP. Other interviewees have been uncertain about how important the GNSO has been on key issues, notably IDNs and policies on selection of new gTLDs.

**3.21** In order to create a clearer picture of how much Board time is spent discussing policy recommendations specifically originating from the GNSO, we did some analysis of all available Board transcripts and minutes since 2002. We counted the total number of words in each document, and estimated what proportion of words related to specific GNSO policies, and what proportion of words related to wider gTLD issues (not necessarily emanating from the GNSO). Figure 19 below suggests that around one third of Board discussion relates to gTLD issues. The estimated proportion of GNSO-specific discussion however is significantly less; never more than 8 per cent and 2 per cent on average for 2003-04 and 2004-05 (for more on both these categories year-on-year, please see Annex A, Figures A38 and A39). This seems significantly less than the 10 per cent lower estimates that we were receiving from more skeptical interviewees. We cross-checked these percentages with the percentage of words in the ICANN adopted budget relating specifically to the GNSO. We found here that there has been a gradual increase to 10 per cent in 2006-07, providing some rough corroboration for the visibility factor of 10 per cent for the GNSO at Board level.

**Figure 19: Estimating the importance of GNSO issues in ICANN Board level meetings**

<i>Figures show % of text</i>	2002-03	2003-04	2004-05	2005-06	2006-07
Estimated proportion of ICANN Board meeting discussion relating to gTLDs	45	28	35	36	<i>na</i>
Estimated proportion of ICANN Board meeting discussion relating to the GNSO	8	2	2	8	<i>na</i>
Estimated proportion of ICANN annual adopted budget documents relating specifically to the GNSO	3	4	2	6	10
NOTE: Rows 1 and 2 in this table show results of basic textual analysis of transcripts and minutes of ICANN Board meetings (see Figures A38 and A39 in Annex A for more details). Row 3 shows results from a similar analysis on Adopted Budget documents available on the ICANN website. We reviewed these documents for direct references to the GNSO and the gTLD supporting organization.					
Source: LSE PPG analysis of ICANN Board meeting transcripts and minutes					

**3.22** Achieving balanced growth in the relationship between the GNSO and ICANN as a whole would seem to a sensible objective to aim for in terms of development over the next ten years. It is interesting to look at data for time spent by the ICANN Board discussing issues/policy work emerging directly from the GNSO, and compare these percentages with total ICANN expenditure on GNSO as a percentage of total ICANN expenditure (see Figure 8 above in Part 2). We might expect to see a broad balance between these two percentages, suggesting that the ICANN Board is roughly ‘getting its money’s worth’ in terms of the amount of expenditure it is allocating to the GNSO and the policy development returns it is seeing on this investment. In terms of balanced development, these figures seem quite encouraging. There currently seems to be a ‘10 per cent trend’, the consequence of gradual growth over recent years. We estimate that:

- ICANN expenditure on the GNSO is currently around **10 per cent** of total expenditure;
- ICANN spent roughly **8 per cent** of its time in 2005-06 discussing policy work of the GNSO;
- around **10 per cent** of ICANN budget documentation relates specifically or indirectly to the GNSO and its activities.

It would be important to keep under review indicators which give an idea of return on expenditure in this way – a kind of ‘bangs per buck’ guide to balanced growth. Our

indicators are relatively broad estimates, and there is obviously room for refinement of such indicators.

**3.23** Transparency in the relationship between the ICANN Board and the GNSO was an important concern in many interviewees' comments to us. Decision-making processes were often seen as rather opaque, and channels of communication between the Board and the GNSO were seen as lacking. The GNSO Council currently elects two Directors to the ICANN Board by majority vote. Although these Directors have played the role of liaison between the GNSO Council and the Board in recent years, they do not have a formal role as representatives of the GNSO during Board deliberations. All ICANN Board members have a duty to act in the best interests of the organization as a whole and its mission, rather than to represent particular interests. At times the communications and understanding between the Council and the Board have been strained. Recent controversy over the way in which the Verisign settlement was handled raises serious questions about the quality of communication between the ICANN Board and the GNSO. Many views expressed by Council members during our interviews, and indeed much of the written documentation on this particular decision, suggest a need for more formalized and transparent, two-way channels of communication on how GNSO views are taken into account and how decisions at Board level are made. Figure 20 below shows the number of GNSO Council meetings at which Board members have been present since 2002. The number of meetings attended per year has increased from zero out of 13 meetings in 2003-04 to eight out of 18 meetings in 2005-06.

**Figure 20: Attendance of ICANN Board members at GNSO Council meetings**

	2002-03	2003-04	2004-05	2005-06	2006-07
Number of Council meetings	18	13	13	18	4
<i>At which at least one Board member was present</i>	0	0	4	8	2
<i>At which at least two Board members were present</i>	0	0	0	2	0
NOTE: Figures in this table cover January 2002 to May 2006. The number of Council meetings in 2002 refers specifically to the number of meetings of the Names Council of the former DNSO. Meetings include face-to-face and teleconference calls. The number of Council meetings listed is based on meetings for which data was available.					
Source: LSE PPG analysis of GNSO Council meeting attendance					

**3.24** Yet there are very few formalized and institutional channels through which the GNSO Council may communicate with the Board and other senior representatives across ICANN organizations. Our interviews suggested that the current communications channels between the Board and the GNSO rely a great deal on the constructive working relationships established between the current Chair of the GNSO Council, the ICANN President and Chief Executive, and key Board members. The GNSO Chair is a very important and internally influential figure within ICANN, whose agenda management capabilities play a key role in progressing GNSO's work and facilitating constructive debate. The Chair does not currently attend Board meetings, and there is no automatic progression from the position of GNSO Council Chair to a place on the Board. This lack of formalized communication channels (and the consequent emphasis on informal channels between the GNSO Council Chair, the ICANN President and Chief Executive, and the Board) may be a relatively high risk strategy to maintain for two reasons. First, the system is reliant on constructive working relationships between senior personalities. Although the current Council Chair has ready access to the ICANN Chief Executive, this arrangement is rather informal and might not continue with other personnel in these posts. If personal relationships break down or do not function adequately, there are few institutional safeguards to protect the interests of the GNSO and its Council as a whole. Second, the lack of open and regularized communication channels between the GNSO and the Board increases the risk of perhaps unnecessary resentment and confrontation at GNSO level, such as surfaced in the aftermath of the 2006 decision on the Verisign settlement.

**3.25** Sub-units within complex organizations are generally made more visible and salient when they have a clear personal embodiment, that is, someone who clearly represents them in other important forums. Some interviewees strongly suggested to us that the role of the Chair of the GNSO Council should be enhanced so as to help GNSO become more influential. For instance, the Chair could act as a non-voting liaison to the Board, or he/she could automatically take a seat on the Board for two years after their Council term had ended. Another potentially useful idea put to us is that an overall ICANN central executive committee should be established, perhaps including the Chair of the Board, the President and Chief Executive, the GNSO Chair and chairs of other Supporting Organizations, and the chair of the Government Advisory Committee. This central executive committee would be a regularized and minuted discussion of work

going on across ICANN and GNSO and other represented bodies, and give a chance to maintain open channels of communication on the many cross-cutting issues now in discussion.

*Recommendation 11*

*The position of the GNSO Council Chair needs to become much more visible within ICANN and to carry more institutional weight.*

**3.26** It is important to stress that this is an area where we cannot put forward very specific recommendations, because ICANN's central organization was outside the scope of this Review. In addition, the role of Council Chair is already onerous enough, so that adding any new duties or roles would require a slimming down of other activities (such as Council teleconferences, see below). But what is not sensible is to continue with the GNSO Council operating as a large body with only a diffuse identity elsewhere in ICANN and with an apparently 'submerged' or under-visible leadership.

**3.27** Turning to GNSO's internal rules, a transparent organization is also one where the reasons for people saying what they do are fully understandable to internal and external observers. In contexts like GNSO, where decisions can often impact on the economic life chances and financial situations of participants in decision-making, it is particularly important that people acting in representative roles should meticulously document and declare any relevant interests that they may have. Somewhat under half our interviewees complained strongly to us that in their view disclosure of interests by GNSO Councilors was not always upheld. They felt that it was often impossible to tell which organizations individuals were representing. Other interviewees argued that the current approach of relying on self-regulation of disclosure works relatively well, particularly given the close knit community of ICANN, the few degrees of separation between most principal actors, and the intensity of discussion between them. The general view amongst councilors themselves is that any compromising relationships and interests will be uncovered one way or another. Yet however useful these self-correcting tendencies may be, suspicions of conflicts of interest are currently widely held elsewhere in the ICANN community. Especially in tandem with perceived cliqueness in some constituencies, these perceptions are highly corrosive of the legitimacy of GNSO's deliberations.

*Recommendation 12*

*The policies on GNSO Councilors declaring interests should be strengthened. Provision for a vote of 'no confidence' leading to resignation should be introduced for non-compliance.*

**3.28** We recommend strongly that the GNSO Council establishes a written policy on disclosure of interests, circulated to each new member and to existing members annually. The Council should discuss and agree some mechanism of enforcement requiring a vote-of-no-confidence in the Council with a qualified majority (15 or more members) if interests are not declared. This extra incentive would help encourage members to comply.

**3.29** Where the number of active members in Constituencies become low or very low, there is a risk that those who sustain the Constituencies participation in GNSO processes will be perceived externally (rightly or wrongly) as running a clique-dominated process, one perhaps unreceptive to the involvement of new actors or players. The current GNSO Bylaws stipulate that any Councilor serves for a two year term, with a staggered changeover of two of a Constituency's Councilors in one year and then one in the next, and so on. Some Constituencies, such as the Registrars, stipulate term limits for Council representatives. However, councilors in other Constituencies may currently continue to serve for more than two years (indeed they may serve indefinitely) if re-elected by a majority of their Constituency members. Our analysis of turnover of individual GNSO Councilors terms of service since 2002

**Figure 21: Turnover of individual DNSO/GNSO Councilors, since January 2001**

	Number of individual Council members since Jan 2001	Number of changes of representatives since Jan 2001	Number of changes of representatives since Jan 2003
NCU	15	5	8
gTLD Registry	9	2	6
IP	11	3	5
Registrar	7	2	2
BC	5	2	1
ISP	5	2	0

NOTE 1: The figures in this table cover the period from January 2001 to June 2006. Column 1 shows the total number of different individuals who have served as a Member of either the Names Council (prior to end 2002) or the GNSO Council (since beginning 2003). Columns 2 and 3 show the number of changes of personnel that took place in the Names Council up to Jan 2003, and then subsequently in the GNSO Council since Jan 2003.

NOTE 2: The IP Constituency pointed out their relatively high rate of turnover of Councilors is due to the fact that after the decision to move from a system of 3 Councilors to 2 Councilors per Constituency, it took the decision to re-run elections for its representatives to the Council

Source: LSE PPG analysis of data on terms of service of GNSO Council representatives

shows a wide variation across Constituencies (see Figure 21 above). In the case of the Business and ISP Constituencies there has been very low turnover of personnel amongst their representative on the Council, and only five people have served as one of their councilors since 2001. At the other end of the spectrum, some Constituencies show comparatively high rates of turnover, such as the Non-Commercial Users. Some interviewees have suggested that this is due difficulty in retaining Councilors long enough and the fact that NCUC Councilors are often not funded. Other NCU representatives have suggested that high turnover reflects an open and dynamic culture within the Constituency. In addition to achieving some reasonable degree of circulation amongst GNSO councilors, it will also be important to have sufficient people involved in how Constituencies are run to prevent their officers being the same people for long periods of time. In addition to achieving some reasonable degree of circulation amongst GNSO councilors, it is also important to have sufficient people involved in the running of Constituencies so as to ensure stability when people change jobs and therefore leave the constituency, etc. Thus a reasonable pool of involved leaders is an important goal for the long term health and functioning of any constituency.

*Recommendation 13*

*Fixed term limits should be introduced for GNSO Councilors either of two two-year terms (as applied in some Constituencies already) or perhaps of a single three-year term.*

**3.30** Because of the small numbers of councilors in some constituencies and the potential for delegitimizing perceptions to arise, there should be a term limit of three or four years, after which councilors must step down from membership for at least a term. Standardizing a term limit of two two-year terms would be one solution, Individuals who reach the end of their terms would need to step down from the Council until a new election was held. Given the regional representation that Constituencies aim for this would in practice be two years off (so a four years on/ two years off cycle), unless the person changed region, which does happen. Some interviewees suggested to us that councilors should serve only a single three year term and then step down for a year, an arrangement that with staggered retirements would also allow for more stability in Constituency representation. One possible disadvantage would be that with regional representation a leaving councilor would not in practice be able to return for three years, when their region's seat was once again being contested, creating a 3 years on/3 years off cycle, again unless the person changed region. Both GNSO Council and the Board will need to consider which of these options to pursue, having regard to the need to marshal and conserve expertise while also avoiding any creation of cliques. It should be born in mind, however, that individuals who reach the ends of their term could still be active in the leadership of their Constituency and in task forces, so that there is no need for their talents or commitment to be completely lost to ICANN in an 'off' period.

## Part 4:

### How effective the GNSO has been in undertaking its work and developing policy positions

#### The operations of the Policy Development Process

**4.1** The GNSO Council discusses issues associated with generic domain names that are relatively complex and often quite technical. The GNSO Council has a set of formal procedures for looking at new issues, seeking views from the Constituencies and other stakeholders in the Internet community who want to comment, debating the views expressed in the Council, seeking common ground and trying to reach a consensus view of the issue. These procedures are called a Policy Development Process (usually referred to by the initials PDP within ICANN). The stages and timings for a PDP are set out in the ICANN Bylaws. As Figure 22 below sets out, the GNSO has been involved in around 12 major pieces of policy development work since December 2002. This policy development work has dealt with potentially highly technical issues, which when reviewed for wider relevance to society at large, reveal some direct implications (many at an everyday level) for Internet users and service providers. We briefly summarize these in the next few paragraphs.

**4.2** Policy work relating to the WHOIS database is a prime example of how such narratives could be made more accessible and transparent to interested newcomers or observers. Since December 2002 the GNSO has conducted 12 separate policy development processes ranging across four general areas (see Figure 22 below). Policy work relating to the procedures and functions of the WHOIS information service has accounted for seven out of the PDPs listed. Task Forces have been established, combined, disbanded, and even after close analysis, it is difficult for our research team to establish exactly where issues currently lie, and what might be a realistic timeframe for future progress. WHOIS has involved a huge amount of time and expertise from GNSO stakeholders. We estimate very roughly that this policy development work on WHOIS has involved roughly 39,000 hours of Task Force member and GNSO Councilor time since the first Task Force was launched in 2001.

**Figure 22: Summary of the GNSO policy development work since December 2002**

<i>GNSO policy work</i>	PDP launched	Task Force or final report	Adopted by Board	Policy Implemented
WHOIS Review			Mar 03	Nov 04
Inter-registrar Transfer Policy		Feb 03	Apr 03	Nov 04
Expired Domain Deletion Policy	Sept 02	June 03	Sept 04	Nov 04
WHOIS Task Force 1	Oct 03	<i>Task Forces Combined (see below)</i>		
WHOIS Task Force 2	Oct 03			
WHOIS Task Force 3	Oct 03			
New Registry Services	Nov 03	Jun 05	Nov 05	<i>Planned for 2006</i>
GNSO resolution on new .net operator	<i>NA</i>	Aug 04		
WHOIS Combined 1	Dec 04	Apr 05	<i>Task Forces Combined (see below)</i>	
WHOIS Combined 2	Dec 04	Sept 05		
Purpose of WHOIS and WHOIS contact	Jun 05	Mar 06		
Introduction of new gTLDs	Dec 05			
Amendments to conditions for existing gTLD Registry contracts	Feb 06			
Source: Documentation on the ICANN website				

Applying a notional ‘cost per hour’ figure of USD 180, the total policy resource expended on WHOIS policy since 2001 amounts to just under USD 7 million (see Annex A, Figures A5 and A6 for details on how these estimates were calculated).

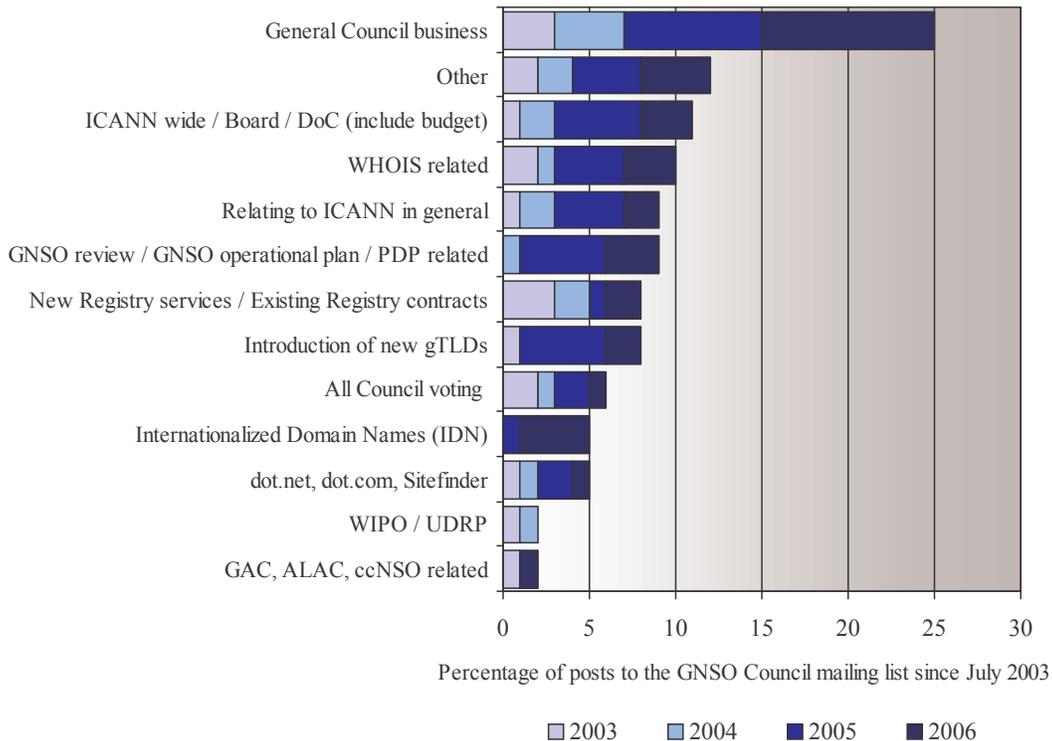
**4.3** The GNSO has also developed procedures to safeguard the integrity of domain names, particularly the way in which market interactions between registration stakeholders impact on the domain name holders. The policy on inter-registrar transfers developed standardized procedures covering the way in which a registered domain name may be transferred from one registrar to another. This policy established procedures for allocating administrative obligations on ‘gaining’ and ‘losing’ registrars, so as to reduce duplication of workload and harmful consequences to the registrant. The policy on ‘expired domain name deletions’ sought to provide safeguards for registrants in cases where a domain name registration period expires, and without the original registrant’s knowledge the domain name is put back on the market and purchased by

other registrants. This policy work set some ground rules for notification of the registrant and a redemption grace period.

**4.4** In 2004 the GNSO initiated policy work on procedures to ensure that gTLD Registries notify ICANN of any new services or changes to service delivery that are introduced. The final report was published in June 2005, setting out consensus policy on the steps that should be followed by gTLD Registries and ICANN staff for reviewing and agreeing to specific changes to existing services or introduction of new services. More recently, in February 2006, a much larger and potentially more controversial piece of policy development work has begun on possible improvements that could be made to conditions specified in existing gTLD Registry contracts.

**4.5** In December 2005 the GNSO initiated new policy development on procedures governing the introduction of new generic TLDs. This new PDP examines what types of generic TLD are most desirable, how many should be introduced and during what time span, and by which allocation mechanism new TLDs should be introduced. This is currently one of major pieces of policy development under way in the GNSO. Related to new gTLDs, but not quite under way as formal policy development work, is the issue of Internationalized Domain Names (again often abbreviated to IDNs). The first ICANN committee was formed back in September 2001 to discuss all issues relating to the introduction of IDNs. The ICANN President's Advisory Committee announced at the start of 2006 that ICANN would be running a test-bed for the first IDN prototype forms. Now the GNSO Council is currently in the process of setting up an informal working group to consider key policy issues that will arise from this work on IDNs.

**4.6** The use of open access mailing lists is a rather distinctive feature of the way in which the GNSO operates. Lists provide a vital working tool for GNSO stakeholders, not to mention a vast source of information for potential participants and observers who have enough patience and expertise to follow policy development discussions. Open mailing lists give the impression of a highly transparent organization, despite the caveat that open mailing lists can be used for strategic purposes and a large amount of correspondence takes place off list. A review of the GNSO Council's main public mailing list shows that it has averaged (rather impressively) at least 2 or 3 postings per

**Figure 23: Main themes discussed on the GNSO Council mailing list, by year**

Source: LSE PPG analysis of the GNSO public mailing list June 2003 to June 2006.

day since June 2003 with at least one third of total postings dealing with general or day-to-day business. In terms of substantive policy development, Figure 23 shows that work relating to WHOIS ranks highly in terms of coverage, accounting for just over 10 per cent of all postings to the list since June 2003. Other major policy development issues have been work relating to the introduction of new registry services and more recently procedures for managing the introduction of new generic Top Level Domains.

**4.7** We noted above the importance of the formal Policy Development Process (PDP), the set of formal procedures used by GNSO Council for looking at new issues. The PDP rules govern how the Council requests views from the Constituencies and other stakeholders in the Internet community who want to comment, debates the views expressed, and seeks common ground in an effort to reach a consensus view of the issue. The ICANN Bylaws lay down demanding deadlines for how long a PDP process can last, designed to help ICANN respond at ‘Internet speed’ to problems or issues and

to avoid the long timelines sometimes perceived as characteristic of governmentally-run international forums and bodies (see Annex A, Figure A46 for a stage overview of a PDP). We encountered a range of views about how well the PDP is working. Most current Council members view the process as generally effective. However, many other interviewees were critical or even scathing about how PDPs operate, with some experienced ICANN observers describing it as ‘Byzantine’ or ‘archaic’. For outsiders, it is a complicated process to understand and internalize, punctured by strict time deadlines for particular stages, regular voting, and public comments periods. Our analysis below shows that PDPs vary greatly in the quality and diversity of comments received.

**4.8** We asked our survey respondents to rate different aspects of the PDP in terms of strengths and weaknesses. Figure 24 below identifies the highest and lowest scoring aspects. Respondents were generally positive about the extent to which the PDP delivers practicable recommendations to the ICANN Board, and the way in which the GNSO makes the best use of policy support functions, perhaps reflecting the recent strengthening of staff support functions to assist GNSO in the last year or so. Three major weaknesses were raised by insiders. It is often difficult to keep to the time schedules outlined in the ICANN Bylaws. There are differing views of how best to draw on and incorporate external expertise in the Council’s policy development work. And as mentioned in Part 2, difficulties have been encountered under current arrangements in ensuring that Constituencies provide adequate documentation on the number of members who have participated in defining a position they have adopted.

**4.9** The global context of the GNSO policy development work and the need to coordinate input across a wide range of different stakeholders increases the importance of relatively formalized management of time schedules and delivery. The PDP is nothing if not prescriptive about time periods allocated to different processes. As one interviewee neatly summed up: ‘the PDP is about delivery by management of *process* rather than management of *outputs*’. Despite the current stress on a prescriptive approach to process management, we found a general acceptance that the PDP does struggle to stick to time schedules set out in the Bylaws. According to the Bylaws the

**Figure 24: Survey respondents' views on different aspects of the PDP**

	Ranked highest	Ranked lowest	Net score
Delivering practicable recommendations to the ICANN Board	24	11	13
Making the best use of policy support functions	22	12	10
Picking the right issues	20	16	4
Scoping policy work appropriately	14	16	-2
Identifying issues early enough	15	20	-5
Ensuring that the PDP incorporates the widest practicable range of views	15	21	-6
Making use of external expertise and research	20	30	-10
Sticking to agreed time schedules	11	25	-14

Source: LSE PPG online survey of Constituency members and individuals

PDP is supposed to last around 150 days from the initial request to a Board adoption. A quick glance at the overview of policy development work in Part 1 of this report suggests that in the few cases where this is measurable, the PDP has taken up to 2 years or more.

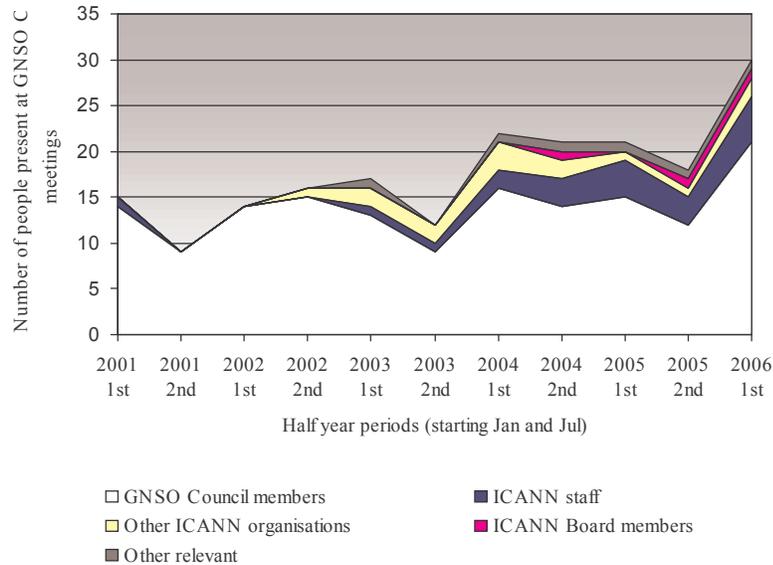
**4.10** In most organizations there is inevitably some degree of divergence between theory (or regulation) and practice. Councilors suggested to us that the GNSO Council is well aware that it does not stick to time schedules specified in the Bylaws, but it does tend to stick to more informal and specific schedules that are determined consensually in the Council. These 'effective' timings respond to the differing levels of difficulty associated with individual PDP topics. A limited review of the GNSO Council by a consultant in 2004 recommended that the stages of the PDP should be revised and clarified. Since then there are clear signs that the GNSO has made some progress to address this issue. Nevertheless, under the current arrangements there are some good reasons to think that newcomers or potential participants in the policy development process might well be confused or put off by the wide divergence between what is formally supposed to happen and what happens in practice on the timings of stages. For prospective members wishing to get involved in policy development, just getting acquainted with the different arrangements framing the PDP involves a steep learning curve. Having internalized the rules involved, potential participants are then faced with the prospect that these rules are generally viewed as largely symbolic, and that in general, the PDP can take up to 2 years in reality. As one representative from a Fortune 500 corporation told us: 'it may not come as a surprise that commercial corporations

choose not to get involved in a process which can take up to two years for any results to filter through'. There is also a risk with such large divergences that GNSO becomes habituated to crashing formal deadlines, and thereafter treats all deadlines as elastic. We looked carefully for but did not detect such an attitude, but instead a general concern to expedite matters as fast as feasible. None the less, in general it is desirable for more effective and realistic timings for PDP phases to be formulated and then wherever possible stuck to.

**4.11** In terms of staff support, there has long been provision for secretarial, recording and agenda support to the GNSO Council. As its revenues have grown in recent years ICANN has considerably increased the numbers of its policy support staff centrally. In the last year (2005-06) much more staff support has been allocated to the GNSO Council supplementing previous provision. Our analysis of attendance at the GNSO Council meetings shows clearly the increasing level of attendance of ICANN staff since early to mid 2003 (see Figure 25 below). ICANN policy staff now play an enhanced role in informing and assisting the work of the Council. There is already evidence from our interviews with Council members and staff that a more intensive resourcing and management of the PDP has had a positive impact on performance. A wide range of Councilors mentioned identifiable benefits of more intensive staff support, particularly more systematic approach to gathering and processing Constituency statements, keeping policy development on track, facilitating dissemination of materials, and shaping final reports. Greater staff support should facilitate quicker time-to-market and delivery of outputs potentially within a year, which may help to bring actual PDP timeframes closer to those set out in the Bylaws.

**4.12** One of the strongest themes to emerge from our interviews on the PDP relates to the distinction (and link) between management of delivery by process and management of delivery by outputs. The language of the Policy Development *Process* is programmed from the start to emphasize process rather than outputs being achieved. In the last year ICANN staff has worked intensively to grow the use of project management methodologies across the organization, and there is clearly great potential for the more systematic application of project-based working to the policy development work of the GNSO, that is, with a much more explicit link between a managed process

**Figure 25: Attendance of ICANN staff and other ICANN representatives at GNSO Council meetings**



Source: LSE PPG analysis of GNSO Council meeting attendance

and a set of outputs. It might be worth changing the meaning of the PDP to denote a ‘Policy Development *Project*’, with the emphasis upon achieving agreed change, rather than PDP denoting a *process*.

**4.13** A large minority of interviewees experienced with the PDP argued that the issue reports in the past have tended to summarize different points of views rather than to identify and provide a preliminary discussion of the core issues and potential divisions that need to be bridged. In their view, issue reports should be premised on and written around core issues, rather than focusing on presenting the divergent range of opinion across relevant stakeholders (not just Constituencies). The suggestion is that the issue reports should be driven by getting to grips with the pressing substantive issues as outputs, rather than (as now) going through the process of collecting views from all Constituencies and then presenting them to the Council. As one experienced commentator put it: ‘it is about asking the right questions early enough’. The recent PDP on the purpose of WHOIS illustrates how potentially intractable divisions can persist if the core policy issues are not isolated early on in the process, and allowed to

drive the consequent discussion. Most project management methodologies strongly emphasize *issue analysis* as a driver for data collection and research, rather than issues being the product of data collection and research.

*Recommendation 14*

*The GNSO Council and related policy staff should work more closely together to grow the use of project-management methodologies in policy development work, particularly focusing on how targeted issue analysis can drive data collection from stakeholders (rather than vice versa).*

**4.14** The application of project management methodologies to the work of the GNSO Council and its Constituencies could greatly enhance the effectiveness and the speed of policy development. We would recommend that project management training is rolled out across Council members and relevant policy staff. Advice taken on this issue suggests the costs of such training would not be unreasonable. Project management methodologies would help to de-emphasize adherence to process and achieve a more effective balance between envisaging outputs and managing required processes. Issue reports produced by policy staff should focus on targeting the ‘crux’ or core issues or potential divisions at stake, and present parameters for potential negotiation and agreement between stakeholders. Currently issue reports tend to simply describe the range of existent views on a subject, and tend not to synthesize views down to issues. This enhanced analytical requirement would require a high level of trust between the GNSO Council and policy staff, as policy staff would be framing issues more explicitly. Some signs of tension and lack of communication between policy staff and the GNSO Council would need to be addressed as part of this growth.

**4.15** An underlying problem in developing better working may be that in quite a range of our interviews with GNSO insiders, we identified some unusual tensions in the relationship between the staff assisting GNSO and some Council members. There has apparently been a strong feeling in parts of the Council that the policy staff owe their primary allegiance to ICANN management, who appoint them, rather than to the Council itself. Some councilors have a strong preference for a do-it-yourself approach to policy-making, believing that almost all stages of the process should be undertaken collectively by Council members drawing on their own expertise and contacts with Constituencies to determine what the issues and evidence are, what conflicts exist and

how they should be resolved. This approach is resistant to too much ICANN staff intervention as undermining GNSO's independence. It is distrustful of outside expertise as inimical to bottom-up stakeholder involvement, a stance also reflected in a tendency for task forces to be staffed by GNSO councilors or active Constituency members. Some interviewees argued that a formal service level agreement between the Council and ICANN staff is needed, which would tightly specify what was to be done and in what timeframes. A range of interviewees suggested to us that because of the history of these past attitudes Council members can often take staff for granted and unnecessarily limit their role in informing discussion. By contrast, a majority of other Councilors wholeheartedly supported a strengthening of the policy expertise available to the Council and believe that too little staff time has been allocated to the needs of the GNSO Council vis-à-vis wider ICANN functions. In extensive interviews with staff we did not find a conflict of loyalties between an ICANN or a GNSO orientation, but noted instead a strong and neutral dedication to helping GNSO work in a more expert, effective and speedy manner. We do not think that a framework agreement between the Council and staff is necessary or helpful: creating it would serve more as the symptom of a problem rather than the cure. However, there does need to be a review and clarification of the basis on which staff attending GNSO meetings operate, especially for those working extensively or primarily for GNSO. It is important to provide some additional assurance to GNSO stakeholders that staff working to support both the Council and the Constituencies have strong loyalties to these tasks and have appropriate professional autonomy in those roles, while also being accountable in a matrix fashion to ICANN's staff management.

### GNSO Council's working methods

**4.16** Looking at other aspects of the Council's work, it is apparent that it is painstaking and requires a lot of commitment from councilors. Data kindly collated and provided by the GNSO Secretariat suggest that Councilors spend on average 12 hours per week on GNSO work. Council interaction has tended to rely on regular teleconference calls and intensive use of email (both public and private). There is relatively intense monthly teleconference call schedule, with calls taking place at times that are necessarily inconvenient for some members scattered across the globe's time zones. Our analysis of attendance at these calls reveals a remarkably high level of commitment. The

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teleconference call on which our research team sat in was very skillfully and neutrally moderated by the Chair of the Council. However, in interviews many participants suggested that teleconferencing allows only limited opportunity for in-depth discussion between Constituency members. Calls tend to favor the more outspoken participants who have English as a first language.

**4.17** The GNSO Council has made efforts in the last six months or so to increase the frequency of face-to-face meetings. Council members told us that the format of the face-to-face meeting provides a far more constructive opportunity for Constituency members to sit and discuss policy work (often informally). It is often the case that informal ‘whiteboard sessions’ can help to break down seemingly intractable positions. Council members referred to a common syndrome that Constituencies will tend to formulate positions early on in the policy process, and then stick to these positions in the absence of an opportunity to be challenged on them or discuss options for consensus. Our extensive analysis of Council public mailing lists has unearthed many examples suggestive of how email correspondence can often perpetuate rather inflexible positions and mildly confrontational exchanges. Face-to-face sessions can help to break down this syndrome.

**4.18** Since January 2002 there have been around 70 GNSO Council calls averaging just less than two hours each. A high proportion of current and former Council members suggested to us that it is not necessary to convene Council calls so frequently. They feel that much of the work and discussion that takes place on these calls is largely procedural and could satisfactorily be carried out using widely available online software tools. In their view an unnecessary and somewhat ritualistic emphasis on frequent teleconferencing with the whole Council is not only extremely taxing on participants (and off-putting for potential participants), but it also does not lend itself to soft discursive communication required for effective issue analysis.

*Recommendation 15*

*The GNSO Council should rely more on face-to-face meetings supplemented by online collaborative methods of working. The Chair should seek to reduce the use of whole-Council teleconferencing.*

**4.19** The human interaction between Councilors is an important part of a successful project management approach. We recommend therefore that the balance in communications is shifted towards four or five face-to-face meetings per year, with meetings over and above those held at ICANN conferences in accessible hub locations (possibly west or east coast USA or Europe). This approach could be combined with an intensive push to grow the use of online collaborative software tools. ICANN staff and the GNSO have recently introduced new communication management tools, such as Shinkuro, and pilots have received mixed but generally positive responses. Listservs could also be used for general communication between GNSO stakeholders. (At least two collaborative software designers at the ICANN annual conference in Wellington offered their development services free of charge for a year - see the transcript of public forum for details.) We would expect to see the GNSO leading the line for ideas on how to innovate with freely available collaborative software tools.

**4.20** It is an essential principle of representation that the selection of representatives should not be limited only to those who can afford to bear onerous costs. The current set of arrangements where GNSO councilors are not supported to attend face-to-face meetings reflects the paucity of ICANN's resources in its early days. It also causes potential conflicts of interest problems, since it means that Councilors must search for the wherewithal to fulfill their duties. (The only current exceptions are the councilors selected by the Nominating Committee, who are reimbursed.) ICANN's budget is due to increase considerably in the next year and it should be feasible to meet reasonable (that is, non-luxury) costs for travel and hotel accommodation only. Council members who are funded anyway might be allowed to donate their expenses allowance to their Constituency's funds or to other ICANN pro bono activities. Alternatively it might be possible to set up a ring-fenced discretionary fund for the Chair of the Council to allocate. We note also that the ICANN proposed budget for 2006-07 contains financial provision to investigate and implement a travel assistance policy for Supporting Organization volunteers.

*Recommendation 16*

*The GNSO Councilors should have access to a fund for reasonable travel and accommodation expenses to attend designated Council meetings, instead of having to meet such costs from their own resources as at present.*

**4.21** The onerous costs imposed on Council members, particularly those from the NCU Constituency, in attending ICANN annual meetings (often in far flung corners of the globe) is an obvious barrier to participation. We heard a range of views about how to tackle this issue. Some interviewees suggested that all Council members should receive basic travel and accommodation expenses for a limited number of meetings per year. This may involve a significant increase in expenditure for ICANN, and such arrangements may need to be integrated over a longer term as part of a process of quid pro quo. As an interim measure, we recommend that ICANN make available to the GNSO an annual fund for travel and accommodation, and that Constituencies are able to apply to the fund to cover a designated minimum attendance at face-to-face meetings. This fund might be administered at the discretion of the Chair, and payments should be agreed by vote in the Council. GNSO and ICANN may want to consider moving in the longer term to an arrangement for covering all travel and accommodation expenses for Councilors.

**4.22** We turn next to the issue of Task Forces and GNSO's use of external expertise in the policy development process. There is currently a juncture in the PDP, where the decision is taken to either launch a Task Force or to continue with ICANN staff managers coordinating policy development by the Council as a whole (see Annex A, Figure A46). The distinction between these two routes is not clear to us. Some interviewees suggested that the Task Force route is more suited to narrower and more focused study. However, there seems to be some variation from this model. For example, the most recent Task Force launched by the GNSO Council is a wide-ranging review of the purpose of the WHOIS database and privacy issues relating to data stored on it.

**4.23** We analyzed the membership of Task Forces (and indeed steering groups overseeing Task Force work) and found that the current mix of participation has largely been limited to Council members and representatives from Constituency organizations, see Figure 26 below (and Annex A, Figure A48 and A50 for more details). There is no representation from external policy or technical experts and there has been very limited representation from the private sector or governments. This approach has meant that Task Forces have commonly demonstrated the same intractable policy divides that have been visible in the Council. Because many of the people on Task Forces are GNSO

Councilors, they generally help develop the Constituency policies themselves, and then have to vote for the policies they have created.

**Figure 26: The backgrounds of participants on WHOIS Task Forces since February 2001**

	Council members	Constituency members	Other ICANN bodies	Total
WHOIS Review 2001	5	10	4	19
WHOIS TF 1, 2, and 3 May 2003	14	17	3	34
WHOIS Privacy Steering Group May 2003	10	6	2	18
WHOIS TF12 Jul 2004	16	9	2	27
WHOIS TF123 Jan 2005	10	12	2	24
<b>Total participant seats</b>	<b>55</b>	<b>54</b>	<b>13</b>	<b>122</b>
<i>Filled by</i> Total individuals	20	30	7	57
NOTE: Other ICANN bodies consist of ccNSO representatives after 2003, General Assembly representatives, and ALAC representatives.				
Source: LSE PPG analysis of GNSO Task Force participants				

**4.24** By comparison with other global and international bodies with policy development roles, the reliance on GNSO-dominated Task Forces in the PDP seems to be a somewhat inward-looking approach. Annex C gives information on a number of comparator bodies to support this view and we have discussed variations quite widely with interviewees. This inwardness is particularly marked because much of this policy work is inevitably linked to national and regional policies that are already in place in different countries and zones across the world (like the European Union bloc). Partly because of a tendency for American and Anglo-Saxon participants to be the most influential members, some interviewees told us that GNSO outputs can sometimes seem disconnected from the wider world and from debates going on in more mainstream international channels. Letters to the ICANN Chairman on the recent WHOIS formulation from major national government bodies (such as the UK Office of Fair Trading) are cases in point.

**4.25** Another example perhaps illustrating how GNSO policy output can follow its own internally driven logic is the final WHOIS Task Force report on resolving conflicts for registries and registrars between compliance with national privacy laws and ICANN

contractual obligations. This policy stipulates that national competition authorities will have 45 days to provide their ruling in response to a conflict. More than one of our interviewees suggested that it was somewhat optimistic to expect any competition authority to provide a ruling (as opposed to guidance), and even more optimistic to stipulate that this be produced within 45 days. The general opinion from other interviewees is that if push came to shove, ICANN would have to respect the laws of the country.

*Recommendation 17*

*The GNSO Council should make more use of Task Forces. Task Force participants should be more diverse and should be drawn from a wider range of people in the Internet community, and national and international policy-making communities.*

**4.26** Task Forces provide a structured way of prizing open policy issues and developing informed and focused issue analysis for review by the Council. They also provide a useful opportunity to integrate new faces and different sources of expertise into the policy making process. Because the current make-up of Task Forces has generally mirrored the balance of constituent interests in the Council, their debates and outputs too often reproduce the same problems of intractable interests that are seen at Council level. A workable rule of thumb should be that Council members and Constituency representatives should make up no more than half of future task forces. If six Constituencies are retained as now, we do not believe that it is necessary for Task Forces to include two representatives from each Constituency. A Task Force of 12 members could instead include no more than from each Constituency, plus (where appropriate) representatives from ICANN Advisory Committees such as ALAC and the GAC. Depending on the nature of the issue under consideration, the remaining 4 to 6 members could be chosen from other organizations from the private and intergovernmental sectors, ideally drawing in people with distinctive expertise and information/analysis capabilities.

*Recommendation 18*

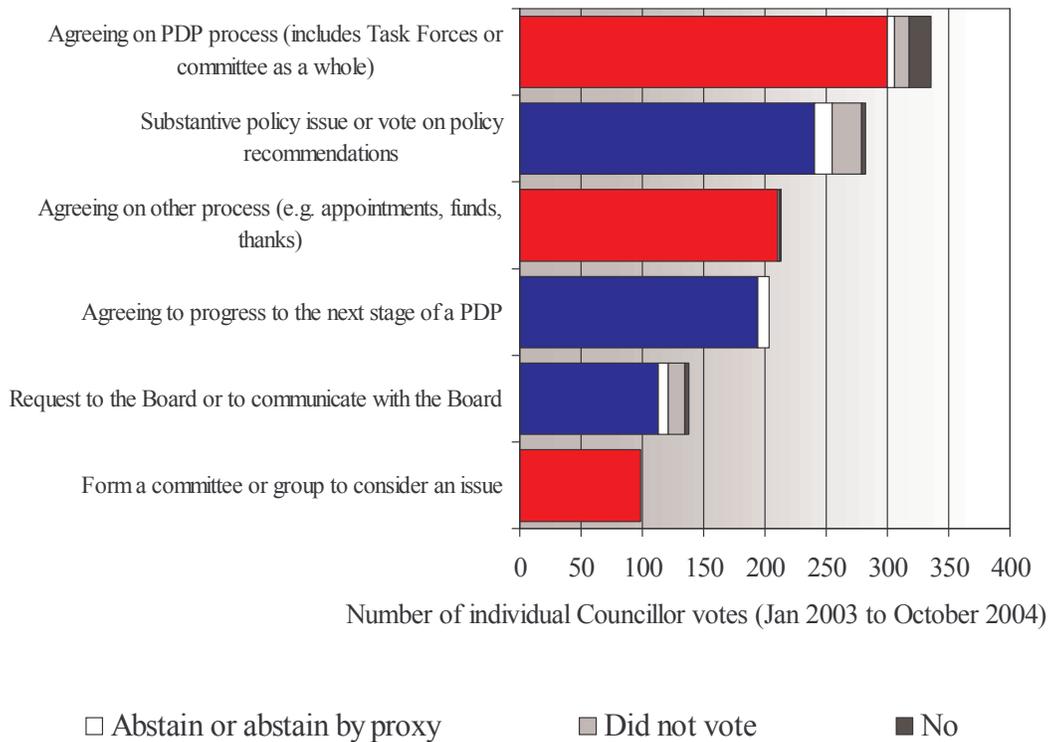
*An ICANN Associate stakeholder category of participation should be created, so as to create a pool of readily available external expertise, which can be drawn upon to populate Task Forces where relevant.*

**4.27** There is strong research evidence from many voluntary organizations and networks in many different countries and sectors that people get involved primarily in their operations because others whom they know personally tell them about the organization or ask them to join or support its work. An ICANN consultant or associate stakeholder category could also be established with a view to encouraging ongoing participation in the ICANN process by people with appropriate technical or policy expertise. Other international and global bodies working in similar areas to GNSO make extensive use of expert-dominated task forces and find that this approach allows for much more expeditious and constructive working on detailed policy development. Many interviewees stressed to us that it is important to recognize that task forces can be organized in many different work patterns, as opposed to the long-drawn out and multi-stage process emphasized in GNSO Council at present. For instance, a pattern of paying predominantly expert and committed people to come and conduct business intensively, face to face and then to produce a comprehensive draft policy for GNSO Council to consider, might allow GNSO to become more expeditious and consensual at the same time. It could also be an effective way of disseminating better information about GNSO's processes and modes of operation to a wide audience of contacts who might then become potential participants in GNSO work more generally.

**4.28** We turn next to an important aspect of the policy development process, the stage when GNSO requests Constituencies to seek public comments on options and proposals. Public comments vary considerably in their numbers and volume (see Annex A, Figure A51). Historically, the early public comments periods on the UDRP proved comparatively active, with intellectual property interests debating with privacy and civil liberty advocates. Much of this debate has continued through the public comments on the recent WHOIS work. By contrast, policy development work on registry services has attracted very little public interest. The topic of bringing in new generic top-level domains has shown a slight increase in public interest. The available documentation shows that GNSO's public comment periods have frequently involved individual members of Constituencies resubmitting their views under the guise of 'public' stakeholders. Analysis of comments shows clearly that a high proportion of 'public' contributors are Constituency members. There may be understandable reasons for these patterns, but it does tend to give the public comment period a somewhat phony identity if little widening out of debate occurs during them.

## Voting in the GNSO Council

**Figure 27: Proportion of all votes taken by members of the GNSO Council showing disagreement, abstention, or ‘did not vote’**



Source: LSE PPG analysis of GNSO data on GNSO Council voting

**4.29** Turning to the way in which the GNSO Council itself operates, a number of interviewees suggested that there is too much of a ‘legislative’ approach rather than a deliberative approach, despite the best efforts of the Chair to try to move members towards ‘consensus policies’. Critics argue that there are too many votes in the Council. Our analysis shows that there are a large number of votes on procedural and administrative matters. For example, between January 2003 and October 2004, 63 votes were held in 27 teleconference meetings, an average of more than two per conversation (see Figure 27 above). Many procedural/administrative votes are non-controversial and therefore generate high levels of consensus amongst members. However, a limited set of the large substantive policy votes generated intractable blocs of interests. The current voting rule requires 66 per cent agreement for consensus policies, but its impact needs

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to be assessed against weighted voting for Registries and Registrars, plus the strong overlap of interests between three commercial user Constituencies interests (the Business, IP and ISP Constituencies). Both our interviews and review of voting patterns across large policy issues such as WHOIS suggested that these blocs can often undermine consensus-making. However, some interviewees also suggested that alignments between Constituencies can often shift depending on the issue. It would certainly be an oversimplification to suggest that registration and user constituencies are *always* aligned against each other. Taken together these features appear to provide little systematic incentive for opposing blocs to want to find common ground for consensus. Major blocs (of Registries/Registrars on the one hand and the cross-Constituency grouping on the other) seem to view the super-majority vote of 66 per cent as attainable if they can succeed in attracting a relatively few ‘swing’ voters either from the Non-commercial Users Constituency or some or all of the Nominating Committee members. So the currently rather low ‘consensus’ threshold may actually foster major blocs or may at least provide little incentive for Constituencies to work from an early stage to reach agreement.

**4.30** When the GNSO in its current form was established as a separate body for generic names in 2002, some key innovations were made to the voting system within the Council. In particular, the gTLD registries and the registrars are the only stakeholders who are contractually tied to ICANN. Because they were seen as vulnerable to having their business models changed as a result of GNSO deliberations and policy proposals, and because registration stakeholders account for at least 90 per cent of ICANN revenue, they were accorded extra protection in the GNSO’s institutional set-up. Therefore the votes of the Registry and Registrar Constituency representatives count as double-weighted in formal votes. Thus although GNSO’s normal operations are conducted by counting voices amongst the 21 members, on formal ballots there are in fact 27 votes cast (with double-weights for the three registry and three registrar members). When the original DNSO was established steps were taken to define the level of support needed for it to make ‘consensus’ policy, which was set as policy commanding the support of two thirds or more of the Council. The GNSO adopted the same policy consensus threshold. Thus the Registry and Registrar votes combined add up to less than half (12) of all weighted votes (27) and they are well short of being able to define ‘consensus’ policies in the GNSO Council (18 votes).

**4.31** ‘Consensus’ decisions reached may not be very meaningful in cases where opposing blocs cannot agree on an acceptable compromise. A recent 2006 example of the vote on the purpose of WHOIS shows how a super-majority can take place, giving the impression of consensus. However, as many people have suggested, the vote in early 2006 after the ICANN annual conference in Wellington generated what is effectively an unsustainable policy position, in that national governments and law enforcement agencies will insist on access to WHOIS database information, as will IP interests investigating potential abusive behavior relating to registered trademark domain names. This interpretation also seems to be underpinned by subsequent letters from major government and law enforcement agencies to the ICANN Chair.

**4.32** The combination of the current Constituency system, the voting system, and the PDP’s somewhat formulaic and inflexible mechanisms for developing globally relevant policy does seem to mean that GNSO policy-making is unusually vote-focused and ‘legislative’ in character, when set against some comparator bodies. In our discussions with officials from other global policy development bodies such as those listed in Annex C, we found that voting was actually extremely rare and that consensus was generally the product of discursive and iterative work around pre-prepared policy drafts. One senior official explained: ‘We almost never take a vote...we have processes in place for a vote to be taken...but in my five years of experience and the 20 or 30 policy papers produced, we have hardly ever voted.’ The trick is to develop policy positions comprehensively and inclusively enough so that votes do not need to be taken. Project management, issue analysis, inclusion of relevant experts, and giving adequate opportunity to discuss issues in-depth face-to-face are all currently somewhat missing elements of policy development mix covered in this Part. Where they can be properly articulated, the experience of other bodies is that votes are ‘rubber stamping’ rather than ‘conflict resolving’ devices.

**4.33** Consideration of the voting systems used in the GNSO Council forms the last theme of this Part. But it is important here also to bring back into focus that the Terms of Reference for this Review asked that the LSE consider whether the current Constituency structure should be amended in some way to better reflect the diversity of global opinion on generic TLDs. We have discussed the operations of the current

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Constituency system in Part 2 above, but it is important to look also at the implications of any recommendations on the number and form of GNSO constituencies for the way in which the Council itself operates. In addition to interviewees' comments to us about particular Constituencies, many of those critical of GNSO's current operations argued strongly for different amendments to the Constituency system, ranging from minor tinkering to radical deconstruction. Given the detailed evidence reviewed in Part 2, we formed the view that although the current six Constituencies were created only seven years ago, they already constitute something of a 'legacy' structure whose contemporary rationale is no longer clear. The current structure has been made inappropriate by a range of subsequent changes - such as the resolution of the most pressing intellectual property issues via UDRP, the changing character of registration businesses, developments in the secondary market for domain names, the rapid growth of web hosting companies and other forms of e-commerce markets. The logic behind creating the current six Constituencies has thus proved highly time-specific. It is not clear to many potential stakeholders where their interests fit within this pattern, and the structure of six Constituencies with double-voting for two of them creates arrangements that are relatively complex and off-putting. At the same time, having to have three representatives for each of six constituencies makes the GNSO Council a relatively large body, perhaps larger than needed to be able to handle effective policy development and certainly contributing to the 'legislative' style of operating noted above.

**4.34** Focusing on the separate Constituencies representing Business, Intellectual Property and Internet Service Providers (ISPs), a wide range of interviewees argued to us that the reasons for there to be three distinct constituencies are not now apparent. In recent GNSO Council processes representatives from these three constituencies have tended to adopt closely aligned positions, and the three also hold an influential 'cross-constituency' joint meeting at ICANN conferences. Some of the BC members tend to have relatively specific and open interests in IP issues (for example, Walt Disney, Time Warner, and TAGI). By contrast, many of our interviewees argued strongly that IP interests are no longer a distinctive subset of business and commercial interests and therefore no longer warrant a separate organizational division of their own.

*Recommendation 19*

*The current GNSO Constituency structure should be radically simplified so as to be more capable of responding to rapid changes in the Internet. The Constituency structure should be clear, comprehensive (covering all potential stakeholders) and flexible, allowing the GNSO to respond easily to the rapid changes in the make-up of Internet stakeholders. We suggest a set of three larger Constituencies to represent respectively Registration interests, Businesses and Civil Society.*

**4.35** In tandem with Recommendation 5 above that individuals' and organizations' primary membership should be of ICANN as a whole rather than of specific Constituencies, we suggest creating a simpler Constituency structure with only three main divisions

- *Registration*, including the current Registries and Registrars Constituencies;
- *Business Users*, including the current Business, Intellectual Property and ISP Constituencies; and
- *Civil Society*, including the current Non-Commercial Users Constituency, but also ordinary domain holders, and possibly individuals currently represented via the At Large Advisory Committee of ICANN.

Once organizations and individuals have joined ICANN they would choose to join one of the three generic domain names Constituencies above that most related to their interests. The definition of the Constituencies should be inclusive, so as to ensure that there are no gaps where organizations and individuals cannot find an appropriate Constituency. We believe that the suggested reorganization here responds to multiple pieces of evidence about how interests are currently organizing themselves within GNSO. Yet it also creates a structure that is simpler, balanced, clearer to explain to potential members and time-proofed against future changes in the Internet that are certain to occur. In place of a highly time-specific structure that Part 2 demonstrates has had great difficulties in adapting to changes over as little as seven years, the suggested new structure can flexibly accommodate changes in the balance and weights of different sectors and types of involvement with Internet policy issues.

*Recommendation 20*

*A reorganization of GNSO Constituencies would also allow the Council to be made somewhat smaller (we suggest 16 members) and hence easier to manage.*

**4.36** Clearly the Council must represent diverse points of view, but a body of 21 people is a hard one to convene in one place and to get agreement from. With a simplified Constituency structure as above, the number of representatives per Constituency could be arranged within wide range of permutations that should be for the ICANN Board in consultation with GNSO to decide. However, as an indicative guide we would suggest that allocating 5 seats to Registration, 5 to Business Users and 3 to Civil Society, along with 3 Nominating Committee seats would reduce the overall membership to 16 but yet preserve the current balance of interests on GNSO Council. (It would be possible to allocate more seats to Civil Society, but there are already indications that perhaps it would not be easy to fill them.) For ordinary votes, not using weighted voting, the Chair would gain a casting vote in the event of a tie, reflecting the recommendation above to increase his/her role.

**4.37** Moving on to the Council's voting rules, the two thirds majority for achieving formal consensus policies seems somewhat too low, given the current mix of interests in the Council. At present weighted voting creates some avoidable complications in the GNSO Council. For instance, a lot of normal business and the early stages of a PDP is done by 'collecting voices'. But a majority painstakingly assembled in this way by the Chair can then be easily overturned later on in a weighted vote, where a different calculus of support applies. The result is a lot of unnecessary maneuvering, plus resentment among those Councilors not enjoying weighted votes. Clearly there is a need to provide assurance to registries and registrars that their interests will not be lightly or inadvisably affected by new PDP decisions. But we do not believe that weighted voting is the best way of doing that. As one experienced ICANN participant observed on the current arrangements in the Council: '[Weighted voting] was, and still is, a symptom of much deeper set of problems...and certainly not the solution'.

*Recommendation 21*

*The definition of achieving a consensus should be raised to 75 per cent. Weighted voting should be abolished. Both measures could help to create more incentives for different Constituencies to engage constructively with each other, rather than simply*

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*reiterating a 'bloc' position in hopes of picking up enough uncommitted votes so as to win.*

**4.38** The voting system should be set up in such a way that achieving broad consensus is in the interests of all stakeholders from the start of policy development, regardless of the issue. With a Council of 16 members, and without any weighted voting for the Registration Constituency, we suggest that the consensus level be set at 12 votes (75 per cent). Note that weighted voting would not be needed here to protect the undoubtedly salient interests of registries and registrars, because the Registration Constituency would already have a blocking vote of 5 (44 per cent). Accordingly, any new consensus policy would require the assent of at least one Registration Constituency representative to be approved. Note also that with a Council of 16 and 5 Business User votes this Constituency too could also block. (If for any reason weighted voting is still retained, consensus policy-making would be best fostered by allowing a block by Business Users. With a GNSO Council of 16 and a Registration Constituency of 5, retaining weighted voting would give a total of 21 votes, of which 10 would be in the Registration Constituency. In this case, we recommend that the level of support needed for consensus policy should be raised to 17 votes [82 per cent], so that with 5 votes Business Users too would have a capability to block.)

**4.39** The GNSO Council elects two Directors (Seats 13 and 14) to the ICANN Board at least every three years, and councilors also elect the Chair of the Council. In both cases each member of the GNSO Council casts one vote in the first round for a preferred candidate (with no weighted voting). If there is a majority winner, then there is no second round. If no majority winner is produced in the first round, the top two candidates are separated off, and a second round takes place. The winner is decided by simple majority. Under this system Councilors whose candidate progresses to a second round may vote for the same candidate in both rounds. Councilors whose candidate does not progress to the second round must vote for another candidate (or abstain). This system does not create strong incentives for candidates to 'reach out' to people from other Constituencies.

*Recommendation 22*

*The way in which the GNSO Council votes to elect two Directors to the ICANN Board should be changed to use the Supplementary Vote system.*

**4.40** We therefore recommend introduction of a simple multi-preference system called the Supplementary Vote currently used to elect the executive Mayor of London (also called the ‘instant run-off’ system in the USA). Here each Councilor has a ballot paper where they can express two preferences, one for their first preference candidate and another for a second preference candidate. In electing the GNSO Chair (a single office holder) first preference votes are counted and any candidate with majority support is elected. If no candidate has majority support, then the top two candidates (let’s call them A and B) stay in the race but all others are eliminated. We look at the second preferences of voters for the eliminated candidates, to see if any are for A or B, and if so they are added to that candidate’s pile. The winner as Chair is whichever of A and B now has most votes. In electing two Board members, if two candidates have majority support in first preferences they are elected and the process ends. If no candidate has majority support in the first preference votes, then in the Supplementary Vote system to select two winners then the top *three* candidates (A, B and C) stay in the race and all others are eliminated. We next look at the second preferences of voters for eliminated candidates, adding any for candidates still in the race to their respective piles. The winners are now the two most popular of A, B and C on the basis of their combined first and second round votes. The remaining Board seat is then whichever of B and C now has most first and second preference votes. A slightly more complex case for the Board member election is when one candidate A has majority support on first preferences: here A is elected and their votes are removed from the election. The top two remaining candidates (B and C) stay in the contest and all other candidates are eliminated. We look at the second preferences of the eliminated candidates and if any are for B or C we add them to their pile. The last Board seat goes to whichever of B and C now has the most first and second preference votes.

### Achieving a coherent vision for policy development

**4.41** There are very few (if any) organizations in the world which combine such a range of different functions in the way that ICANN does. By implication the GNSO shares this somewhat *sui generis* profile. It is a body charged with developing policy that incorporates the views of global society as a whole. It also contains and represents the stakeholders that account for over 90 per cent of ICANN revenue. It must somehow

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develop practicable policies based on consensus of a wide yet at the same time rather narrow range of interests and bodies. Our interviews have shown a general consensus that there is greater benefit to be gained from having all relevant stakeholders involved in the policy development process, than not. A number of interviewees have suggested that the registration Constituencies (both Registries and Registrars) should be separated off from the GNSO, on the grounds that their business interests generate obvious conflicts of interest in their participating in policy development. A strong counterview has been that ICANN is not a regulatory body (although it has regulatory aspects) and so it is not the role of the GNSO to develop regulatory policy.

**4.42** The changes suggested here address the problem of how to interpret and control for this range of interests, some of which claim to represent wide sets of stakeholders and some of which are clearly based on narrower business interests. There are often predictable positions taken by Constituencies, and equally predictable differences between them, and therefore fashioning consensus (or something resembling consensus) is gigantic challenge. As one Board member suggested: ‘it leaves me with uncertainty about how to achieve bottom-up consensus policies when the parties who help to formulate these policies have fundamental conflicts’. This chimes with many other views that we heard from interviews, basically pointing out that most Constituencies have too much at stake both in terms of day-to-day business and in terms of personal livelihood and status to concede on issues where they would be better off either perpetuating a status quo position, or sticking dogmatically to an intractable stance.

**4.43** This syndrome presents problems for the ICANN Board in terms of its ability to interpret Council recommendations and make a judgment on whether to adopt them. On policy development such as the new registry services PDP, which involved some procedural ground rules for reviewing changes implemented by gTLD Registries, issues may be relatively uncontroversial and therefore relatively easy for the Board to agree. Any policy issues, which are anything more than uncontroversial or completely watered down will inevitably bear the predictable signs of partisanship. As another Board member told us: ‘the Board will receive diverse interests that it will now have to resolve or reconcile...it is unlikely that the Board will get from its various policy initiatives a coherent view that doesn’t contain some of the inescapable conflicts that these groups exhibit’.

**4.44** To effectively counteract these difficulties we believe that applying a *coherent vision* (like that behind the whole package of measures set out here) is needed. The GNSO Council should have a simpler, more inclusive and more understandable set of Constituencies, one that can flexibly accommodate changes in the ICANN community and environment. The Council's internal operations should not be clouded by the complications of weighted voting. Instead all parties should know from the start that a demanding consensus level (75 per cent) must be reached for a decision to be made. The Registration and new (integrated) Business constituencies should both have a capacity to block change that does not elicit their agreement. The involvement of all other users should be simplified and the base of interests represented here should be broadened. The GNSO Council should become a somewhat smaller body and its deliberations should take place overwhelmingly face-to-face. It should focus its activities on an expanded number of meetings per year, with less use of teleconferencing. The Council should also focus on making key policy decisions and it should delegate detailed work more, making stronger use of more diverse and expert task forces to bring in expertise and to help speed up policy processes, as well as using the ICANN staff supporting its deliberations more constructively at all stages of the process. Our illustrative examples above show how these guiding principles might be achieved, and how the different elements can work together harmoniously. But there are many other possible combinations that could also be made to work consistently together.

## Part 5:

### **The regularity of the GNSO's operations in complying with ICANN's Bylaws and operating procedures**

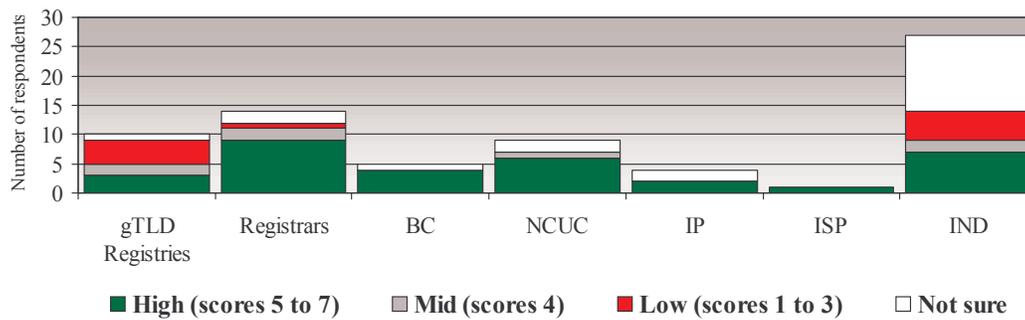
**5.1** In this short Part we review evidence on the extent to which the GNSO Council and its Constituencies are encouraging and maintaining an environment of policy compliance. In particular we look at the extent to which:

- GNSO complies with ICANN Bylaws and operating procedures;
- GNSO complies with its own rules and procedures;
- There are sound linkages between the GNSO policy development process and the ICANN policy compliance program;
- ICANN and the GNSO have worked to follow up on the impact of previous policy development work.

We have not looked here at issues concerning the compliance of registrars and registries with ICANN operating contracts, which is outside our research scope.

**5.2** The evidence we have collected and our many interactions with GNSO Council members and ICANN staff all show that they are clearly concerned to operate within the ICANN Bylaws and operating procedures. The ICANN Bylaws set out in detailed and prescriptive language the structural and procedural parameters of the GNSO, including the Policy Development Process. We asked our survey respondents, both Constituency members and individuals, to give us their views on the extent to which the GNSO complies with ICANN Bylaws and operating procedures. Figure 28 below shows a relatively high degree of convergence on the view that the GNSO is compliant in its work (taking into account the relatively small number of organizations responding for some Constituencies). However, gTLD Registries and a group of individuals show signs of disagreeing with the views that the GNSO is compliant.

**Figure 28: Perceptions of survey respondents on the extent to the GNSO complies with ICANN bylaws and operating procedures**



NOTE: IND = individuals.

**5.3** We examined what factors might cause four out of ten gTLD Registries responding to our survey to take the view that the GNSO shows low levels of compliance with ICANN Bylaws and procedures. Elsewhere in our survey we asked respondents to give us a score on a Likert scale from 1 to 7 for different aspects of the Policy Development Process (see Annex A Figure A54 for a list of these aspects and Annex E for full results). Figure 29 below gives a summary of the highest and lowest ranking aspects for each Constituency. These results suggest that the gTLD Registries have major concerns with the way that the GNSO scopes its policy work. Interviewees from this Constituency also suggested strongly to us that the GNSO (and indeed ICANN as a whole) has tended recently to venture out of scope and interpret certain issues, particularly those relating to Registry contracts, as policy relevant. The current PDP work on amendments to conditions of existing contracts with gTLD Registries has led to a high level of controversy about whether or not the GNSO should be allowed to develop policy in this area.

**5.4** It is perhaps not too surprising that gTLD Registries have concerns over the scope of the GNSO policy development work, given the obvious business implications of allowing the GNSO to amend their contractual conditions. In our interviews, experienced ICANN participants have suggested that scope issues are often used instrumentally to deflect and delay issues. As mentioned above, the

**Figure 29: Constituency survey responses on how well the GNSO performs on different aspects of its policy development work**

<i>GNSO Constituency</i>	RANKED HIGHEST	RANKED LOWEST
gTLD Registries	Making the best use of policy support resources	Scoping policy work appropriately
Registrars	Delivering practicable recommendations to the ICANN Board	Making use of external expertise and research
BC	Picking the right issues for development	Sticking to agreed time schedules
NCU	Identifying issues early enough	Making use of external expertise and research
IP	Ensuring that the PDP incorporates the widest practicable range of views	Sticking to agreed time schedules
ISP	<i>Insufficient data available</i>	
<p>NOTE: In our online survey we asked Constituency members to score how effectively the GNSO performed on different aspects of its policy development work. The list of aspects is available in Annex A, Figure A44. Scores were given on a Likert scale from 1 to 7, where 1 = Not at all effectively and 7 = Very effectively.</p> <p>Source: LSE PPG online survey of Constituency members</p>		

Council and ICANN staff engaged in various discussions around the scope for the new PDP on contractual conditions. Also scope issues have framed the recent discussion on the purpose of the WHOIS database, in this case relating more to the scope of the database itself rather than to the coverage of the policy work. In general, registries and registrars support much narrower interpretations of GNSO scope. This translates into similar views about the scope of ICANN’s activities as a whole. Some people argued that the GNSO has taken on too wide a concept of its responsibilities, seeking to pronounce on issues that affect the whole of ICANN and without co-ordinating its work sufficiently with other supporting organizations or parts of ICANN (like the Government Advisory Committee). They also feel that GNSO has declared too many PDPs at once, without achieving resolution on ongoing issues. However, as the table above and more detailed data in Annex E suggest, most Constituency members do not see scope of the GNSO as too much of a problem: they believe that the scope of ICANN and the GNSO responsibilities are essentially compatible. This view is confirmed by a wide range of interviews across other Constituencies. We recommend in Part 3 that the GNSO should develop a more formal expression of its upcoming policy work (possibly covering 2 years),

and we believe that many current concerns about possible over-scoping could be ironed out in the process of thinking about such a planning document.

**5.5** Another area which raises questions about the extent to which the GNSO is compliant with ICANN Bylaws concerns sticking to time schedules. As we discuss at length in Part 4, a wide range of interviewees argue that the GNSO Council complies with the principles of the ICANN Bylaws and the key steps on the PDP, but does not comply with the currently unrealistic time-frame set out in the Bylaws for the PDP. We would take the view that the PDP could benefit from a more relaxed and more output-focused approach to time management, maintaining some key delivery milestones in order to ensure the structural integrity of the process. Either way we argue above that it is not helpful to continue with the current mix of high regard for ICANN Bylaws, unrealistic timeframes in the Bylaws, and significant time overrun on policy development work.

**5.6** The constitutional relationship between the GNSO and ICANN is framed by the ICANN Bylaws and the GNSO Rules of Procedures. The current GNSO operating procedures run to just under 8,000 words. As one would expect, they contain detailed provision covering structures and process relating to the GNSO. The current passages in the ICANN Bylaws relating either specifically to the GNSO or Supporting Organizations runs to about 6,000 words. There is considerable duplication between the two documents, particularly on issues relating to the PDP. A small but significant minority of interviewees have questioned the need to have the PDP procedures for the GNSO written out in full in both documents. In most legal-constitutional and legislative contexts, it is generally the case that the volume of prescriptive detail gets heavier as one moves down institutional rungs or levels. Most national legislation for example would not contain such detailed prescription that one finds in the PDP section of the ICANN Bylaws. Instead, this kind of prescription would be left to statutory instruments, executive orders and so on. The implications of this point for the GNSO is that by removing the detailed provision on the PDP from the ICANN Bylaws it would free up the GNSO Council to amend or innovate with more project-based working, without the stigma of contravening top-level constitutional rules. The Bylaws themselves could refer to the PDP or to

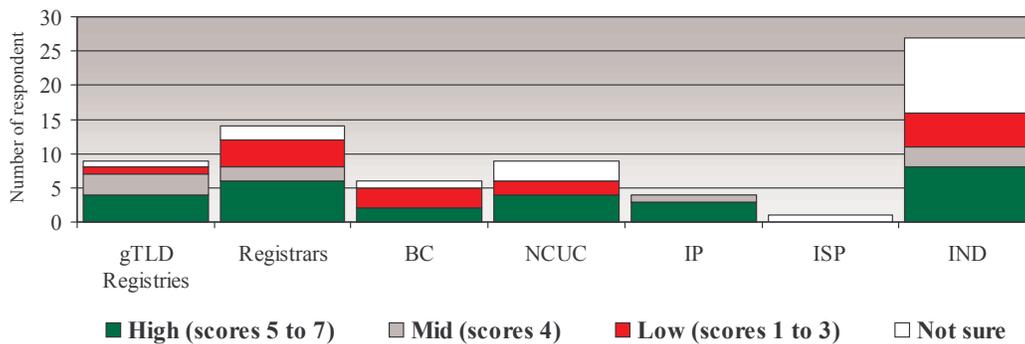
fostering bottom-up policy development, but in terms of the core principles involved and the main objectives to be achieved.

*Recommendation 23*

*The amount of detailed prescriptive provision in the ICANN Bylaws relating to the operations of the GNSO should be reduced. ICANN Bylaws should outline broad principles and objectives for the GNSO but the detailed operational provision (including the section on the PDP) should be transferred to the GNSO Rules of Procedure. This would allow the GNSO to agree amendments and to introduce new innovations in its working methods and timelines in a more realistic and flexible way, while operating within ICANN's guiding principles.*

**5.7** We have carried out this Review at an interesting juncture in terms of the relationship between the GNSO and the ICANN Board. The provisional settlement with Verisign Inc. (still to be completely finalized at the time of writing) has undoubtedly caused controversy amongst the ICANN community at exactly the time that our fieldwork took place. Although this decision is not within our study's scope, it has led to wider questions in our research on how a 'consensus policy' passed by the GNSO Council should be treated by the ICANN Board. This question certainly has direct implications for perceptions of compliance across the ICANN community, as well as for people on the outside looking in. In our survey, we asked Constituency members to give a score for the extent that ICANN (as distinct from the GNSO) complies with its own bylaws and procedures. Figure 30 below gives a summary of responses by Constituency. Although there is general agreement that ICANN does follow its own rules, each Constituency shows a pocket of skepticism (low score from 1 to 3). In our interviews some people on the Council took the view that if GNSO reaches a consensus decision then it should be binding on the Board and cannot be ignored or overturned. Others argued that the Board must not lightly reject a policy developed by GNSO and meeting the two thirds of weighted votes criterion, but must explain and offer reasons. But equally they argued that the Board has to take account of the views of all the Supporting Organizations plus other bodies (such as the Government Advisory Committee) in reaching an overall

**Figure 30: Perceptions of survey respondents on the extent to which ICANN follows its own bylaws and procedures**



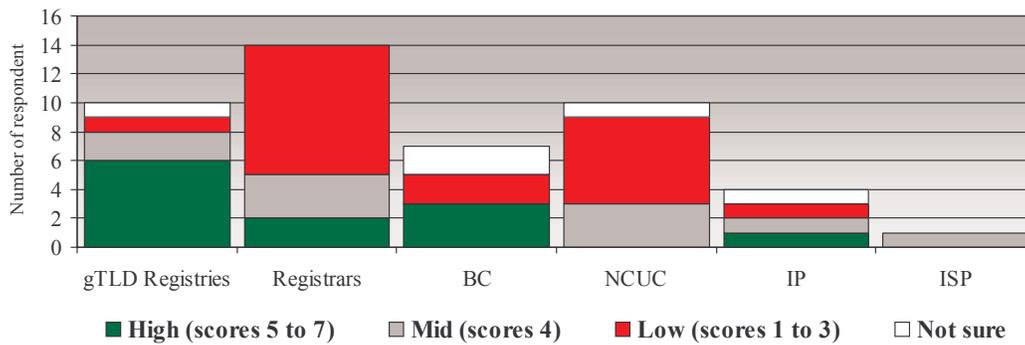
ICANN view on complex issues spanning beyond generic domain names alone in their implications.

### The impact of GNSO's operations

**5.8** Pushing this point in the previous paragraph slightly further, Figure 31 below shows responses from Constituency members in our online survey on the extent to which ICANN Board takes into account the views of particular Constituencies.

**5.9** Very little work has been done by ICANN or the GNSO to follow up on the effectiveness of consensus policies that are implemented. Very few of the early consensus policies on procedures covering transfer of domain names from one registrar to another, or procedures for deleting domain names from registry files, have ever been measured for impact or compliance. A question that arises is whether GNSO policy is specific and mainstream enough for any follow-up or measurement work to be done? Policy on the transfers and deletions of domain names might well provide opportunities for implementation studies. However, much of the WHOIS work is very generalized and peripheral for serious impact study work. For example, the policy covering conflicts between national laws and ICANN contractual obligations relates to decisions, which, in the words of one senior ICANN official, 'may never in actuality have to be taken'.

**Figure 31: Perceptions of Constituency survey respondents on the extent to which the ICANN Board takes into account the views of their Constituency**



**5.10** None the less a broad range of survey respondents and interviews raised the issue of impact assessment work. There has been no empirical analysis of early policies relating to the accuracy of WHOIS data. The General Accounting Office (GAO) undertook an empirical study of the accuracy of WHOIS data, finding that around 6 to 7 per cent of data was incorrect or missing. This study was relatively limited however in its sample, and there is clearly scope for further empirical work in this area. Encouraging the registration industry to evaluate levels of accuracy of WHOIS data is not an easy prospect given the high costs and logistical challenges that are involved. Our review of the GNSO mailing lists over recent years reveals somewhat tense and confrontational emails between ICANN staff and GNSO representatives from the registration Constituencies. ICANN has discussed the possibility of introducing graded penalties for registration stakeholders for inaccurate WHOIS data records (in fact this was suggested in the previous informal GNSO Council review). It is not clear to us to what extent progress has been made in this area.

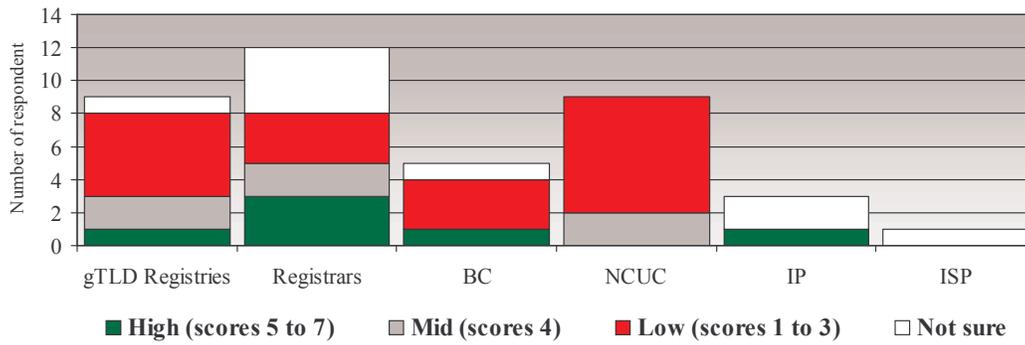
**5.11** Following up on the impact of the GNSO policy development work should not necessarily be limited to large empirical studies of formalized policy. Policy work does not have to be judged exclusively on the number of pages of text produced or the number of organizations complying with procedures (although this is one very important aspect). Much of the value of the GNSO and its style of policy development lies in highly regularized and inclusive discussion around issues that are technical and multi-faceted. Participants in the policy development process are

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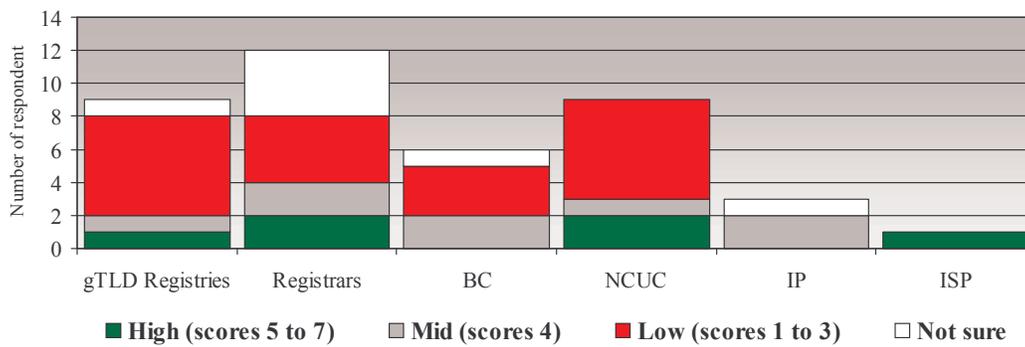
highly experienced and well-qualified, and so the intensity and detail of the discussion comes at a high premium. (We should not forget that the GNSO has devoted over 30,000 hours in total to the subject of WHOIS). The result of this should be that the GNSO (and ICANN) should be attempting to evaluate the impact of its policy development work in wider circles, and over time working on the assumption that impact can be measured in lots of different ways. For example, many private sector organizations now devote significant resources to measuring the asset value of their website, beyond simple financial projections. A similar approach might be taken by the GNSO, focusing on ‘What is the value-added of our policy development work?’

**5.12** We demonstrated earlier (in Part 2) that the GNSO has chronically low visibility outside the ICANN community. We also asked Constituency members to rate the impact of the GNSO and its policy work on government and international policy making organizations, and on commercial organizations. Figures 32 and 33 suggest that they feel that the GNSO has little or no impact. Our struggle to canvas opinion about the GNSO across wider commercial and non-commercial sectors has tended to reinforce such low estimates of its influence. Nevertheless, the policy development activity of the GNSO, in areas such as new gTLDs and IDNs, not to mention ongoing hot issues around access to personal data through the WHOIS database, has direct (if small) relevance for a vast range of individuals and organizations using and providing services relating to the Internet. More formally measuring the extent to which the GNSO and its Constituencies are influencing discussions and debates should therefore be a high priority for ICANN.

**Figure 32: Perceptions of Constituency survey respondents on the extent to which the GNSO influences governments and international policy makers on relevant issues**



**Figure 33: Perceptions of Constituency survey respondents on the extent to which the GNSO influences commercial organizations on relevant issues**



*Recommendation 24*

*Both ICANN and the GNSO Council should periodically (say once every five years) compile or commission a formal (quantitative and qualitative) assessment of the influence of the GNSO’s work on developing policy for generic names. This should include an analysis of how the GNSO’s influence with national governments, international bodies and the commercial sector might be extended.*



**LSE Public Policy Group and Enterprise LSE**

**A Review of the Generic Names Supporting  
Organization (GNSO)**

**for the Internet Corporation for Assigned  
Names and Numbers (ICANN)**

**Annexes  
September 2006**

# Annex A

## Supporting figures and graphs

This Annex provides supplementary data and tables. Many of the tables in the main report are summarized versions of more detailed Figures presented below. We have tried to provide comprehensive references in the main report to relevant data and tables in this Annex. We have grouped Figures in this Annex so that they follow the overall structure of the five Parts of the report.

**Part 1** Introduction (Figures A1 to A8)

**Part 2** The quality of participation and representation in the GNSO process (Figures A9 to A31)

**Part 3** Transparency and openness in the GNSO (Figures A32 to A43)

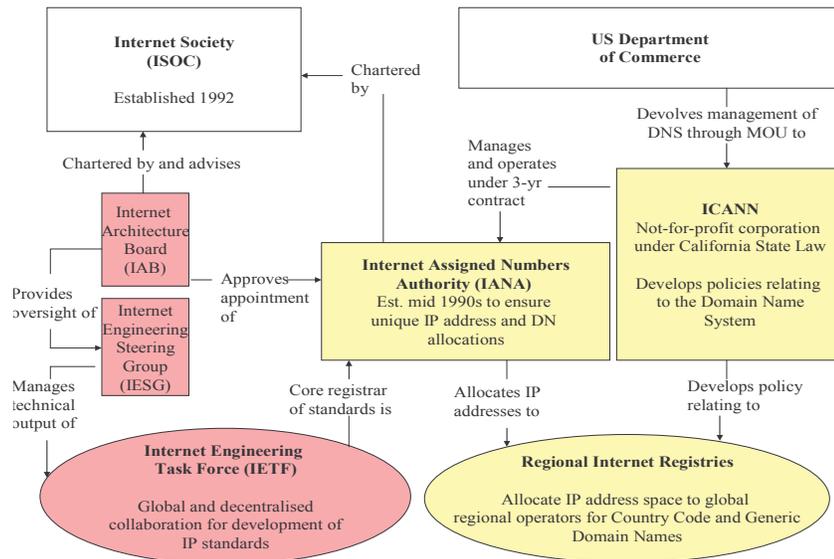
**Part 4** How effective the GNSO has been in undertaking its work and developing policy positions (Figures A44 to A53)

**Part 5** The regularity of the GNSO’s operations in complying with ICANN Bylaws and operating procedures (Figure A54)

**Data and tables relating to Part 1: Introduction**

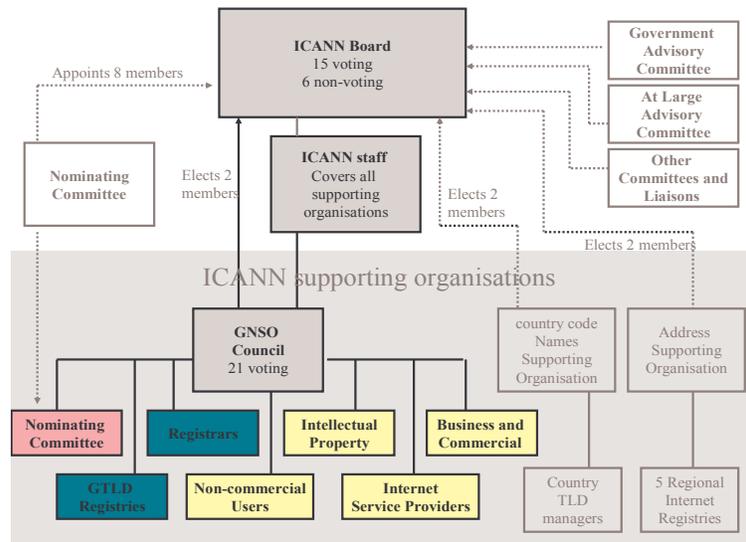
**Figure A1**

This diagram provides a general overview of the relationship between ICANN and key global bodies responsible for developing Internet technical standards. It is not an exhaustive representation of all organizations active in the technical standards community. The graphical dimensions given to each entity in the diagram do not reflect size or status. Technical standards bodies are shaded pink and domain naming system bodies are shaded in yellow.



**Figure A2**

This diagram gives an organizational overview of ICANN and its component parts with special emphasis on the Generic Name Supporting Organization and its Constituencies. It is not an exhaustive picture of all component parts of ICANN. The GNSO Council consists of 21 voting members, with each Constituency represented by three voting members. Registrar and gTLD Registry Constituencies are accorded double weighted votes in the Council. The Nominating Committee appoints three members to the Council. The GNSO elects two Directors to the ICANN Board (Seats 13 and 14).



**Figure A3**

This table outlines ICANN core values with explicit and more general deep-seated relevance to policy development.

ICANN core values with explicit relevance to policy development
3. [...] Recognizing the policy role of other responsible entities that <b>reflect the interest of affected parties</b>
4. Seeking and supporting <b>broad, informed participation</b> reflecting the functional, geographic, cultural diversity of the Internet at all levels of policy development and policy-making
7. Employing <b>open and transparent policy</b> development mechanisms [...] promote well-informed decisions based on expert advice [...] ensure that those entities most affected can assist in the policy development process.
8. Making decisions by applying documented policies neutrally and objectively, with integrity and fairness
9. Acting with <b>speed</b> that is <b>responsive</b> to the needs of the Internet [...]
10. Remaining <b>accountable to the Internet community</b> through mechanisms that enhance ICANN's effectiveness
11. [...] recognizing that <b>governments and public authorities</b> are responsible for public policy and duly taking into account governments' or public authorities' recommendations
ICANN core values with deep-seated relevance for policy development
1. Preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet
2. [...] Limiting ICANN's activities to those matters within ICANN's mission requiring or significantly benefiting from <b>global coordination</b> .
5. [...] Depending on market mechanisms to promote and sustain a competitive environment.
6. Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest.

**Figure A4**

This table shows results from our online surveys and email comments. We set up a research website at [www.icann-gnsoreview.org](http://www.icann-gnsoreview.org) to collect as many views as possible on the GNSO. We designed an online survey for GNSO Constituency members to canvas views about the effectiveness and quality of representation of each Constituency. This survey was widely advertised, and each Constituency member in the Council and any Constituency officials or staff support were emailed and asked that their members be alerted to this research and encouraged to fill in a survey. We also emailed GNSO Constituency members directly in cases where Constituencies supplied with contact details. We also had our team of 10 LSE graduate students working by telephone and by email to identify Constituency member contacts and encourage survey completion. Grey shaded areas show Constituency member survey responses. The 'other organisations contacted' column represents organisations within the relevant field who are not members of a constituency.

	Constituency Members	Surveys completed	Other organizations contacted	Surveys completed or views received
gTLD Registry	17	10		
Registrar	56	15	286	21
Non-commercial Users	44	11	207	6
Commercial and Business	39	7	182	4
Intellectual Property	33	5	227	
Internet Service Providers	42	3	164	3
<b>TOTAL</b>	<b>231</b>	<b>51</b>	<b>1,066</b>	<b>34</b>

**Figure A5**

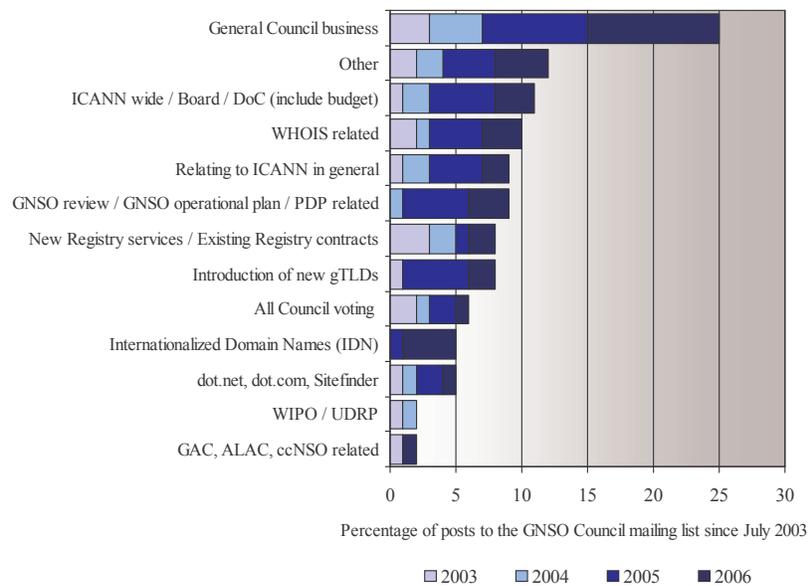
This table summarizes policy development work generated by the GNSO since its establishment in December 2002. This has been compiled by a comprehensive trawl of the GNSO and ICANN websites by three LSE researchers. We identified all relevant documentation relating to policy development work and where possible labeled key stages with month/year (as shown above). The presentation of documentation is such that it was often difficult to discern narrative histories of policy development. This table provides as accurate a view as possible of all policy development work. The grey shaded areas denote merging of WHOIS Task Forces, and continuation of these Task Forces is presented below as ‘Combined WHOIS’.

	PDP launched	TF or final report	Adopted by the Board
<b>Inter-registrar transfer policy</b> : procedures for transferring a domain name from one registrar to another		Feb 2003	Apr 2003
<b>Expired Domain Deletion Policy</b> : procedures for registrars on deletion of domain names for which registration period has expired	Sept 2002	June 2003	Sept 2004
<b>WHOIS Review</b> (became Bulk Access, Accuracy, Data Reminder Policy)	Feb 2001	Nov 2002	Mar 2003
<b>WHOIS 1</b> : Procedure for restricting access to WHOIS database for marketing purposes	Dec 2003		
<b>WHOIS 2</b> : Policy on which data should be held in the WHOIS database	Oct 2003		
<b>WHOIS 3</b> : Procedures for improving the accuracy of data held in the WHOIS database	Oct 2003		
<b>New registry services</b> : procedures for reviewing the impact of new domain names services introduced by GTLD registries	Nov 2003	June 2005	Nov 2005
<b>Combined WHOIS</b> : Improving notification and consent for the use of contact data in the WHOIS database	Dec 2004	Apr 2005	
<b>Combined WHOIS</b> : Policy for handling conflicts between registry/registrar legal obligations under privacy laws and contractual obligations to ICANN	Dec 2004	Sept 2005	
<b>Purpose of WHOIS and WHOIS contacts</b> : establishing the purpose of the WHOIS database, and contact information that will held within	June 2005	Mar 2006	
<b>Introduction of new GTLDs</b> : procedures for establishing the number, type, and allocation process for new GTLDs	Dec 2005		
<b>Amendments to contractual conditions for existing GTLD Registries</b>	Feb 2006		

**Figure A6**

We carried out a comprehensive analysis of the GNSO Council mailing list archives to get an indicative picture of the different areas of policy development that the GNSO Council has worked on since June 2003. This consisted of content analysis of around 1,500 Council mailing list postings, presented year on year. Postings average around 2 per day over three years. We reviewed each posting that was made, and coded it in terms of content into various categories as shown.

Abbreviations used are as follows: GAC – Government Advisory Committee; gTLD – generic Top Level Domain; IDN – Internationalized Domain Name; ALAC – At Large Advisory Committee; ccNSO – Country Code Names Supporting Organization; PDP – Policy Development Process; UDRP – Uniform Domain Name Dispute Resolution Policy; WHOIS – the name of the database holding contact details of domain name holders.



**Figure A7**

An independent review of the GNSO Council was conducted in the 2004. We interviewed the author of this Review, and discussed the extent to which each of these recommendations had been implemented. This Figure conveys the extent of implementation, both in terms of discussion with the author and our own findings from our interview research.

Good progress	
2	Building closer links between the GNSO Council and other parts of the ICANN structure
5	Revising and clarifying stages of the Policy Development Process
8 and 9	Put in place high calibre ICANN support staff – ensure effective handover
11	Work with ICANN General Counsel to ensure that the GNSO Council is well briefed legally
12	Ensure the viability of each policy recommendation made to the Board
19	Change the bylaws to incorporate three Constituency representatives
Some progress	
3	Increasing representation in the Council from all ICANN global regions
4	Developing ways in which people from non-English backgrounds can participate more actively
6	Develop a formal process for seeking input from other ICANN organizations on policy work
13	Put in place a compliance function <i>plus</i> graded penalties
15	Build in a review of effectiveness of policies made to the Board
No progress	
7	Using facilitators to build consensus more effectively in the Council
10	Establish a service level agreement between the GNSO Council and ICANN staff
16	Utilize the Ombudsman as a source of systematic analysis of complaints
17 and 18	Explore way in which the Nominating Committee can add value to the Council process
20	Overhaul the GNSO website

**Figure A8**

In our online survey we asked respondents to think about how important different challenges would be for the GNSO in the next few years. We provided six possible challenges (plus an option to identify other challenges), and asked respondents to give a score for each on a Likert scale from 1 to 7, where 1 = Not at all important and 7 = Very important. This data presents results for all surveys respondents. See Annexes F and G for detailed responses.

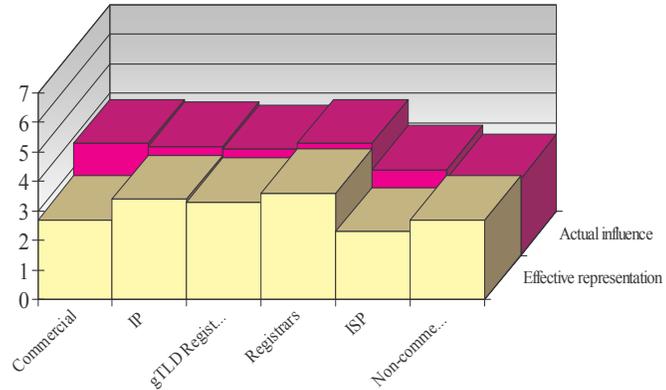
	Ranked highest	Ranked lowest	Net rank
Improving the quality of gTLD policy making	35	17	18
Improving transparency and openness in gTLD policy development	40	22	18
Representing more effectively the views of Internet users worldwide	36	24	12
Broadening the range of organisations participating in gTLD policy development	28	23	5
Some other challenge	7	2	5
Encouraging more intensive participation by major organisations in gTLD policy development	22	25	-3
Raising the profile of the GNSO as a policy development body	24	34	-10

We looked across each respondent’s scores, and coded the highest ranking and lowest ranking challenges. This method focuses on the relative strengths of respondents’ view across different challenges, rather than the absolute magnitude of scores. In the columns above, **Ranked highest** refers to the number of times this challenges scored highest in each respondent’s return. **Ranked lowest** refers to the number of times the challenge ranked lowest. The net rank is **Ranked highest** minus **Ranked lowest**.

## Data and tables relating to Part 2: Participation and representation in the GNSO

**Figure A9**

In our survey we asked all respondents to rate how effectively each Constituency represents its members and how much actual influence the Constituency has over final policy output of the Council. Each respondent gave a score on a scale of 1 to 7 for each Constituency on these two variables, where 1 = Very low and 7 = Very high. This Figure gives an average for each Constituency on both variables. It provides an indication of perceptions across the Constituencies about how representative they are and how much influence they have. For example, the average score for the Business and Commercial Constituency for 'effective representation' was just below 3 and the average score for this Constituency on 'actual influence' was just below 4.



**Figure A10**

To get an overall picture of the balance of perceptions held across Constituencies, we asked Constituency members responding to our online survey to give us their impressions on how effectively different Constituencies

- Represent their members; and
- Influence policy output.

We asked Constituency members to score the level of 'effective representation' and 'actual influence' of all Constituencies. We calculated an average score for responses from each Constituency about each of the other Constituencies, and calculated *[Average score for actual influence minus Average score for effective representation]*. This figure shows the breakdown of different perceptions held by different Constituencies. As explained in the Key, minus scores denote that the perception from Constituency A is that Constituency B is less influential than it is representative. Positive scores denote that the perception of Constituency A is that Constituency B is more influential than it is representative. The net scores running along the bottom give an indicative balance by summing average scores for all Constituencies. Scores closest to zero denote that Constituencies in a sense get the amount of influence that they deserve

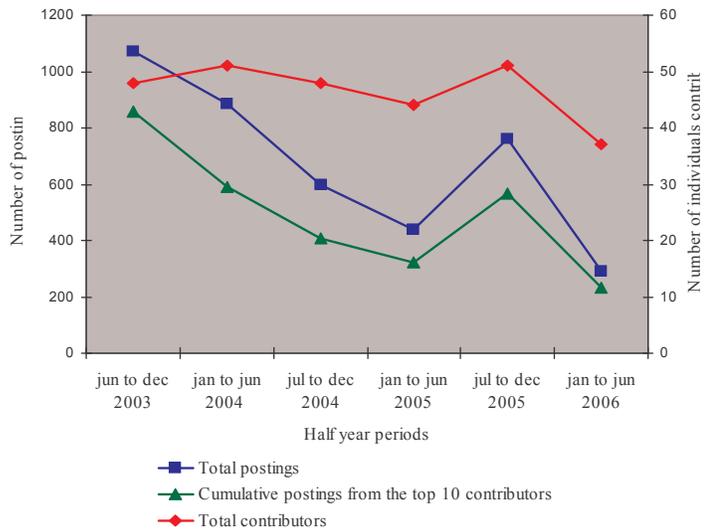
Views held by...	Views about constituencies...					
	NCU	IP	Registry	Registrar	BC	ISP
Non-Commercial Users (NCU)	-1.7	1.0	0.4	1.0	1.4	1.6
Intellectual Property (IP)	-0.3	-1.5	1.8	2.0	0	-0.5
gTLD Registries	-0.2	0.5	-3.0	0.9	3.5	0.9
Registrars	1.2	1.5	1.7	-0.4	1.1	0.8
Business Users (BC)	-0.8	0.8	3.0	0.6	0	0
Internet Service Providers (ISP)	Insufficient data available					
<b>Total net perception score</b>	<b>-1.8</b>	<b>2.3</b>	<b>3.9</b>	<b>4.1</b>	<b>6.0</b>	<b>2.8</b>
<b>KEY</b>						
Minus scores = $[Actual\ influence] - [Effective\ representation] < 0$ : suggesting Constituency is less influential than representative						
Positive scores = $[Actual\ influence] - [Effective\ representation] > 0$ : suggesting Constituency is more influential than representative						
Blue background cells are those where constituencies are evaluating themselves.						
Source: LSE PPG online survey of Constituency members						

The total net score perception across all Constituencies shows that the BC is viewed as far more influential than representative. The bulk of this net score however is made up of Registries' and Registrars' views. At the other end of the spectrum, the NCU is pretty close to equilibrium, and is the only Constituency that is generally perceived to be more representative than it is influential. The interesting features of this table lie in the perceptions across Constituencies. These tend to map out a distinction between registration

stakeholders and user stakeholders, where either type views the other type as over-represented. BC views the Registries as over-represented (+3.0) and this perception is reciprocated (+3.5). The IP Constituency views the Registrars as over-represented (+2.0), while Registrars reciprocate but not as strongly. Registrars hold their suspicion for the Registries. The Registries however seem much more sanguine vis-à-vis the Registrars. The NCU tends to view the BC, IP and ISP as over-represented, and to have its closest affiliation to the Registry Constituency.

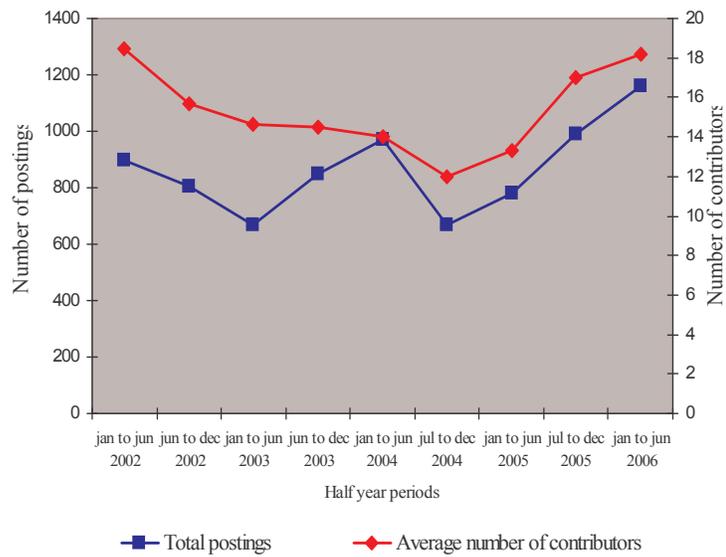
**Figure A11**

The Registrar Constituency has an expansive archive of its mailing list dating back to June 2003, with over 6,000 postings in total, an average of between 5 and 6 postings per day. This Figure presents a simple tally of total postings per half year over 3 full years, total individuals contributing, and number of postings by the top 10 contributors (as a guide to strength in depth of the discussion).



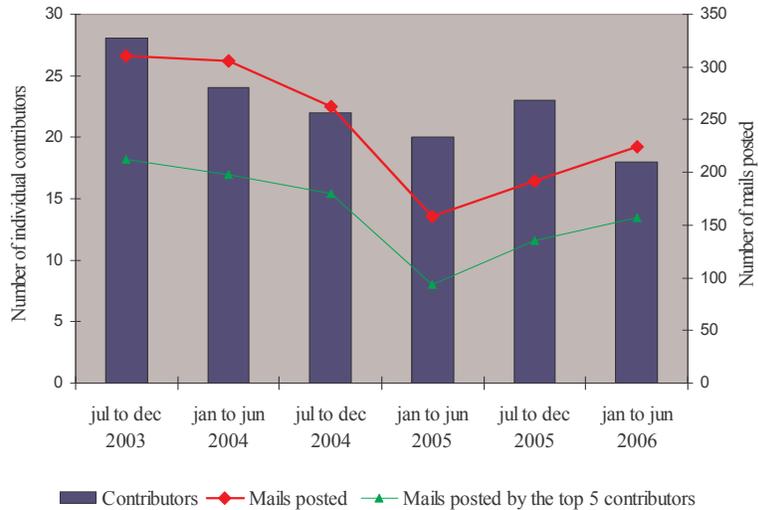
**Figure A12**

The gTLD Registry mailing list is not public. However the Registry Constituency kindly provided detailed data on the number of posting per month to the Registry Constituency mailing list and the number of individual contributors. This Figure presents both sets of data by half year periods.



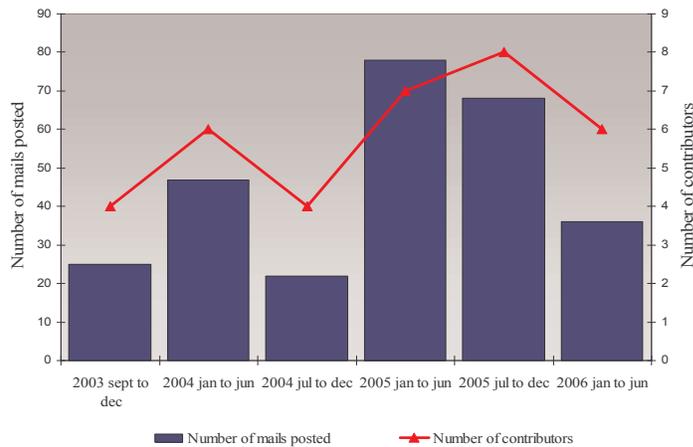
**Figure A13**

We reviewed 1,450 postings to the public mailing list of the Non-Commercial Users Constituency. This Figure presents the number of mails posted to the list, the number of individual contributors, by half year periods from June 2003



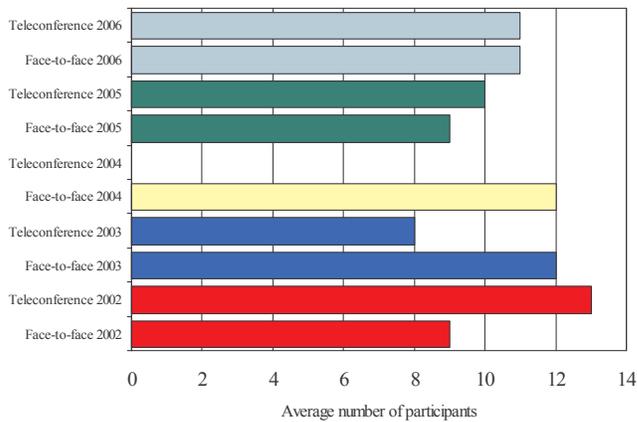
**Figure A14**

We found very little information on the degree of activity in the Internet Service Providers Constituency. This Figure gives an indication of the level of activity on the ISP public mailing list since September 2003. The bars show number of mails posted to the list by half year periods, and the line shows number of the individual contributors. The ISPCP mailing list is primarily an announcement, voting and approval list. The ISP constituency does not draft its responses on public mailing lists. The ISPCP Secretariat also routinely posts items to the mailing list on behalf of individuals in participant organizations so the figures shown here may underreport the number of organizations involved.



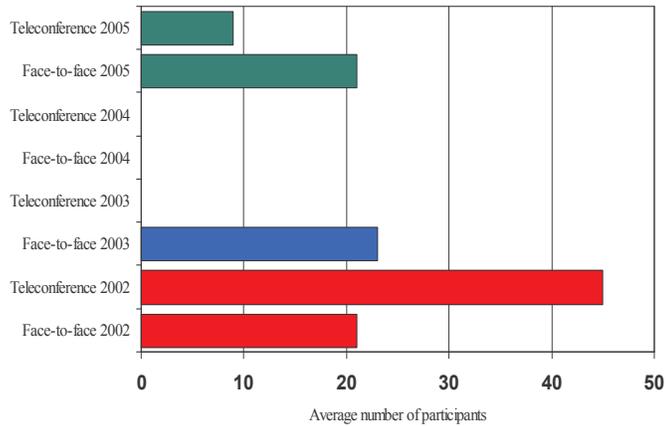
**Figure A15**

We reviewed participation data for 24 Business Constituency meetings for which minutes were publicly available on the Business Constituency website. The Business Constituency meetings recorded on their website show the following totals: **2006** 3 teleconference and 1 face-to-face meeting; **2005** 4 teleconferences and 2 face-to-face meetings; **2004** 2 face-to-face meetings; **2003** 1 teleconference and 3 face-to-face meetings; **2002** 2 teleconferences and 3 face-to-face meeting



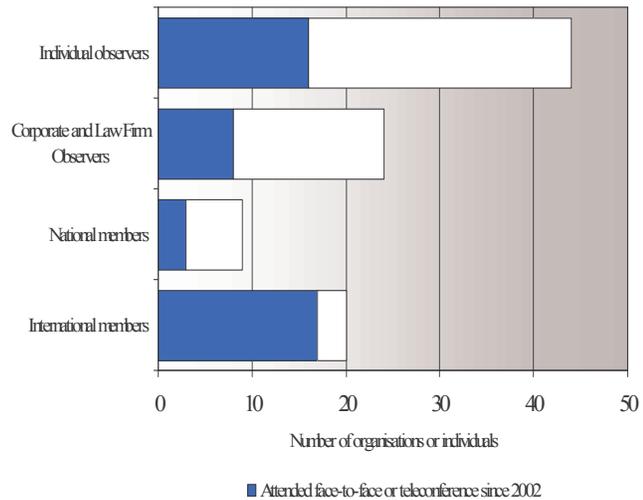
**Figure A16**

We reviewed participation data for 13 Intellectual Property Constituency meetings for which minutes were publicly available on the Constituency website. The IP Constituency meetings recorded on the its website show the following totals: **2006** no minutes available; **2005** 5 teleconferences and 3 face-to-face meetings; **2004** no minutes available; **2003** no teleconference and 1 face-to-face meeting; **2002** 1 teleconference and 3 face-to-face meetings.



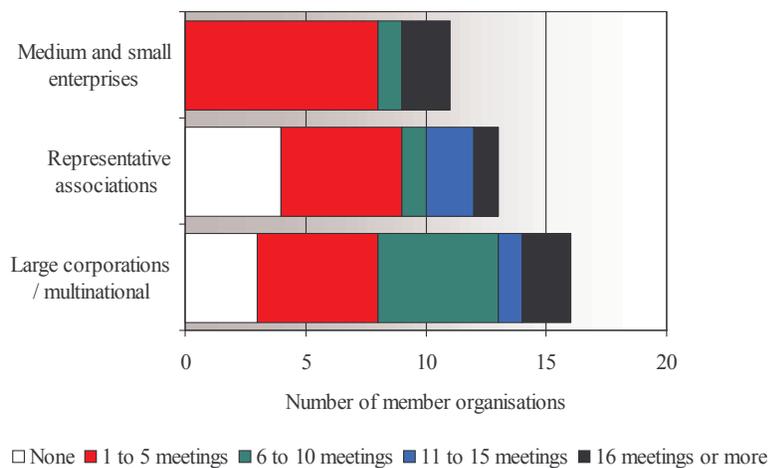
**Figure A17**

We reviewed participation data for 13 Intellectual Property Constituency meetings for which minutes were publicly available on the Constituency website. We recorded names and organizations represented for each participant. This Figure presents the number of individuals representing member organizations who attended at least one meeting. Total members are shown by the white bars, and members attending at least one meeting are shown by the blue bars.



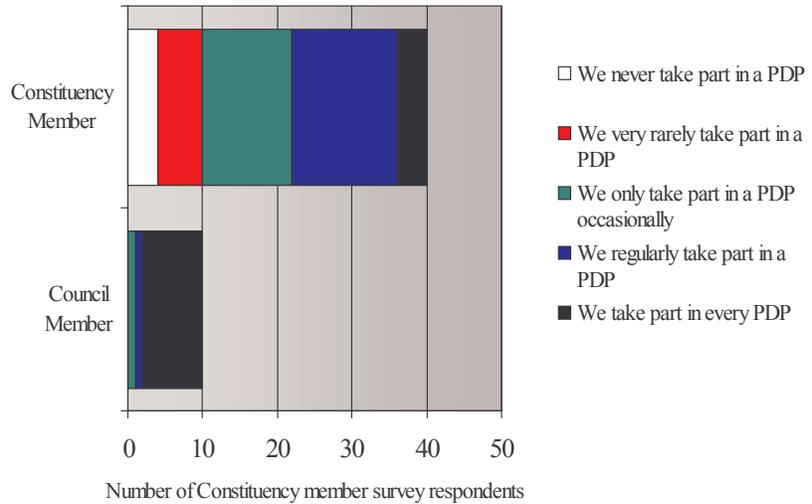
**Figure A18**

We reviewed participation data for 24 Business Constituency meetings for which minutes were publicly available on the Business Constituency website. We recorded names and organizations represented for each participant. This Figure presents the number of meetings attended by participants, broken down by the type of organizations represented.



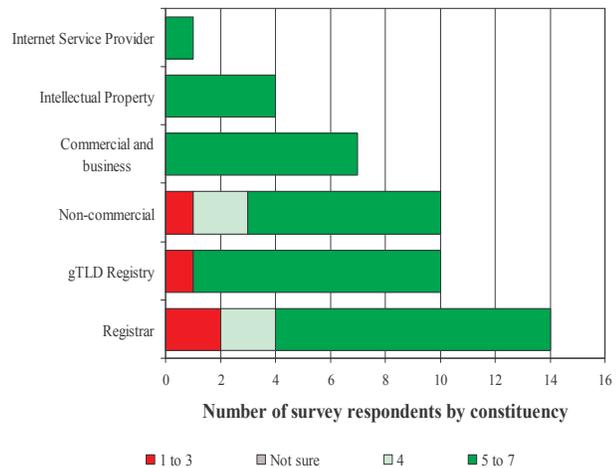
**Figure A19**

In our online survey we asked Constituency members and Council members to tell us how often they took part in the Policy Development Processes. We would expect Council members to take part in every PDP, however there is much more variation amongst those respondents from Constituencies. Over half of respondents take part occasionally or less. It should be noted that these respondents completed a survey and therefore can be seen as the more enthusiastic of Constituency members.



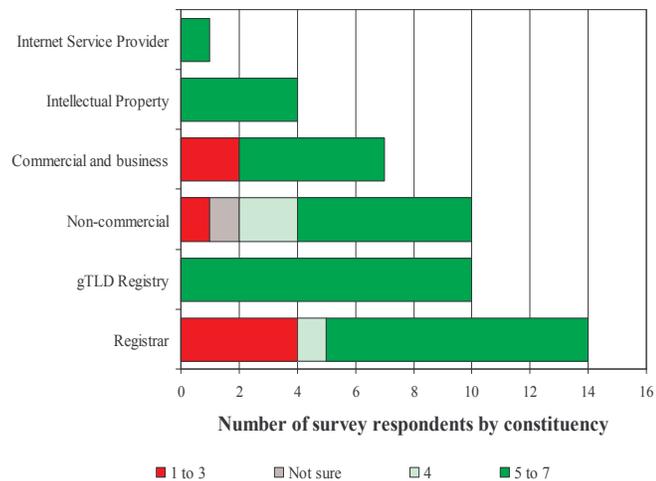
**Figure A20**

In our survey we asked Constituency members to evaluate the extent to which their respective Constituency takes into account the views of their organization. Respondents were asked to score this on a Likert scale from 1 to 7, where 1 = Not at all effectively and 7 = Very effectively (with an option for 'Not sure'). This Figure shows results from all Constituency member respondents who answered this question (N = 46).



**Figure A21**

In our survey we asked Constituency members to evaluate the extent to which their respective Constituency takes into account the views of all organizations of their type. Respondents were asked to score this on a Likert scale from 1 to 7, where 1 = Not at all effectively and 7 = Very effectively (with an option for 'Not sure'). This Figure shows results from all Constituency member respondents who answered this question (N = 46).





**Figure A24**

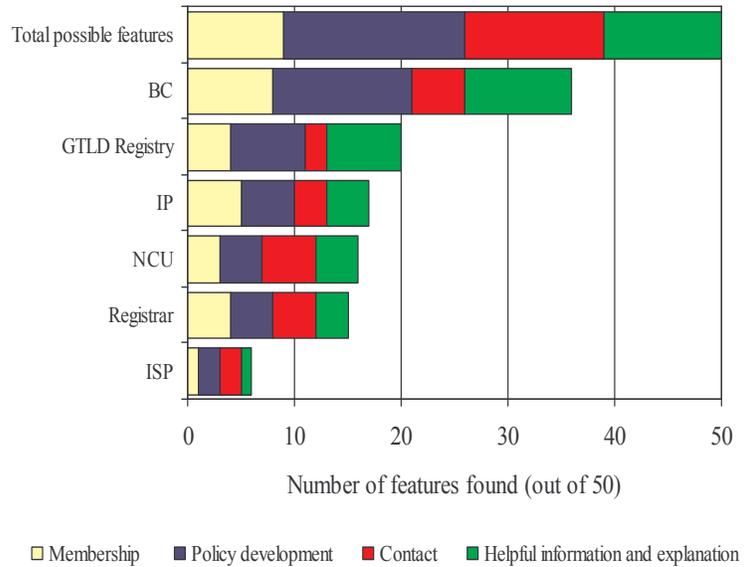
NOTE: We looked for 50 features on Constituency websites and coded them into four categories as shown in the graph above. The features were:

**Membership** 1. Can you find a Membership / Join Us link on the homepage? 2. Can you download an application form to join the Constituency? 3. Can you find details on where to send a membership form? 4. Can you apply to join the Constituency online? 5. Can you find any information suggesting why should you join? 6. Can you find information about the current membership fees? 7. Can you find a list of Constituency members? 8. Does the membership list tell you in which countries or regions members are registered? 9. Can you find contact details for members?

**Policy development** 10. Can you find minutes of internal Constituency meetings? 11. Can you find any Constituency position statements? 12. Can you find a section on the website relating to policy or issue development? 13. Can you find downloadable documents on policy development work of the GNSO? (e.g. Task Force or final report) 14. Can you find separate sections of the website explaining or relating to specific policy development issues? 15. Can you find any basic explanation of the Domain Name System and domain names in general? 16. Can you find any pages such 'Policies made easy' or 'All you need to know about...'? 17. Can you find any information about which Constituency members have voted on policy issues? 18. Can you find any information about outcomes of Constituency votes? 19. Can you find any information about how the GNSO Council has voted on policy issues? 20. Can you find a What's New page? 21. Can you find any mention of a newsletter published by the Constituency? 22. Can you find any sections of the website about upcoming events or meetings? 23. If so, how up-to-date is the Events or Meetings page? 24. Can you find any research documentation? 25. Can you find any speeches or papers presented by Constituency members or officials? 26. Can you find specific times and dates for meetings scheduled for the Constituency?

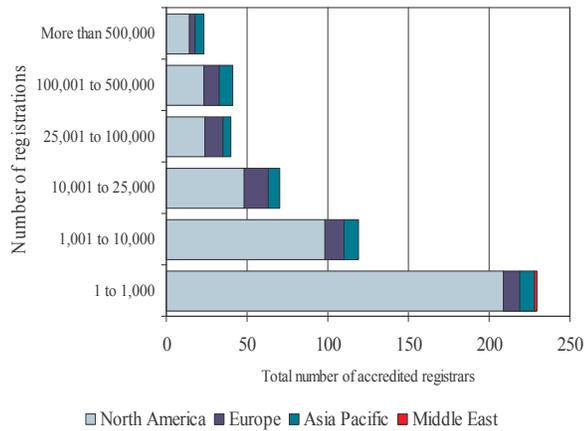
**Contact:** 27. Can you find a 'Contact Us' page with generic contact information for the Constituency? 28. Can you any public mailing list for the Constituency? 29. Can you find any other discussion forum? 30. Can you find specific invitation on the website to send a comment or question by email to the Constituency? 31. Can you find any information about how the Constituency will deal with your question? 32. Can you find contact details for the Constituency secretariat? 33. Can you find email contact for the Chair or top executive officer of the Constituency? 34. Can you find email contact details for GNSO Council representatives? 35. Can you find short biographies of GNSO Council representatives? 36. Can you find any short biographies of Constituency officers? 37. Can you find any photographs of Constituency officers or members? 38. Can you find any postal address for the Constituency executive or secretariat? 39. Can you find any information about specific business interests of Council representatives?

**Helpful information and explanation:** 40. Can you find a Glossary page on the website? 41. Can you find a section explaining ICANN and GNSO acronyms? 42. Can you find a mission statement for the Constituency? 43. Can you find a Constituency Charter? 44. Can you download a copy of the ICANN Strategic Plan? 45. Can you find links to other ICANN supporting organizations? 46. Can you find any labels on when the website was last updated? 47. Can you find any 'A to Z' or Site Map? 48. Can you find a search engine on this website? 49. Can you find any material in languages other than English? 50. Can you find any multimedia files?



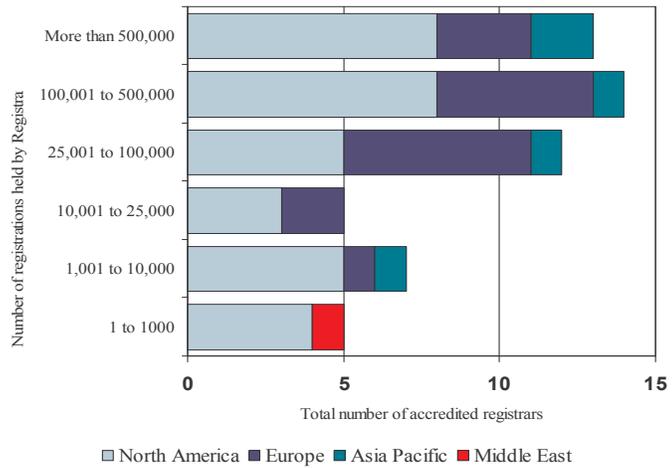
**Figure A25**

This Figure shows the breakdown of ICANN accredited registrars by number of registrations and global region. Data sources are the list of ICANN Accredited Registrars on the ICANN website, monthly gTLD Registry reports, and other sites such as Web Hosting (Directl). We compiled a list of ICANN accredited registrars, and populated a dataset with as much comprehensive registration information as possible. Discrepancies across different data sources were cross-checked, and averaged out in cases where we could not obtain confirmed figures. Data correct at April 2006.



**Figure A26**

This Figure gives an indication of the distribution of ICANN accredited registrars currently members of the GNSO Registrar Constituency. Registrars are broken down by number of registrations held and global region where the Registrar is registered. Data correct at April 2006.



**Figure A27**

We reviewed participation data for 24 Business Constituency meetings for which minutes were publicly available on the Business Constituency website. This Figure gives a summary of the individuals participating most frequently since 2002, and the name and type of organization which they represented.

BC Constituency role fulfilled by this individual	Number of meetings this individual has attended between 2002 and 2005 (out of 24)	Organisation currently or formerly represented by this individual
Current GNSO Councillor	22	<b>AIM</b> (European Brands Association with around 1,800 members)
Current GNSO Councillor	22	<b>mCADE LLC</b> (small consultancy business) previously represented AT&T until 2004
Former GNSO Councillor	18	<b>TelstraClear</b> (Voice and data communications company in New Zealand – subsidiary of Telstra)
Non-member	18	<b>Tralliance</b> (GTLD Registry for dot.travel)
Member	12	<b>News Corporation</b> (Global media services company)
Member	11	<b>Club Informatique des Grandes Entreprises de France</b> (CIGRE)
Member	9	<b>The Darwin Group</b> (no information found)
Member	8	<b>Verizon</b> (Global telecommunications service)
Member	8	<b>Talal Abu-Ghazaleh &amp; Co. Int'l</b> (Leading certified accountants and auditors in the Arab region)
Member	8	<b>Time Warner Inc</b>
Member	6	<b>The Walt Disney Company</b>
Member	6	<b>United States Council for International Business</b>

**Figure A28**

We reviewed participation data for 13 IP Constituency meetings for which minutes were publicly available on the Constituency website. This Figure gives a summary of the individuals participating most frequently since 2002, and the name and type of organization which they represented. The **Coalition for Online Accountability** consists of representatives from the following organizations: American Society for Composers, Authors and Publishers, Business Software Alliance, Broadcast Music Inc, Motion Picture Association of America, Recording Industry Association of America, Software and Information Industry Association, Time Warner Inc, and Walt Disney Company.

IP Constituency role fulfilled by this individual	Number of meetings this individual has attended between 2002 and 2005 (out of 13)	Major organisation currently or formerly represented by this individual
Current President	12	Coalition for Online Accountability (COA)
Former President	11	International Trademark Association (INTA)
Current Secretary	11	International Trademark Association (INTA)
Former VP	8	International Association for the Protection of industrial Property (AIPPI)
Current GNSO Councillor	6	Association Mexicana para La Proteccion de la Propiedad Industrial (AMPPI)
Current GNSO Councillor	6	Nokia
Former GNSO Councillor	5	Motion Picture Association (MPA)
Member	5	Coalition for Online Accountability (COA)
Current Treasurer	5	Software and Information Industry (SIIA)
Former ICANN Board member	4	Federation Internationale des Conseils en Propriete Industrielle (FICPI)

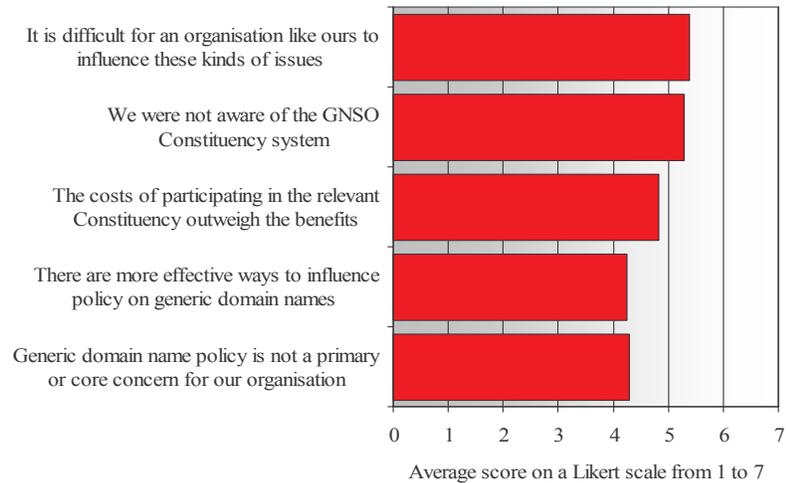
**Figure A29**

We calculated the proportion of total mails posted to the NCUC list for each individual between June 2003 and May 2006. This Figure shows the percentage of total postings by each individual, their general role in the Constituency and the organization that they represent as a member of the NCUC.

NCU Constituency position	Percentage of postings to the mailing list (Jun 2003 to May 2006 – total 1,450)	Organisation represented by this individual
Member	27	The Convergence Center (research group based at Syracuse University)
Current Chair	10	Information Network for the Third Sector (RITS) Brazilian ISP for non-profit organizations
Member	8	GLOCOM (International University of Japan)
Member	8	Stichting A.G. van Hamel voor Keltische Studies (Dutch University)
Member	6	
Member	4	American Civil Liberties Union
Current GNSO Councillor	4	Open Forum for Cambodia
Member	4	Media Access Project (non-profit public interest telecommunications law firm promoting free speech on electronic media)
Member	4	Philippine Network Foundation Inc (PHNET)
Current GNSO Councillor	3	IP Justice (promotes balanced IP law in the digital media)
Member	3	Peace Net Korea
Exec Committee member	3	Free Press

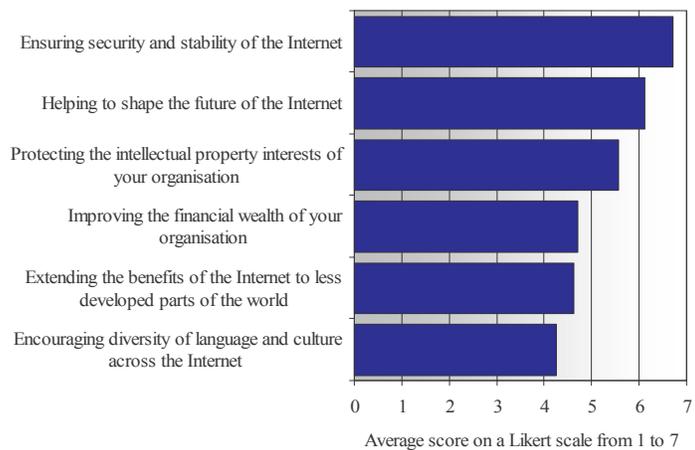
**Figure A30**

In our survey for organizations not currently members of any GNSO Constituencies, we asked for reasons why they were not members or participants in the GNSO process. We provided them with the following reasons, and asked them to indicate which of these were most important by giving a score from 1 to 7, where 1 = Not at all important and 7 = Very important.



**Figure A31**

In our survey for organizations not currently members of any GNSO Constituencies, we asked about factors which would be important to these organizations and reasons why they would consider participating in the GNSO process. We provided them with the following reasons, and asked them to indicate which of these were most important by giving a score from 1 to 7, where 1 = Not at all important and 7 = Very important.



**Data and tables relating to  
Part 3: Transparency and openness of the GNSO**

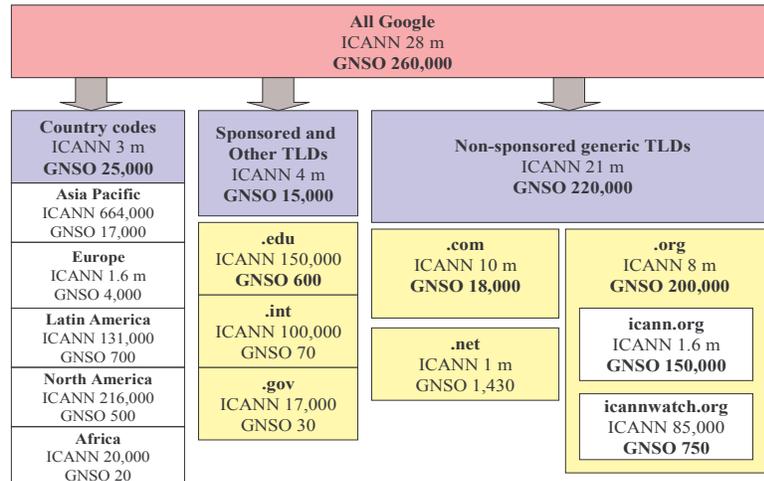
**Figure A32**

We searched for the terms ‘ICANN’ and the ‘GNSO’ in the following website search engines, and recorded results.

	Total hits on ‘ICANN’	Total hits on GNSO or Generic Domain Organization
Internet Engineering Task Force ( <i>Google</i> )	34,200	81
Internet Society ( <i>Google</i> )	7,000	22
Google Books	1,610	3
Google Scholar	1,400	24
Lexis Nexus Executive	666	1
International Telecommunications Union (ITU)	513	11
Web of Science	21	0

**Figure A33**

We searched for the terms ‘ICANN’ and the ‘GNSO’ in the Google Advanced Search engine, using the domain limit tool to view how prevalent references to ICANN and the GNSO were in different domains. These figures should be treated tentatively, as they are estimated total references generated by Google search algorithms. They are not exact figures. However they do provide an indicative picture of global awareness of the GNSO.



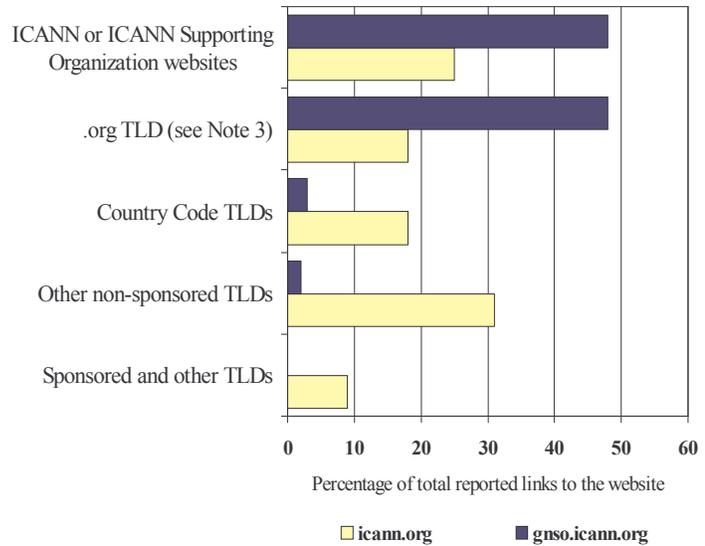
**Figure A34**

We carried a similar search for the terms ‘ICANN’ and the ‘GNSO’ using other well-established search engines Yahoo, Alta Vista, and MSN. There was inevitably some variation in results across these search engines. We have taken an average for each domain across these four search engines, and present combined percentages in this Table. We found a combined average result of 150,000 references to ‘GNSO’, 71 per cent of which were in the dot.org domain and 45 per cent of which were in the icann.org domain

	‘GNSO’	‘ICANN’
Average number of results from searches using search engines ( <i>Google, Yahoo, AltaVista, MSN</i> )	150,000	12.5 million
<b>Percentage of total results in...</b>		
.com domain	8	53
.org domain	71	21
<i>Of which were Icann.org</i>	<i>(45)</i>	<i>(4)</i>
Country code domains	9	16
Other	12	10
<b>TOTAL</b>	<b>100</b>	<b>100</b>

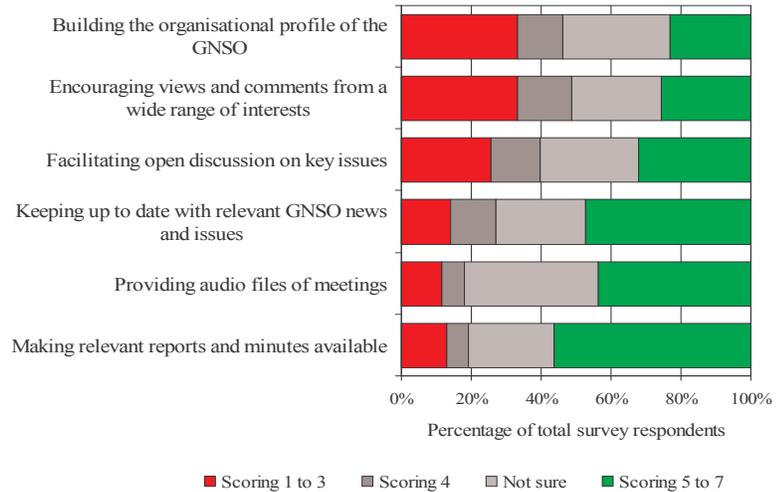
**Figure A35**

We used Google page link search to get an indicative picture of the number of pages on the Internet linking to the ICANN and GNSO homepages. This Figure gives an indication of the distribution of pages by the type of domain. Just less than 50 per cent of links to the GNSO homepage originate from the ICANN website or websites of other Supporting Organizations. A further 48 per cent originates from one site www.latinoamericann.org, a Latin American NGO website which has a link to the GNSO on every page of its site.



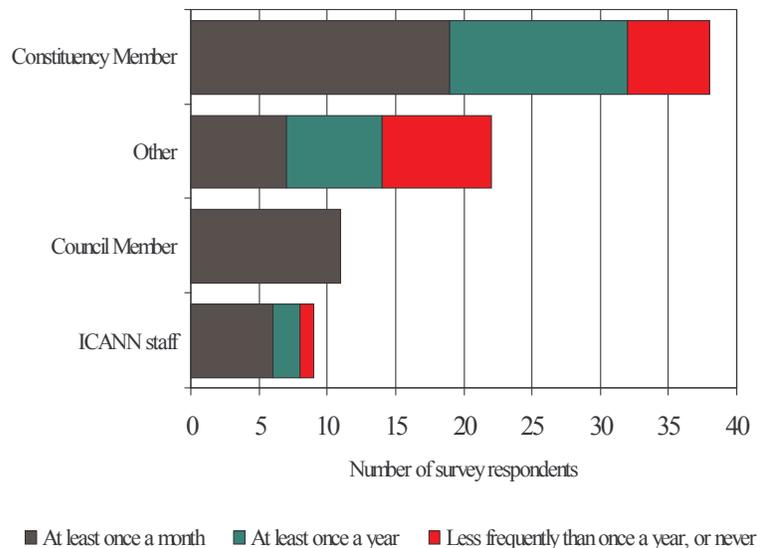
**Figure A36**

In our online survey we asked respondents to give a score for how well the GNSO uses its website for a range of different functions. Score were on a Likert scale from 1 to 7, where 1 = Not at all effectively to 7 = Very effectively. This graph shows the distribution of grouped scores. Total respondents (N) = 97.



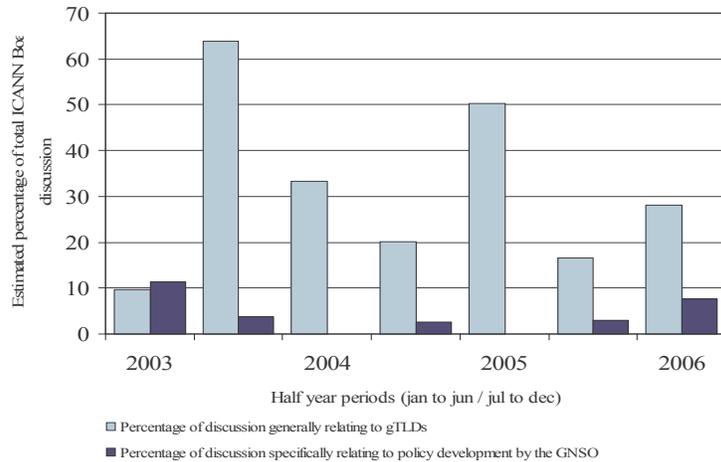
**Figure A37**

In our online survey we asked respondents to tell us how often they visit the GNSO website. This graph presents responses by different groups of respondent.



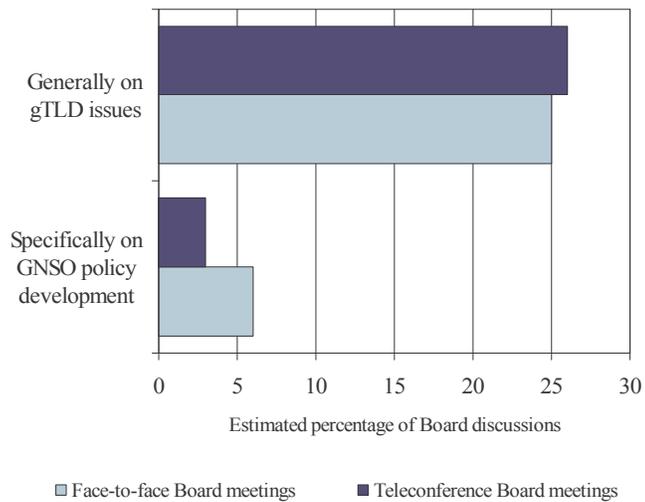
**Figure A38**

We analyzed all available ICANN Board meeting transcripts and minutes. These are publicly available on the ICANN website. We counted total words in the transcript or minutes, and then calculated the proportion of total words dealing specifically with GNSO policy development, and the proportion of words dealing more generally with generic TLD issues. Results are presented for half year periods since 2003.



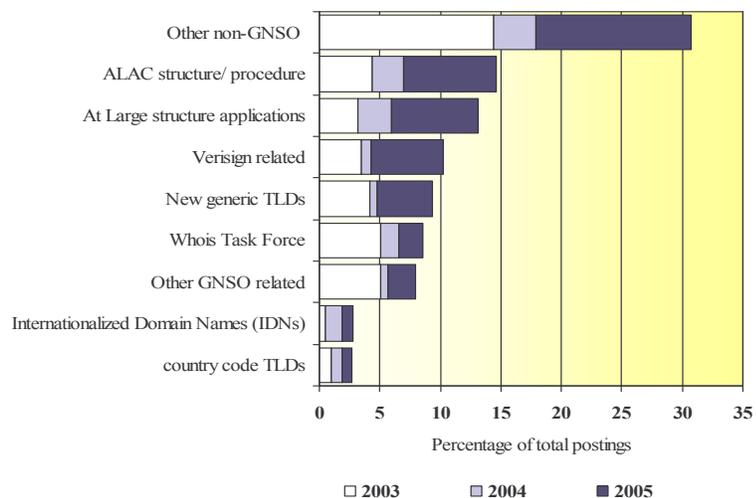
**Figure A39**

This graph presents data from Figure A38, however it distinguishes between face-to-face Board meetings and teleconference Board meetings. There is relatively little difference in the coverage of general gTLD issues in face-to-face and teleconference meetings. However, the amount of time spent discussing policies from the GNSO at face-to-face meetings is double the amount of time spent discussing policies from the GNSO.



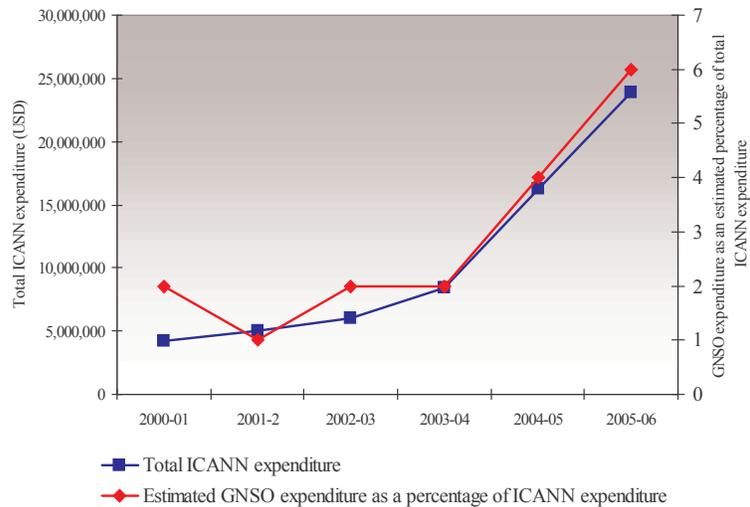
**Figure A40**

We reviewed postings to the At Large Advisory Committee mailing list for 2003, 2004, and 2005. This Figure groups subject topics for postings, and gives an indicative picture of the extent to which the ALAC discussions involve GNSO-related issues.



**Figure A41**

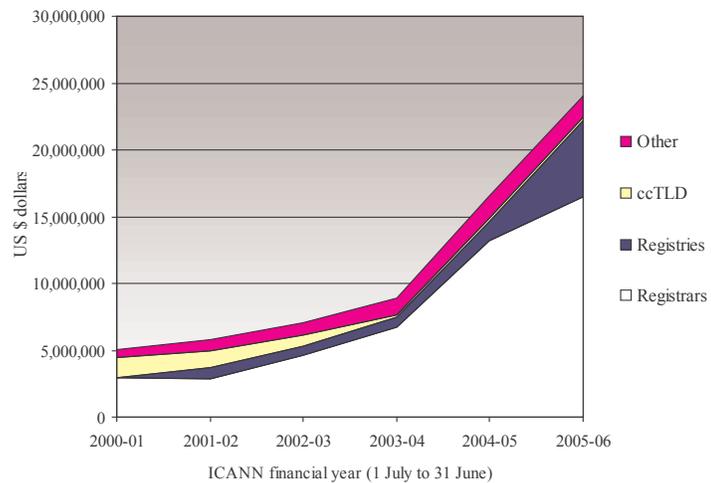
This Figure gives an indicative estimate of the percentage of total ICANN expenditure on the DNSO and the GNSO since 2001. These data are not held centrally by ICANN, therefore we have calculated this by identifying expenditure on staff and other items in the ICANN annual accounts and have used average staff costs plus conservative estimates for other items to estimate total expenditure on the GNSO. We give precise details below.



GNSO expenditure estimated as follows: **Total minimum staff estimate (Full Time Equivalent for years 2006, 2005, 2004)** 4.85, 2.75, 0.75 **Estimated salary cost per head USD (2006, 2005, 2004)** 118652, 96068, 102395 **Salary cost estimate for GNSO work USD (2006, 2005, 2004)** 575463, 264186, 76796. **Travel 2 policy staff to travel - 10 trips per year \$50,000 each (2006, 2005)** 100000, 100000. **Premises and overheads** Equal to salary costs. **Advertising and other administrative costs** 50000 per year for 2006, 2005, 2004. **GNSO Review** 150000. **Nominating Committee member travel** per year 25000.

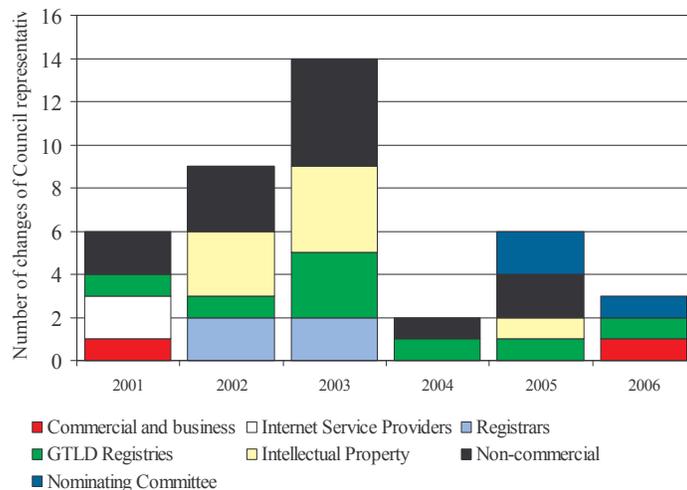
**Figure A42**

This Figure shows breakdown of total ICANN revenues by source. It has been calculated from ICANN annual revenue accounts. Registrars revenue includes the following categories from ICANN Adopted or Approved Budgets: 'Transaction based registration fee for registrars', 'Variable Registrar support', 'Registrar Application fee', and 'Annual Registrar Accreditation fee'. Registries revenue includes 'Fixed Registry fees (Tiers 1 and 2)', 'Fixed Registry fees (Tier 3)', 'New sponsored TLD initial fixed fee', and 'dot.net agreement fees for 2005-06'. CcTLD revenue includes contributions from Tier 1, 2, and 3. Other category includes the following: 'Address registry fees, Contributions, Miscellaneous items'.



**Figure A43**

This Figure shows the rate of change of individual members in the GNSO Council year on year. The length of term for Council members is 2 years, however the same individuals can be re-appointed by their Constituencies. We would expect to see for each Constituency something close to a regularized pattern of change, 1 Member in one year and then change of 2 Members in the next year, and so on. This is illustrated by the Nominating Committee members in 2005 and 2006.



## Data and tables relating to Part 4: How effective the GNSO has been in undertaking its work and developing policy positions

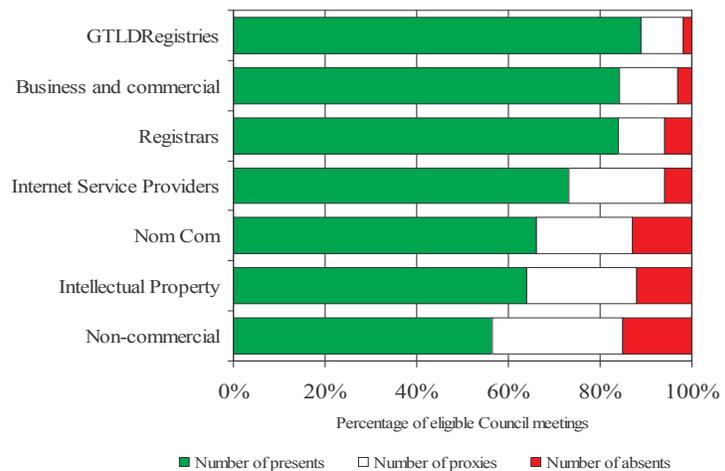
**Figure A44**

In our online survey we asked respondents to give a score for how effectively the PDP worked across a range of aspects. Scores were given on a Likert scale from 1 to 7, where 1 = Not at all effectively and 7 = Very effectively. For each respondent we coded the highest scoring and lowest scoring aspects, and this table presents cumulative highest, lowest, and net scores.

	Ranked highest	Ranked lowest	Net rank
Delivering practicable recommendations to the ICANN Board	24	11	13
Making the best use of policy support resources	22	12	10
Picking the right issues	20	16	4
Scoping policy work appropriately	14	16	-2
Identifying issues early enough	15	20	-5
Ensuring that the PDP incorporates the widest practicable range of views	15	21	-6
Making use of external expertise and research	20	30	-10
Sticking to agreed time schedules	11	25	-14

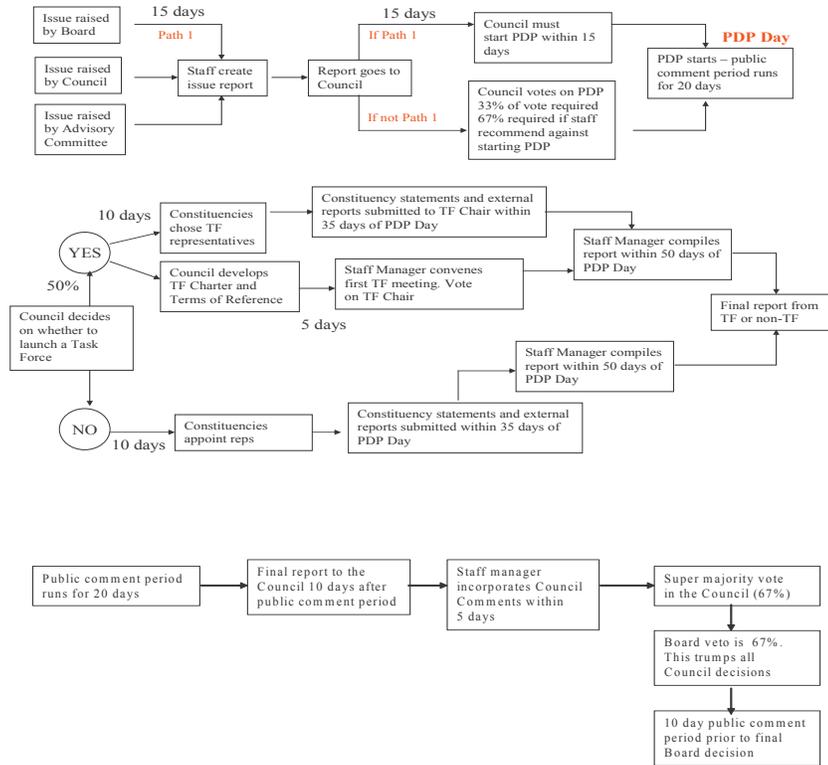
**Figure A45**

We reviewed participation of the GNSO Councillors at 68 Council meetings between January 2002 and June 2006. This Figure shows regularity of attendance at Council meetings (with number of proxies for absence) since beginning of 2002.



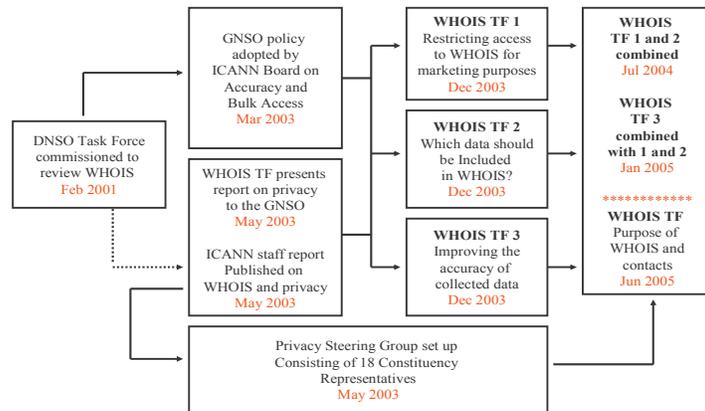
**Figure A46**

This figure give an overview of the Policy Development Process.



**Figure A47**

Policy development work on the WHOIS database and WHOIS services account for a significant amount of the GNSO time and resources. This work originally began in February 2001, prior to the establishment of the GNSO, with the commissioning of a Task Force to carry out a wide-ranging review of the WHOIS service. This flow chart maps out subsequent policy development on WHOIS since early 2003 to early 2006.



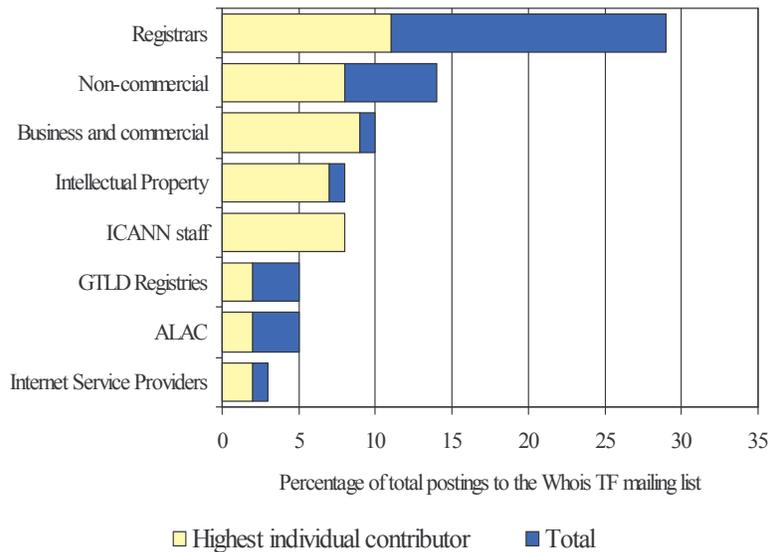
**Figure A48**

Members of the GNSO Council are not paid or funded for time spent carrying out policy development work. We were interested to get an impression of the amount of time spent on WHOIS work since February 2001. We estimated total hours spent by Task Force members and Councillors from data supplied by the GNSO Secretariat. Task Force members spent on average 8 hours per week. Councillors who are members of Task Forces spend on average around 12 hours per week on all GNSO related work. We therefore estimate 8 hours per week for these Councillors on the assumption that they are involved in other GNSO Council related activity. These are conservative estimates for weekly averages, and some Councillors and Task Forces might well spend more time. We calculated total hours, and then estimated notional costs using \$US180 per hour (again a very conservative estimate for professional consultants).

	TF members	TF and Council members	Total hours	Conservative notional cost (US\$000s)
DNSO Task Force on WHOIS and Council policy recommendations	11	8	12,200	2,200
TF 1, 2 and 3	18	10	10,800	1,950
TF Combined 1 and 2 (plus TF 3)	12	22	5,400	980
Combined WHOIS TF Purpose and contact data	14	10	6,720	1,210
<b>TOTAL</b>	<b>55</b>	<b>40</b>	<b>35,160</b>	<b>6,340</b>

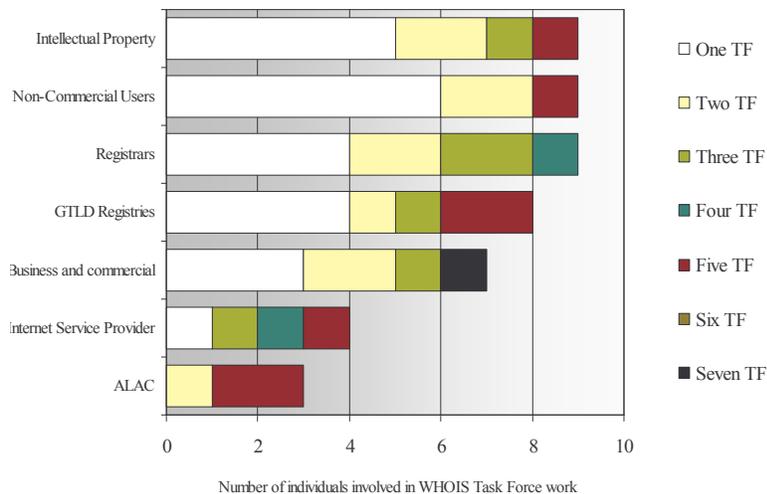
**Figure A49**

We analyzed the mailing list for the most recent WHOIS Task Force in order to gauge the degree of activity by each Constituency and other groups involved. We were interested in the extent to which these discussions were being led by a small handful of individuals. The bars show total emails posted by Constituency, with the blue section showing the number of emails posted by the highest contributing individual. Just under one third of postings came from the Registrars Constituency, around two thirds of which were from one individual.



**Figure A50**

We looked at the participation in a range of Task Forces relating to WHOIS policy development since 2001. Task Forces included are listed in Figure A47 in this Annex. We looked at 7 Task Forces in total, and assessed the extent to which individuals had participated (i.e. how many Task Forces had individuals taken part in). This data shows the number of individuals taking part per Constituency, and number of Task Forces that specific individuals had been involved in. One individual had taken part in all 7 Task Forces.



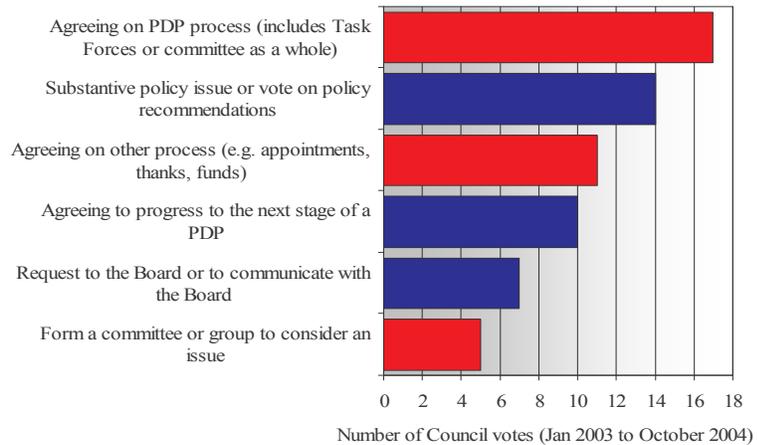
**Figure A51**

We analyzed contributions to the public comments periods for a range of PDPs as listed. We examined each comment individually, counted the total words submitted, and coded the responses according to particular Constituencies or interests. The column marked ‘General or technical issues’ could not easily be attributed to particular Constituency positions. Figures in black are ‘number of words posted’ and figures in red are ‘number of postings’

	The main broad groupings or categorizations for each public comment submitted						TOTAL
	General or technical issues	DNH	IP / Business	Registry	Registrar	Spam	
UDRP (1999)	16,200 29	36,830 61	6,000 15			20 1	59,050 106
WHOIS 1 (2004)	7,530 9	3,880 10	18,100 13			200 1	29,710 33
WHOIS 2 (2004)	4,590 4	4,780 5	17,150 10				26,520 19
WHOIS 3 (2004)	7,440 9	11,200 8	16,230 10				34,870 27
New Registry Services (2004)	220 2		1,290 2	750 1	400 2	815 4	3,475 11
New gTLD (2006)	17,440 29	280 2	4,000 5	3,050 1	3,130 2	2,460 13	30,380 52

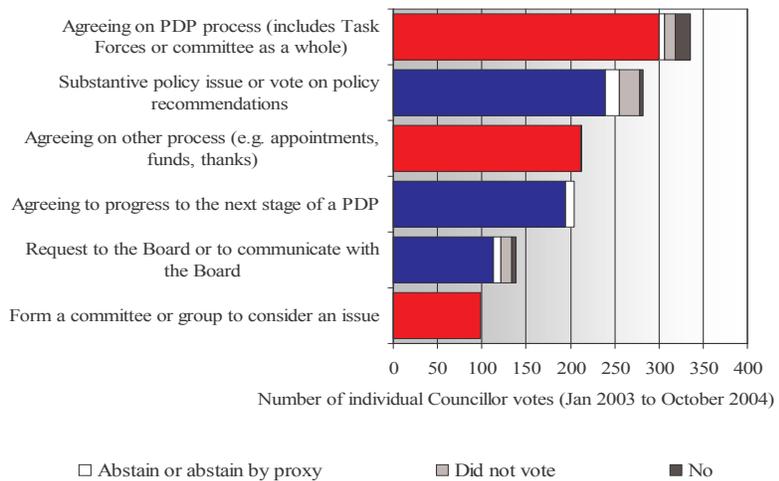
**Figure A52**

We analyzed data on GNSO Council voting kindly compiled and provided by the GNSO Secretariat. We coded different votes into categories. Red bars show votes that were procedural in nature; blue bars show votes that were substantive in nature. This data covers January 2003 to October 2004.



**Figure A53**

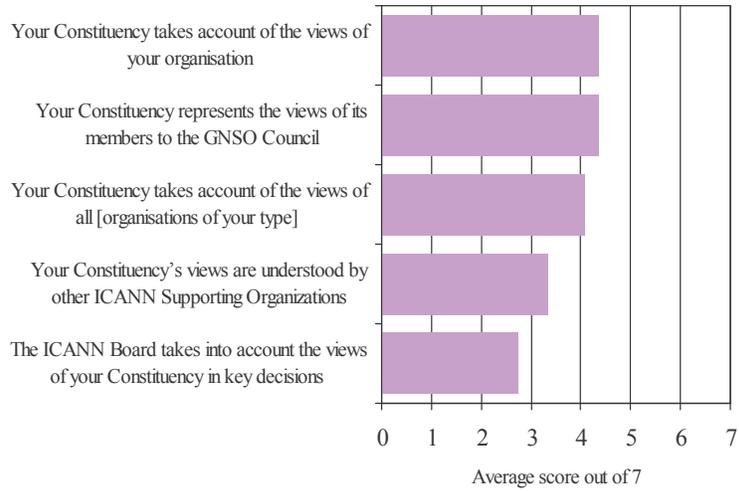
We analyzed data on GNSO Council voting kindly compiled and provided by the GNSO Secretariat. We coded different votes into categories. Red bars show votes that were procedural in nature; blue bars show votes that were substantive in nature. This data covers January 2003 to October 2004. The black, grey and white tips show the number of individual votes that were No, Abstention, or ‘Did not vote’. This gives an indication of dissent on voting.



**Data and tables relating to  
Part 5: The regularity of the GNSO operations in complying with  
ICANN’s bylaws and operating procedures**

**Figure A54**

In our online survey we asked Constituency members to give a score for how effectively the GNSO process takes into account the views of their organization (and organizations of a similar type). Scores were given on a Likert scale from 1 to 7, where 1 = Not at all effectively to 7 = Very effectively. N = 41.



# Annex B

## Summary table of GNSO Constituencies

	GNSO Constituency					
	Business and Commercial	Intellectual Property	Internet Service and Connectivity Providers	Registrars	gTLD Registries	Non-Commercial Users
Voting members	39	33	42	56	13	44
Non-voting members		68			4	
Membership categories (figures show number of votes for each type)	3 = corps and multiregional assoc, 2 = assoc, 1 = micro firms	3 = Int'l assoc, 2 = national assoc, 1A = firms, 1B = individual		1 = All members	No membership categories ( <i>see below for vote share system</i> )	1 = Small orgs, 2 = Large orgs (threshold >1000 members or 200 employees)
Charter ( <i>date referenced</i> )	June 2003	Nov 2005	Jun 2003	Apr 2003	Feb 2005	Aug 2003
Constituency represents...	Customers or providers of connectivity, DNS, and IP addresses and other services relating to e-commerce	Entities committed to advocacy and development of IP as fundamental components of commercial activity	ISP and Connectivity Providers or entities showing that 'DNSO' activity impacts upon their business	ICANN accredited registrars and other relevant bodies	gTLD Registries under contract to ICANN to provide gTLD Registry services (sponsored and unsponsored TLDs)	Entities using the Internet or domain names for non-commercial speech and activity
Explicitly excludes...	DN service providers			Registry operators		Political, commercial, or under contract to ICANN
Executive structure	GNSO Councilors	President, VP and Treasurer, and Constituency Council	Chair + 2 deputies	Chair, Treasurer, Technology Officer as Executive Committee	Chair, Alternate Chair, plus committees and liaisons for specific policy issues	Chair + Executive Committee + Policy Committee
Secretary / Secretariat	Secretariat	Secretary		Secretary	Secretariat	Secretary-Treasurer
Executive term limits		3 years (continue)	2 years	3 years		3 year
GNSO Council term limits		2 terms (continue)	2 terms	2 terms		2 terms
Estimated maximum annual revenue from membership fees USD	38,000	24,300	Data not available	20,500	Registries with < 50,000 registrations pay half fees	2,850
Voting arrangements	Simple majority <i>plus</i> majority quorum. No vote on policy positions unless triggered.	Only Category 2 and 3 members vote -Simple majority <i>plus</i> 25 – 50 % of members quorum		Simple majority <i>plus</i> > 10% of members quorum	Simple majority of sponsored TLDs + simple majority of unsponsored TLDs + simple majority by weighted vote (based on highest number of registrations 10n, 10(n-1), 10(n-2)... where n = number of members). Quorum = majority of sponsored and unsponsored respectively	Simple majority
Constituency veto arrangements	10% members opposed leads to vote	Charter specifically mentions 'minority views'				

## Annex C

### Case studies for some comparator organizations

Organization	Mission	Peak level structure	Policy development	Members
<b>International Chamber of Commerce</b>	<ul style="list-style-type: none"> <li>- world business organization</li> <li>- champions the global economy as a force for economic growth, job creation and prosperity</li> </ul>	<ul style="list-style-type: none"> <li>- <b>World Council</b> is the ICC's supreme governing body. Delegates are business executives that are named by National committees</li> <li>- <b>National Committees</b> represent the ICC in their respective countries to ensure national business concerns are taken account of in policy recommendations to governments and international organizations</li> <li>- <b>Council</b> elects the <b>Chairman and Vice-Chairman</b> for two-year terms. The Council also elects the <b>Executive Board</b>, responsible for implementing ICC policy. It has between 15 and 30 members, who serve for three years, with one third retiring at the end of each year</li> </ul>	<ul style="list-style-type: none"> <li>- <b>Commissions</b>, composed of a total of more than 500 business experts formulate ICC policy and elaborate its rules. Commissions scrutinize proposed international and national government initiatives affecting their subject areas and prepare business positions for submission to international organizations and governments</li> </ul>	<ul style="list-style-type: none"> <li>- membership open to businesses</li> <li>- organizations join the ICC and participate in the relevant Commissions and working groups</li> <li>- Euro 1,500 membership fee for 'local members'</li> <li>- Euro 3,000 for 'national members'</li> </ul>
<b>International Telecommunications Union</b>	<ul style="list-style-type: none"> <li>- international organization within the United Nations system</li> <li>- helps governments and the private sector to coordinate global telecom networks and services</li> </ul>	<ul style="list-style-type: none"> <li>- the supreme authority is the <b>Plenipotentiary Conference</b>, a meeting composed of delegations from Member States, to adopt the underlying policies of the organization and determine its structure and activities</li> <li>- <b>ITU Council</b> acts as the Union's governing body between conferences. The decision-making functions of ITU are performed by Member States during conferences, assemblies, study groups or at the Council</li> <li>- <b>General Secretariat</b> manages the administrative and financial aspects</li> </ul>	<ul style="list-style-type: none"> <li>- three policy sectors: Radio-communication; Tele-communication and Standardization; and Tele-communication Development</li> <li>- study groups made up of experts carry out the technical work, preparing the detailed studies that lead to authoritative recommendations. All recommendations are non-binding, voluntary agreements</li> </ul>	<ul style="list-style-type: none"> <li>- open to governments who join as Member States</li> <li>- open to private organizations who join as Sector Members (membership of one or more of the Union's three Sectors is possible according to their particular sphere of interest)</li> </ul>
<b>Asia-Pacific Economic Cooperation</b>	<ul style="list-style-type: none"> <li>- multi-lateral economic forum</li> <li>- Member Economies work towards reducing trade barriers and increasing investments</li> </ul>	<ul style="list-style-type: none"> <li>- structure made up of major committees who meet yearly.</li> <li>- policy development and direction provided by the 21 APEC Economic Leaders</li> <li>- strategic recommendations provided by APEC Ministers and the APEC Business Advisory Councils (ABAC)</li> </ul>	<ul style="list-style-type: none"> <li>- at the <b>working level</b>, activities and projects are carried out by four high level committees: Committee on Trade and Investment; Senior Officials' Meeting Committee on Economic and Technical Cooperation; Economic Committee; and Budget and Management Committee</li> </ul>	<ul style="list-style-type: none"> <li>- 21 Member Economies</li> <li>- non-member economies, organizations, and other experts may apply or be invited to join APEC activities</li> <li>- business participation is through the ABAC</li> <li>- academic participation is through the APEC Study Centers (ASC) Consortium</li> </ul>
<b>International Technology Association of America</b>	<ul style="list-style-type: none"> <li>- IT trade association</li> <li>- operates 'core' programs: emerging technology, information security, international</li> </ul>	<ul style="list-style-type: none"> <li>- the <b>Board of Directors</b>, composed of IT company executives, governs the association. - a <b>Chairman and Vice Chairman</b> lead the board, which meets on a quarterly basis.</li> <li>- also each <b>ITAA Division</b> operates its own board of</li> </ul>	<ul style="list-style-type: none"> <li>- work is structured around four policy areas: Government, Internet Commerce and Communications, IT Services, and Software</li> </ul>	<ul style="list-style-type: none"> <li>- open to any company with operations situated in the US and offering commercial IT products and services.</li> <li>- annual dues are based on</li> </ul>

<p><b>Internet Engineering Task Force</b></p>	<p>public policy, tax policy, intellectual property policy, RFID, and workforce and education</p> <ul style="list-style-type: none"> <li>- large open international community of network designers, operators, vendors, and researchers</li> <li>- focused on the evolution of Internet architecture and smooth operation of the Internet</li> </ul>	<p>directors. <b>Division boards</b> are composed of executives from companies belonging to those respective divisions. Each board has a nominating committee and ITAA division members vote for a slate of candidates annually. Each Division Board sends its board chairman and an additional representative to serve on the ITAA Board</p> <ul style="list-style-type: none"> <li>- technical work is done by <b>working groups</b>, organized by topic. These are managed by Area Directors (ADs).</li> <li>- ADs make up the <b>Internet Engineering Steering Group</b></li> <li>- providing architectural oversight is the <b>Internet Architecture Board</b></li> <li>- the <b>General Area Director</b> also serves as the chair of the IESG and of the IETF, and is an ex-officio member of the IAB</li> </ul>	<p>- subject areas for policy development are: applications, operations and management, internet, routing, security, transport, and user services</p>	<p>corporate revenues</p> <ul style="list-style-type: none"> <li>- member companies belong to one or more of four divisions. Each company designates a key representative to act as their primary interface with the association</li> <li>- open to any interested individual</li> </ul>
<p><b>World Information and Technology Services Alliance</b></p>	<ul style="list-style-type: none"> <li>- consortium of over 60 IT industry associations from around the world</li> <li>- members represent over 90 percent of the world IT market</li> <li>- provides advocacy, research, consultancy, technical support to members and governments</li> </ul>	<ul style="list-style-type: none"> <li>- <b>General Assembly</b></li> <li>- <b>Steering Committee</b></li> <li>- <b>Global Public Policy Committee</b></li> <li>- <b>Chairman and Deputy</b></li> </ul>		<ul style="list-style-type: none"> <li>- open to the one association which best represents the interests of IT and services companies in its country or region</li> <li>- new members only admitted with approval of two-thirds of the members present at a General Assembly</li> <li>- membership dues based on the size of the applicant association's market</li> </ul>

# Annex D

## Methodology

**D1** The Terms of Reference of the Review set out a requirement for methods to incorporate a range of quantitative and qualitative approaches as follows:

- *On-line and face-to-face interviews* – To conduct interviews across a range of GNSO participants as well as members of the broader Internet community who are interested in ICANN’s work;
- *Operational Analysis and Statistics* - Baseline statistics from each of the GNSO Constituencies and the GNSO Council will be required. Those statistics will provide a frame for understanding the component parts of the GNSO and the GNSO Council;
- *Quantifying Focus Areas* - A range of tools could be used including one-to-one interviews, literature searches and online analysis. Analysis of groups who are not participating in ICANN meetings and reasons for that is also required. Comparisons may be made with other organizations.

**D2** In responding to these requirements we sought to put together a range of methods that would allow us to collect a broad spectrum of views about the GNSO, both from inside the ICANN community and from organizations not currently participating in the ICANN process. Our methods fall into four main areas:

- Preliminary scoping work of the role and profile of the GNSO;
- Online surveys and gathering of email comments from global stakeholders;
- Semi-structured interviews;
- Unobtrusive analysis of documentation, data and other materials relating to the GNSO.

We have sought to apply a process of *triangulation* as systematically as possible to our findings. As the term triangulation suggests, our approach focuses on maximizing the extent to which individuals can be checked and cross-checked across a range of methods, thereby increasing the level of confidence of observations and conclusions. This involves designing a suite of methods from the outset which allows for findings to be triangulated as effectively as possible. For example, Constituency members might claim in interview that membership of the Constituency is diverse and strong, however unobtrusive analysis of Constituency meeting minutes may suggest that actual participation in meetings is narrow and based around a core group of individuals. Triangulation has been particularly important as a way of controlling for the strength of perception existing across the ICANN community on the role of the GNSO.

#### *Preliminary scoping work*

**D3** As part of our original research proposal we conducted some preliminary scoping of the role of GNSO, particularly in relation to the work and functions of ICANN. In early 2006 we selected a

group of ten LSE postgraduate students, allocated them each a global region, and asked them to conduct 14 hours of web-based research on perceptions of GNSO and current issues emerging from their particular global region. We chose students on the strength of their knowledge of global public policy and governance issues, and importantly, their relevant language skills. We were able to cover Latin and Central America, North America, Sub-Saharan Africa, North Africa, Arabic-speaking Middle East, Russian-speaking central Europe, China, India, Taiwan, and major European countries. Students were asked to collect important documents and stories generated by their search, and compile a short summary of the major positions and views held globally. We provided a summary of their as part of our original bid.

#### *Online survey research*

**D4** At the end of February 2006 we set up a research website ([www.icann-gnsoreview.org](http://www.icann-gnsoreview.org)) through which we aimed to collect as wide a range of views as possible about the GNSO and gTLD policy development work in ICANN. The website homepage was translated into 8 world languages (English, Chinese, Arabic, French, German, Russian, Spanish, and Portuguese), and we posted material explaining the objectives of the research and a brief glossary to translate ICANN and DNS jargon for the uninitiated. The domain name was designed to include references to both ICANN and GNSO in order to increase the chances of recognition with business and non-commercial stakeholders who would be more familiar with ICANN and less so, if at all, with the GNSO. The website offered four main channels for people to register their views on the GNSO as follows:

*a. Survey questionnaire for Constituency members* We designed a relatively short online questionnaire to be completed by liaisons or representatives from member organizations of the six GNSO Constituencies. In order to increase potential for comparison across Constituencies, these surveys were generic in structure and content. They were designed so that respondents had the option of working through them quickly (in 15 minutes or so) simply inputting scores on basic Likert scales (from 1 to 7) for different aspects of Constituency and GNSO performance. There were also free text boxes for respondents to write in comments or views at the end of each question. This aimed to generate a combination of quantitative data showing relative views across clusters of questions, and more qualitative comments on the GNSO, strengths and weaknesses, and so on. **We summarize results from this survey in Annex E below.**

*b. Survey questionnaire for individuals* This survey was designed to capture the views of individuals who are active within the ICANN community on the GNSO and its policy

development work. There is a narrow but highly intensive community of debate around ICANN, particularly on individual ‘blog’ sites and discussion forums. We wanted to capture the views of these ICANN participants or knowledgeable observers. We also invited ICANN staff members to complete a survey from their own individual perspective. **We summarize results from this survey in Annex F below.**

*c. Survey questionnaire for non-member organizations* An important aspect of this research was to try to find out why organizations from business and the civil society do not participate in the GNSO Constituency structure. This survey was designed to collect views of non-member organizations on the GNSO (and failing that, ICANN). **We summarize results from this survey in Annex G below.**

*d. Email posting facility* In order to canvas views globally we set up an email facility capable of receiving comments in any world language. This provided a free and open channel for views on the GNSO and ICANN. The surveys above were only available in English, as we were limited by resources and time constraints.

**D5** We were keen ensure the integrity of survey responses, particularly to ensure that an organization or individual could only submit one survey and that data inputted would be secure and only accessible by them. In order to implement this, we opted to assign usernames and passwords to all survey respondents. Our research team sent this information to all Constituency members with an invitation to complete the survey. For individuals and non-members, we asked respondents to send us a short email requesting username and password. The risk of such an approach is that potential respondents will be put off from completing a survey by the effort involved in requesting log in details. Our view is that the integrity and security of the survey responses was a high priority, and that by asking respondents to do this little bit of administration, we would increase the chances that responses we did receive were serious and authentic.

**D6** It is almost always insufficient to assume that simply by setting up a research website and putting some surveys on it, people will be inherently interested and will respond. During March 2006, we employed a group of 10 LSE post-graduate students to carry out work to encourage Constituency members to visit the website, solicit comments in languages other than English, and generally get as many and as diverse a range of organizations as possible to contribute a view. Our students were allocated a Constituency each and asked to establish contact with all registered member organizations, identify the

key person, and encourage them to complete a survey. Constituencies list members on their websites to varying degrees of detail and accuracy, and so this work combined working from contact information provided on Constituency websites, lists provided by Constituency secretariats, and straightforward cold calling or emailing.

**D7** Our graduate students were also allocated world regions according to their particular language skills, and asked to identify named contacts in major organizations that might have some interest in the global Domain Name System, ICANN, and by chance the GNSO. We intentionally left the scope for comments relatively wide to encourage as many views as possible. The languages covered included all those translated on the website homepage as well as others such as Hindi and Turkish. Invitations were sent to named contacts to visit the website and post a comment.

#### *Semi-structured interviews*

**D8** A separate strand of the research has been to conduct in-depth and semi-structured interviews with over 100 stakeholders either inside the ICANN process or at varying degrees of distance from it. These interviews have been conducted either by telephone conference, or face-to-face in Brussels and in Wellington, New Zealand during the March 2006 meeting. Discussions have generally lasted between 45 minutes and 90 minutes, with practically all of the interviews recorded. We have tried to be very clear about our commitment to confidentiality prior to each interview, and in all cases have asked permission from the interviewee to use a tape recorder. We have explained that comments will not be attributed to individuals or organizations in these final reports. We have spoken in detail to GNSO Council members, former Council members, Constituency officials, Constituency member representatives, ICANN staff, current Board members, former Board members, staff from other ICANN supporting organizations, participating individuals, government representatives, academics, non-member organizations, and a range of knowledgeable ‘old timers’ (remembering that ICANN is only 7 years old) and observers.

**Table D1: Interviews conducted during the course of the Review**

Category	Number of interviewees
Board member / former Board member	17
GNSO Council member	20
GNSO Constituency member	13
ICANN staff	20
ICANN community	17
International representative body ( <i>non-commercial</i> )	4
Business / Business Association	8
Non-commercial or civil society organizations	4
<b>Total</b>	<b>103</b>

*Unobtrusive data analysis*

**D9** There is a vast range of opportunity for unobtrusive analysis of the GNSO from data freely and publicly available on the ICANN and the GNSO website. As one interviewee put it, ‘if you have the time and the patience you can find practically everything on the ICANN website...in a way, ICANN is freakishly transparent’. Resources such as mailing lists, minutes of meetings, constituency statements, transcripts of meeting discussions, and data on domain name registrations, provide rich potential for constructing objective data-based checks and cross-references against more subjective comments. We have attempted to be as thorough as possible in using this kind of objective data source to triangulate positions with our findings from interviews and surveys. It will, of course, be the case that unobtrusive analysis of specific types of data will only reveal a certain amount of the full picture. For example, counting the number of postings to mailing lists can often give quite a reliable and detailed picture of the dynamics of participation across Constituencies. Nevertheless, it is important to realize the limitations of this kind of analysis, for example many important discussions might take place through other channels. In general, however, we have found that applying basic quantitative techniques to resources such as ‘tallying’ mailing lists and meeting minutes can give surprisingly intuitive outputs that can be used to support or debunk arguments that we have heard along the way.

## Annex E

### Online survey results – for Constituency members

## Constituencies survey responses

	gTLD Registry	Registrar	Commercial and business	Non-commercial	Intellectual Property	Internet Service Provider
Q1 Thinking about how familiar your organization is with the work of the GNSO, please give a score for each of the areas below.						
a What the GNSO does						
Not sure	0	0	0	0	0	0
1 to 3	0	3	0	3	0	0
4	0	1	2	0	2	0
5 to 7	10	11	5	8	3	3
b How the GNSO operates						
Not sure	0	1	0	0	0	0
1 to 3	2	3	1	3	2	0
4	0	1	1	1	0	0
5 to 7	8	10	5	7	3	3
c The main policy issues that the GNSO is currently working on						
Not sure	0	0	0	0	0	0
1 to 3	0	3	0	2	0	1
4	1	2	2	1	2	0
5 to 7	9	10	5	8	3	2
d How the GNSO fits into the wider ICANN community						
Not sure	0	4	0	0	0	0
1 to 3	1	3	0	3	2	0
4	1	2	2	0	0	1
5 to 7	8	10	5	8	3	2
Q2 Thinking about how often your organization has contact with the GNSO, please tell us roughly how often you do each of the following.						
a Visit the GNSO website ( <a href="http://www.gnso.icann.org">http://www.gnso.icann.org</a> )						
At least once a month	7	7	6	5	2	2
At least once a year	3	6	1	3	2	0

	gTLD Registry	Registrar	Commercial and business	Non-commercial	Intellectual Property	Internet Service Provider
Less frequently than once a year	0	1	0	3	1	1
b Speak to other members of the XXX Constituency about an issue relating to GNSO policy development						
At least once a month	10	7	6	7	4	2
At least once a year	0	4	1	3	0	1
Less frequently than once a year	0	3	0	1	1	0
c Express a view to XXX Constituency GNSO Council representatives about issues or procedures relating to policy development						
At least once a month	10	7	6	7	4	2
At least once a year	0	4	1	3	1	0
Less frequently than once a year	0	3	0	1	0	1
d Take part in a formal Policy Development Process (PDP)						
We take part in every PDP or regularly	8	5	4	5	3	2
We take part occasionally	2	5	2	2	2	0
We very rarely or never take part	0	4	1	4	0	1
e Participate in major GNSO meetings either in person or in conference						
We always attend or regularly attend	5	7	2	6	2	2
We sometimes attend	3	3	3	0	2	0
We very rarely attend or never attend	2	4	2	5	1	1
Q3 How effectively does the XXX Constituency use its website for						
a Posting contact details of office holders						
Not sure	0	3	0	3	1	0
1 to 3	0	3	2	2	1	1
4	0	2	0	2	0	0
5 to 7	10	6	5	3	2	0
b Keeping members' contact details up-to-date						
Not sure	1	4	1	0	1	0
1 to 3	1	4	2	5	1	1
4	0	2	0	1	0	0
5 to 7	8	4	4	4	3	0
c Making relevant reports and minutes available						

	gTLD Registry	Registrar	Commercial and business	Non-commercial	Intellectual Property	Internet Service Provider
Not sure	0	1	0	0	1	0
1 to 3	1	7	2	3	1	1
4	0	1	1	4	0	0
5 to 7	9	5	4	3	3	0
e Keeping up-to-date with relevant GNSO news and issues						
Not sure	1	3	0	0	1	0
1 to 3	1	9	1	3	1	1
4	0	0	2	2	0	0
5 to 7	7	2	4	6	3	0
f Facilitating open discussion on key issues						
Not sure	0	1	0	0	1	0
1 to 3	2	7	3	4	1	1
4	1	0	0	1	0	0
5 to 7	6	6	4	6	3	0
g Attracting new members to the Constituency						
Not sure	0	3	0	0	1	0
1 to 3	2	7	4	6	1	1
4	3	4	0	3	1	0
5 to 7	5	1	3	1	2	0
Q4 How efficiently does the XXXX Constituency do each of the following						
a Use audio and video conferencing						
Not sure	1	1	2	0	1	0
1 to 3	0	4	2	4	0	0
4	0	1	1	2	0	0
5 to 7	9	8	1	4	3	1
b Facilitate face-to-face meetings for Constituency members						
Not sure	0	0	0	0	1	0
1 to 3	0	4	1	4	0	0
4	2	0	1	2	0	0
5 to 7	8	10	5	4	3	1
c Use consistent procedures for establishing consensus						

	gTLD Registry	Registrar	Commercial and business	Non-commercial	Intellectual Property	Internet Service Provider
across Constituency members						
Not sure	0	0	1	0	0	0
1 to 3	0	3	0	1	0	0
4	0	4	2	0	0	0
5 to 7	10	7	3	9	4	1
d Produce authoritative written statements of Constituency positions						
Not sure	0	1	0	0	0	0
1 to 3	0	5	0	1	0	0
4	1	3	3	1	0	0
5 to 7	9	5	4	8	4	1
e Make data available on the degree of consensus across Constituency members						
Not sure	0	5	1	1	1	0
1 to 3	0	0	4	1	1	0
4	0	0	0	3	1	0
5 to 7	10	9	2	5	1	1
f Deliver statements of Constituency positions in good time						
Not sure	0	1	1	0	0	0
1 to 3	1	4	3	1	0	0
4	0	1	0	1	0	0
5 to 7	9	8	3	8	4	1
Q5 Thinking about how comprehensively your views are taken into account under the existing Constituency arrangements, please give a score on the extent to which...						
a The XXX Constituency takes account of the views of your organization						
Not sure	0	0	0	1	0	0
1 to 3	0	2	1	2	0	0
4	0	1	0	0	0	0
5 to 7	10	11	6	7	4	1
b The XXX Constituency takes account of the views of all [organizations of your type]						
Not sure	0	0	0	1	0	0

	gTLD Registry	Registrar	Commercial and business	Non-commercial	Intellectual Property	Internet Service Provider
1 to 3	0	4	2	1	0	0
4	0	1	0	2	0	0
5 to 7	10	9	5	6	4	1
c The XXX Constituency represents the views of its members to the GNSO Council						
Not sure	0	0	0	0	0	0
1 to 3	1	2	0	1	0	0
4	0	2	0	2	0	0
5 to 7	9	10	7	7	4	1
d The XXX Constituency's views are understood by other ICANN Supporting Organizations						
Not sure	0	1	2	1	1	0
1 to 3	3	2	0	3	0	0
4	3	3	0	3	1	0
5 to 7	4	8	5	2	2	1
e The ICANN Board takes into account the views of the XXX Constituency in key decisions						
Not sure	1	0	2	1	1	0
1 to 3	1	9	2	6	1	0
4	2	3	0	3	1	1
5 to 7	6	2	3	0	1	0
Q6 Please score each of the six GNSO Constituencies in terms of how effectively they develop policy positions representing their members' interests.						
Effective representation of their members	Mean	Mean	Mean	Mean	Mean	Mean
gTLD Registries	6.5	2.9	3.4	4.7	2.8	
Registrars	4.4	4.9	5.8	4.3	2.8	
Internet Service Providers	2.2	2.1	4.6	2.9	2.5	
Commercial and Business	2.6	2.9	5.6	4.5	3.0	
Non-commercial	3.7	2.1	3	5.3	3.0	
Intellectual Property	4.9	3.8	5	5.3	4.5	
Q7 Thinking again about the six GNSO Constituencies,						

	gTLD Registry	Registrar	Commercial and business	Non-commercial	Intellectual Property	Internet Service Provider
	Mean	Mean	Mean	Mean	Mean	
please score each one in terms of how much influence they have on the final policy positions of the GNSO Council.						
gTLD Registries	3.5	4.6	6.4	5.1	4.5	
Registrars	5.3	4.5	6.4	5.3	4.8	
Internet Service Providers	3.1	3.6	4.6	4.5	2.0	
Commercial and Business	6.1	4.0	4.8	5.9	3.0	
Non-commercial	3.5	3.3	3.8	3.7	2.8	
Intellectual Property	5.4	4.6	4.2	6.2	3.0	
Q8 Thinking about how different organizations comply with ICANN Bylaws and operating procedures, please score each of the following on the extent to which...						
a The <b>gTLD Registries</b> comply with ICANN bylaws and operating procedures						
Not sure	0	4	2	4	2	0
1 to 3	0	2	3	2	2	0
4	0	2	0	0	0	0
5 to 7	10	6	0	4	0	1
b The <b>Registrars</b> comply with ICANN bylaws and operating procedures						
Not sure	2	0	2	4	1	0
1 to 3	0	0	1	0	2	0
4	0	2	0	0	1	0
5 to 7	8	12	2	6	0	1
c The <b>GNSO Council</b> complies with ICANN bylaws and operating procedures						
Not sure	1	2	1	2	2	0
1 to 3	4	1	0	0	0	0
4	2	2	0	1	0	0
5 to 7	3	9	4	6	2	1
e <b>ICANN</b> follows its own bylaws and operating procedures						
Not sure	1	2	1	3	0	1
1 to 3	1	4	3	2	0	0

	gTLD Registry	Registrar	Commercial and business	Non-commercial	Intellectual Property	Internet Service Provider
4	3	2	0	0	1	0
5 to 7	4	6	2	4	3	0
Q9 Thinking now about the GNSO Council <b>specifically</b> , please score how effectively the website ( <a href="http://www.gnso.icann.org">http://www.gnso.icann.org</a> ) is used for each of the following.						
a Making relevant reports and minutes available						
Not sure	0	2	0	4	1	0
1 to 3	0	1	2	0	0	0
4	1	1	0	1	0	0
5 to 7	9	9	3	4	3	1
b Providing audio files of meetings						
Not sure	1	4	1	4	1	0
1 to 3	0	0	1	2	0	0
4	0	0	0	0	0	0
5 to 7	9	9	3	3	3	1
c Keeping up to date with relevant GNSO news and issues						
Not sure	0	2	0	3	1	0
1 to 3	1	0	2	0	0	0
4	2	1	0	3	0	0
5 to 7	7	10	3	3	2	1
d Facilitating open discussion on key issues						
Not sure	0	3	0	2	1	0
1 to 3	4	0	2	2	1	0
4	1	2	0	2	0	0
5 to 7	5	8	3	3	2	1
e Encouraging views and comments from a wide range of interests						
Not sure	0	3	0	2	1	0
1 to 3	7	2	2	2	1	0
4	1	2	1	2	0	0
5 to 7	2	6	2	3	2	1
f Building the organizational profile of the GNSO						

	gTLD Registry	Registrar	Commercial and business	Non-commercial	Intellectual Property	Internet Service Provider
Not sure	2	4	0	3	1	0
1 to 3	4	0	2	3	1	0
4	2	3	1	0	0	0
5 to 7	2	6	2	3	2	1
Q10 Thinking now more generally about the work of the GNSO Council, how efficiently does it do each of the following.						
a Give sufficient notice on calls for comments and statements						
Not sure	0	1	0	1	0	0
1 to 3	5	1	1	1	1	0
4	1	0	1	1	0	0
5 to 7	4	11	3	6	3	1
b Use consistent procedures for establishing consensus across Constituencies						
Not sure	0	2	0	2	1	0
1 to 3	7	0	1	0	1	0
4	1	2	0	0	0	0
5 to 7	2	9	4	7	2	1
c Make data available on the degree of consensus in the Council						
Not sure	0	3	0	1	1	0
1 to 3	5	0	2	2	1	0
4	1	2	0	1	1	0
5 to 7	4	8	3	5	1	1
d Post procedures and results of elections to the Council						
Not sure	0	1	0	1	2	0
1 to 3	0	0	1	0	0	0
4	2	1	0	0	0	0
5 to 7	8	11	4	8	2	1
e Facilitate face-to-face contact between the GNSO Council and Constituency members						
Not sure	1	2	0	1	1	0
1 to 3	4	2	1	2	0	0

	gTLD Registry	Registrar	Commercial and business	Non-commercial	Intellectual Property	Internet Service Provider
4	2	0	1	4	2	0
5 to 7	3	9	3	2	1	1
f Provide information and resources in languages other than English						
Not sure	5	5	2	3	3	0
1 to 3	5	5	2	4	1	0
4	0	2	0	1	0	0
5 to 7	0	1	0	1	0	1
Q12 Thinking about how effectively the Policy Development Process (PDP) works, please score the GNSO on each of the following.						
	Mean	Mean	Mean	Mean	Mean	Mean
a Picking the right issues for development	2.3	4.9	5.4	4.8	4.7	
b Identifying issues early enough	2.4	4.7	4.4	5.6	4.3	
c Scoping policy work appropriately	1.9	4.9	4.2	4.8	4.7	
d Sticking to agreed time schedules	2.0	3.6	3.0	4.0	3.0	
e Ensuring that the PDP incorporates the widest practicable range of views	2.2	4.8	4.4	4.8	5.0	
f Making use of external expertise and research	2.4	3.6	3.3	4.0	4.0	
g Delivering practicable recommendations to the ICANN Board	2.7	5.3	5.4	4.6	4.3	
h Making the best use of policy support resources	2.7	5.1	4.8	5.2	4.0	
Q13 Thinking about the following 5 recent examples of Policy Development Processes (PDPs), please score each one in terms of the quality of policy produced. Where PDPs are still in progress, please score the quality of the policy to date.						
A Expired Domain Deletion PDP						
Not sure	1	0	1	4	0	0
1 to 3	3	2	2	0	1	0
4	2	2	0	1	1	0
5 to 7	3	8	1	4	1	1
b Whois Accuracy and Bulk Access PDP						

	gTLD Registry	Registrar	Commercial and business	Non-commercial	Intellectual Property	Internet Service Provider
Not sure	1	1	1	2	0	0
1 to 3	6	4	1	3	1	0
4	2	3	1	1	2	1
5 to 7	0	4	2	3	0	0
c Whois and Whois contacts PDP						
Not sure	0	2	0	3	0	0
1 to 3	6	3	2	2	1	0
4	3	2	2	1	2	1
5 to 7	0	4	1	3	0	0
D gTLD Registry Services contracts PDP						
Not sure	0	2	1	4	1	0
1 to 3	9	2	1	1	1	0
4	0	1	0	2	0	0
5 to 7	0	7	3	2	1	1
e Introduction of new gTLDs PDP						
Not sure	1	3	1	4	0	0
1 to 3	7	0	1	0	1	0
4	0	3	2	2	1	0
5 to 7	1	6	1	3	1	1
Q14 Thinking about the influence of the GNSO overall, please give a score for each of the following.						
a Influencing major gTLD decision made at ICANN Board level						
Not sure	1	1	0	0	2	0
1 to 3	2	4	3	5	0	0
4	1	2	0	2	0	0
5 to 7	5	5	2	2	1	1
b Influencing other gTLD related decisions made in other key parts of the ICANN community						
Not sure	3	1	0	1	2	0
1 to 3	2	3	3	4	0	0
4	1	3	1	2	0	0
5 to 7	3	5	1	2	1	1
c Influencing governments and international policy makers						

	gTLD Registry	Registrar	Commercial and business	Non-commercial	Intellectual Property	Internet Service Provider
on relevant issues						
Not sure	1	4	1	0	2	1
1 to 3	5	3	3	7	0	0
4	2	2	0	2	0	0
5 to 7	1	3	1	0	1	0
d Influencing the views of individual Internet users on relevant issues						
Not sure	1	3	1	0	1	0
1 to 3	8	4	3	7	0	0
4	0	3	1	0	1	0
5 to 7	0	2	0	1	1	1
e Influencing the views of commercial organizations						
Not sure	1	4	1	0	1	0
1 to 3	6	4	3	6	0	0
4	1	2	2	1	2	0
5 to 7	1	2	0	2	0	1
Q15 Here are some likely challenges facing the GNSO in the next two or three years. Please rate how important each one will be to your organization.						
	Mean	Mean	Mean	Mean	Mean	Mean
a Raising the profile of the GNSO as a policy development body	3.6	5.3	5.6	4.1	3.0	
b Improving the quality of gTLD policy making	5.7	6.0	6.2	4.7	6.3	
c Broadening the range of organizations participating in gTLD policy development	4.4	4.8	4.4	4.9	2.7	
d Encouraging more intensive participation by major organizations in gTLD policy development	4.4	4.4	5.2	4.9	3.3	
e Improving transparency and openness in gTLD policy development	5.6	4.6	5.0	5.4	5.0	
f Representing more effectively the views of Internet users worldwide	4.4	4.3	5.6	6.2	3.3	

## Annex F

### Online survey results – Individual respondents not in Constituencies

## Individual survey responses

Q1 Thinking about how familiar you are with the work of ICANN and GNSO, please give a score for each of the areas below:	
a What ICANN does	
Not sure	0
1 to 3	5
4	3
5 to 7	25
b How the ICANN community is structured	
Not sure	1
1 to 3	7
4	2
5 to 7	23
c Current issues and projects in progress at ICANN	
Not sure	1
1 to 3	11
4	1
5 to 7	21
d What the GNSO does	
Not sure	1
1 to 3	8
4	4
5 to 7	22
e How the GNSO operates	
Not sure	1
1 to 3	11
4	3
5 to 7	18
f The main policy issues that the GNSO is currently working on	
Not sure	1
1 to 3	9
4	4
5 to 7	20
Q2 Thinking about how involved you are with GNSO issues, please tell us roughly how often you do each of the following:	
a Visit the GNSO website	
At least once a month	15
At least once a year	9
Less frequently than once a year	9
b Express a view to the GNSO about issues or procedures relating to policy development	
At least once a month	8
At least once a year	5
Less frequently than once a year	19
c Express a view publicly on GNSO policy development work or procedures (e.g. on a website or a blog)	
At least once a month	6
At least once a year	6
Less frequently than once a year	20
Q3 How effectively does the GNSO use its website ( <a href="http://www.gnso.icann.org">http://www.gnso.icann.org</a> ) for each of the following?	
a Making relevant reports and minutes available	
Not sure	9

1 to 3	4
4	2
5 to 7	14
<b>b Providing audio files of meetings</b>	
Not sure	15
1 to 3	2
4	3
5 to 7	9
<b>c Keeping up-to-date with relevant GNSO news and issues</b>	
Not sure	10
1 to 3	6
4	3
5 to 7	10
<b>d Facilitating open discussion on key issues</b>	
Not sure	11
1 to 3	10
4	4
5 to 7	4
<b>e Encouraging views and comments from a wide range of interests</b>	
Not sure	9
1 to 3	11
4	4
5 to 7	5
<b>f Building the organizational profile of the GNSO</b>	
Not sure	9
1 to 3	13
4	3
5 to 7	4
<b>Q4 Thinking about how the GNSO Council takes account of the views of individuals, please give a score for each of the following.</b>	
<b>a Providing opportunities for individuals to comment on policy issues</b>	
Not sure	9
1 to 3	7
4	7
5 to 7	8
<b>b Accepting comments from individuals in languages other than English</b>	
Not sure	15
1 to 3	11
4	3
5 to 7	1
<b>c Providing feedback to individuals on comments submitted</b>	
Not sure	12
1 to 3	12
4	2
5 to 7	5
<b>d Incorporating the views of individuals into issues reports</b>	
Not sure	12
1 to 3	14
4	1
5 to 7	4
<b>Q5 Please score each of the six GNSO Constituencies in terms of how effectively they develop policy positions representing their members' interests.</b>	
	Mean
gTLD Registries	5.3
Registrars	4.9

Internet Service Providers	3.7
Commercial and Business	3.4
Non-commercial	3.8
Intellectual Property interests	4.7
Q6 Thinking again about the six GNSO Constituencies, please score each one in terms of how much influence they have on the final policy positions of the GNSO Council.	
	Mean
gTLD Registries	5.1
Registrars	5.4
Internet Service Providers	3.8
Commercial and Business	4.8
Non-commercial	2.9
Intellectual Property interests	4.6
Q7 Thinking about how different organizations comply with ICANN bylaws and operating procedures, please score each of the following on the extent to which...	
a The gTLD <b>Registries</b> comply with ICANN bylaws and operating procedures	
Not sure	12
1 to 3	3
4	3
5 to 7	10
b The <b>Registrars</b> comply with ICANN bylaws and operating procedures	
Not sure	12
1 to 3	3
4	2
5 to 7	9
c The <b>GNSO Council</b> complies with ICANN bylaws and operating procedures	
Not sure	13
1 to 3	5
4	2
5 to 7	7
d <b>Other Supporting Organizations</b> follow ICANN bylaws and operating procedures	
Not sure	14
1 to 3	2
4	3
5 to 7	8
e <b>ICANN</b> follows its own bylaws and operating procedures	
Not sure	11
1 to 3	5
4	3
5 to 7	8
Q8 Thinking about how effectively the GNSO carries out the Policy Development Process (PDP), please score GNSO on each of the following.	
	Mean
Picking the right issues for development	3.8
Identifying issues early enough	3.2
Scoping policy work appropriately	3.4
Sticking to agreed time schedules	2.8
Ensuring that the PDP incorporates the widest practicable range of views	3.2
Making use of external expertise and research	2.6
Delivering practicable recommendations to the ICANN Board	3.7
Making the best use of policy support resources	3.4

Q9 Thinking about the following 5 recent examples of Policy Development Processes (PDPs), please score each one in terms of the quality of policy produced. Where PDPs are still in progress, please score the quality of the policy to date.	
a Expired Domain Name Deletion PDP	
Not sure	11
1 to 3	5
4	3
5 to 7	8
b Whois Accuracy and Bulk Access PDP	
Not sure	13
1 to 3	6
4	2
5 to 7	6
c Whois and Whois contacts PDP	
Not sure	11
1 to 3	5
4	4
5 to 7	7
d gTLD Registry services contract PDP	
Not sure	11
1 to 3	3
4	5
5 to 7	7
e Introduction of new gTLDs PDP	
Not sure	8
1 to 3	8
4	2
5 to 7	9
Q10 Thinking about the influence of GNSO overall, please give a score for each of the following.	
a Influencing major policy decisions made at ICANN Board level	
Not sure	6
1 to 3	6
4	6
5 to 7	10
b Influencing decisions made in other key parts of the ICANN community	
Not sure	6
1 to 3	10
4	5
5 to 7	7
c Influencing governments and other external stakeholders	
Not sure	6
1 to 3	15
4	1
5 to 7	6
d Influencing the views of individual Internet users	
Not sure	4
1 to 3	18
4	2
5 to 7	3
Q11 Here are some likely challenges facing GNSO in the next 2 or 3 years. Please rate each one in terms of how important you think it will be	
a Raising the profile of the GNSO as a policy development body	
Not sure	0
1 to 3	6

4	1
5 to 7	19
<b>b Improving the quality of gTLD policy making</b>	
Not sure	1
1 to 3	2
4	0
5 to 7	21
<b>c Broadening the range of organizations participating in gTLD policy development</b>	
Not sure	1
1 to 3	4
4	0
5 to 7	21
<b>d Encouraging more intensive participation by major organizations in gTLD policy development</b>	
Not sure	1
1 to 3	4
4	4
5 to 7	15
<b>e Improving transparency and openness in gTLD policy development</b>	
Not sure	0
1 to 3	1
4	2
5 to 7	20
<b>f Representing more effectively the views of Internet users worldwide</b>	
Not sure	0
1 to 3	3
4	3
5 to 7	21
<b>Q12 Future challenges for the GNSO</b>	
	Mean
a Raising the profile of the GNSO as a policy development body	4.8
b Improving the quality of gTLD policy making	5.8
c Broadening the range of organizations participating in gTLD policy development	5.8
d Encouraging more intensive participation by major organizations in gTLD policy development	5.1
e Improving transparency and openness in gTLD policy development	6.2
f Representing more effectively the views of Internet users worldwide	5.8

## Annex G

### Online survey results – Non-members

**Non-member survey responses**

Q1 Please indicate which type of organization you represent from the following list:	
Large commercial corporation	3
Small or medium sized enterprise (SME)	1
Internet Service Provider (ISP)	3
Organization with Intellectual Property interests	1
Non-commercial organization (e.g. interest association, educational institution or other)	2
Public or quasi-governmental body	2
Another type	1
Q2 Thinking about how familiar you are with the work of ICANN and GNSO, please give a score for each of the areas below:	
a What ICANN does	
Not sure	0
1 to 3	3
4	1
5 to 7	7
b How the ICANN community is structured	
Not sure	0
1 to 3	2
4	3
5 to 7	6
c Current issues and projects in progress at ICANN	
Not sure	0
1 to 3	2
4	2
5 to 7	7
d What the GNSO does	
Not sure	0
1 to 3	3
4	2
5 to 7	5
e How the GNSO operates	
Not sure	0
1 to 3	5
4	3
5 to 7	3
f The main policy issues that the GNSO is currently working on	
Not sure	0
1 to 3	5
4	1
5 to 7	5
Q5 Does your organization use the GNSO website? ( <a href="http://www.gns0.icann.org">http://www.gns0.icann.org</a> )	
Not sure	2
Yes, frequently	1
Yes, but not frequently	1
Yes, but only once or twice	2
Never	4
Q6 Has your organization ever expressed a view to the GNSO?	
Not sure	0
Yes, frequently	0
Yes, but not frequently	0
Yes, but only once or twice	8

Never	2
Q7 Has your organization ever taken part in events or meetings arranged by the GNSO?	
Not sure	0
Yes, frequently	1
Yes, but not frequently	0
Yes, but only once or twice	6
Never	3
Q8 Here are some ways in which your organization might benefit from participating in policy development for generic top level domains (gTLDs). Please rate the extent to which each one would be an important benefit for your organization.	
a Helping to shape the future of the Internet	
Not sure	0
1 to 3	0
4	1
5 to 7	8
b Extending the benefits of the Internet to less developed parts of the world	
Not sure	0
1 to 3	4
4	1
5 to 7	4
c Improving the financial wealth of your organization	
Not sure	1
1 to 3	1
4	1
5 to 7	6
d Protecting the intellectual property interests of your organization	
Not sure	1
1 to 3	2
4	0
5 to 7	6
e Encouraging diversity of language and culture across the Internet	
Not sure	0
1 to 3	4
4	1
5 to 7	4
f Ensuring security and stability of the Internet	
Not sure	1
1 to 3	0
4	1
5 to 7	7
Q9 Here are some factors that might explain why your organization is <i>not</i> a member of an appropriate GNSO Constituency. Please give a score on how important each factor is in explaining why your organization is not a member.	
a Generic domain name policy is not a primary or core concern for our organization	
Not sure	1
1 to 3	3
4	1
5 to 7	4
b There are more effective ways to influence policy on generic domain names	
Not sure	0
1 to 3	4
4	2
5 to 7	3

c The costs of participating in the relevant Constituency outweigh the benefits	
Not sure	1
1 to 3	1
4	4
5 to 7	3
d It is difficult for an organization like ours to influence these kinds of issues	
Not sure	0
1 to 3	1
4	3
5 to 7	5
e We were not aware of the GNSO Constituency system	
Not sure	1
1 to 3	1
4	2
5 to 7	5
Q10 Please describe briefly the most important change or improvement that you would like to see.	
Not sure	5
Improved timelines for policy decisions	1
More information on conflicts of interests	1
Rework website to make information more easily accessible	1
Better .com contract	1
Q11 Given this change or improvement, please score the likelihood that your organization would consider joining the appropriate GNSO Constituency	
Not sure	2
1 to 3	1
4	1
5 to 7	4
Q12 Here are some likely challenges facing the GNSO in the next two or three years. Please rate how important each one would be to your organization.	
a Raising the profile of the GNSO as a policy development body	
Not sure	0
1 to 3	4
4	1
5 to 7	4
b Improving the quality of gTLD policy making	
Not sure	0
1 to 3	2
4	1
5 to 7	6
c Broadening the range of organizations participating in gTLD policy development	
Not sure	0
1 to 3	2
4	1
5 to 7	6
d Encouraging more intensive participation by major organizations in gTLD policy development	
Not sure	0
1 to 3	2
4	1
5 to 7	6
e Improving transparency and openness in gTLD policy development	
Not sure	1
1 to 3	1
4	1

5 to 7	6
f Representing more effectively the views of Internet users worldwide	
Not sure	1
1 to 3	0
4	3
5 to 7	5
Q13 Future challenges for the GNSO	
	Mean
Raising the profile of the GNSO as a policy development body	5.1
Improving the quality of gTLD policy making	5.7
Broadening the range of organizations participating in gTLD policy development	5.9
Encouraging more intensive participation by major organizations in gTLD policy development	6.0
Improving transparency and openness in gTLD policy development	6.4
Representing more effectively the views of Internet users worldwide	6.4

## Annex H

### Terms of Reference for the GNSO Review

Para	Terms of Reference (ToR) Text	Reference for Response in the Review
<b>GENERAL</b>		
3.2.	<p>As for all reviews of ICANN structures required by Article IV, Section 4, Clause 1 of the Bylaws, the GNSO Review is designed to determine:</p> <ul style="list-style-type: none"> <li>- <i>Whether that organization has a continuing purpose in the ICANN structure, and,</i></li> <li>- <i>If so, whether any change in structure or operations is desirable to improve its effectiveness.</i></li> </ul>	<p>The recommendations relating to this point in the ToR are 6 (paragraphs 2.41 to 2.43), 19 (paragraphs 4.33 to 4.35) and 20 (paragraph 4.36).</p>
3.3.	<p>With respect to the Constituencies of the GNSO, the Review shall determine whether each Constituency represents the interests of the stakeholder communities it purports to represent on a global basis and whether each Constituency operates, to the maximum extent feasible, in an open and transparent manner and consistent with procedures designed to ensure fairness in bottom-up policy development.</p>	<p>Three Parts of the Review look at this question. Part 2 (especially paragraphs 2.9 to 2.27 and Figure 11) look at the quality of representation provided by the Constituencies. Part 3 looks at the openness and transparency of the Constituencies. Part 5 looks at the issue of compliance.</p>
4.1.	<p>There are two key elements to the GNSO Review. The first is a review of the GNSO as a whole to determine whether that organization has a continuing purpose in the ICANN structure. The second is a review of each of the Constituencies which constitute the GNSO to determine whether those Constituencies represent the interests of global stakeholders in an open and transparent manner.</p>	<p>Part 2 of the Review looks in detail at the Constituencies and discusses changes to the GNSO structure. See also recommendations 1 (paragraphs 2.4 and 2.5), 2 (paragraphs 2.13 and 2.14) and 3 (paragraphs 2.21 and 2.22).</p>
4.2.	<p>The focus areas, outlined below, seek to examine and quantify the extent to which the GNSO as a whole and the Constituencies, as individual entities, reflect global stakeholder interests; whether the operation of each Constituency is open and transparent and whether the procedures used within the Constituencies to develop bottom up policy are designed to achieve fairness.</p>	<p>Part 4 of the Review looks at the effectiveness of the GNSO and the Constituencies in developing policy.</p>
<b>REPRESENTATIVENESS</b>		
4.3.1	<p><i>whether the Constituencies, on a global basis, represent the stakeholders they claim to represent and whether sufficiently diverse groups are consulted to develop consensus-based policy</i></p>	<p>Part 2 of the Review examines the Constituencies. Particular attention is drawn to paragraphs 2.9 to 2.23 on the effectiveness of current representation by the Constituencies and paragraphs 2.24 to 2.27 look at diversity of representation. Also, see recommendations 1 (paragraphs 2.4 and 2.5) and 2 (paragraphs 2.13 and 2.14).</p>
4.3.1	<p><i>whether the Constituencies operate in an open and transparent manner; whether Constituencies are open to individuals or</i></p>	<p>Part 3 of the Review examines the transparency and openness of the GNSO process. Also, see recommendations 1 (paragraphs 2.4 and</p>

	<i>corporations who wish to participate; whether the membership procedures are open and transparent and whether the current Constituencies best reflect global representation of a diversity of stakeholder positions</i>	2.5) and 2 (paragraphs 2.13 and 2.14).
4.3.1	<i>whether additional Constituencies would capture new contributions and input from other stakeholders in the policy development process</i>	See recommendation 18 (paragraph 4.27) about bringing in new contributions to the process. Also see recommendation 19 (paragraphs 4.33 to 4.35) for discussion about proposed changes to the constituency structure to enable new stakeholders to participate.
4.3.1	<i>whether there are any barriers to the participation of all who are willing to contribute to the work of the GNSO, for example, technical, financial or geographic limitations</i>	See recommendations 6 (paragraphs 2.41 to 2.43), 16 (paragraphs 4.20 and 4.21) and 18 (paragraph 4.27).
4.3.1	<i>whether the ICANN Board is satisfied with the advice it receives from the Constituencies to ensure that advice reflects consideration of all stakeholder interests and the widest possible consultation with affected parties including other ICANN supporting organizations and advisory committees</i>	See recommendations 2 (paragraphs 2.13 and 2.14), 5 (paragraph 2.39), 9 (paragraphs 3.15 and 3.16), 20 (paragraph 4.36) and 21 (paragraphs 4.37 and 4.38).
4.3.1	<i>whether there is sufficient time and opportunity for advice and information from the GNSO Constituencies and whether amending timeframes would increase the quality of the work output</i>	See recommendation 8 (paragraphs 3.11 to 3.14) on improved document management and recommendation 23 (paragraphs 5.6 and 5.7) on PDP timeline provision.
4.3.1	<i>whether other supporting organizations and advisory committees such as the At Large Advisory Committee and the Government Advisory Committee have effective opportunities to participate in the policy development process</i>	See Recommendation 17 (paragraphs 4.22 to 4.26) suggesting that Task Forces should integrate more effectively policy making expertise from national governments and international policy-making bodies. We recommend that the Government Advisory Committee could be a useful first-port-of-call for sourcing national government expertise on issues such as privacy policy.  We make no specific recommendations relating to the participation of the ALAC in the work of the GNSO. We find that ALAC representatives have been visible and active participants in meetings and Task Forces of the GNSO (see Annex A Figures A23 and A50). We also found that the ALAC discussions involve a wide range of issues relating directly to the GNSO (Annex A Figure A40). We would expect continued integration between the ALAC and the GNSO particularly in terms of policy development structures. In our recommendations 19 and 20, a new Constituency representing Civil

		Society should bring together non-commercial organizations and individuals, and use the current RALO structure as a foundation for development of this Constituency.
4.3.1	<i>whether the GNSO Council manages the policy development process in a timely and efficient manner looking at the types and kinds of issues under consideration and the resources devoted to that consideration</i>	See recommendations 9 (paragraphs 3.15 and 3.16), 17 (paragraphs 4.23 to 4.26) and 23 (paragraphs 5.6 and 5.7).
4.3.1	<i>whether the Council effectively manages open forums, mailing lists and public comment opportunities that enable global participation by any affected stakeholders</i>	See recommendations 7 (paragraphs 3.6 to 3.10), 8 (paragraphs 3.11 to 3.14), 10 (paragraphs 3.17 to 3.19) and 23 (paragraphs 5.6 and 5.7).
4.3.1	<i>whether the individual Constituencies, in contributing to the development of consensus based policies, conduct their operations to the maximum extent possible, to enable broad participation including outreach activities</i>	See Part 2 of the Review, recommendations 18 (paragraph 4.27) and 24 (paragraph 5.13).
4.3.1	<i>whether GNSO Council weighted voting patterns are still appropriate in the GNSO's policy development processes</i>	See recommendations 21 (paragraphs 4.37 and 4.38) and 22 (paragraphs 4.39 and 4.40) on recommended changes to voting patterns within the GNSO.
	<i>whether the GNSO Council has successfully implemented the recommendations of the 2004 GNSO Council Review</i>	See Figure A7 in Annex A.
4.3.1	<i>whether the existing constituency structure could be rationalized, changed or improved in any way to increase participation in the policy development processes within the GNSO</i>	See recommendations 19 (paragraphs 4.33 to 4.36) and 20 (paragraph 4.36) on a proposed reorganization of the Constituency structure.
4.3.1	<i>whether the GNSO Council Bylaws need amending in any way to reflect improved processes for increasing participation, seeking other stakeholder views and deriving consensus based policies that reflect ICANN's public interest principles</i>	See recommendations 5 (paragraph 2.39), 6 (paragraphs 2.41 to 2.43), 7 (paragraphs 3.6 to 3.10), 8 (paragraphs 3.11 to 3.14), 9 (paragraphs 3.15 and 3.16), 10 (paragraphs 3.17 to 3.19), 18 (paragraph 4.27), 19 (paragraphs 4.33 to 4.36) and 23 (paragraphs 5.6 and 5.7).
	<b>EFFECTIVENESS</b>	
4.3.2	<i>examination of the time and resources (including staff, financial and outside assistance) used by both Council and the Constituencies to develop policy positions and whether the purpose of GNSO policy development processes is clearly articulated</i>	See Figures 4, 5, 6, 7 and 8 all shown in Part 2 of the Review. Also recommendations 3 (paragraphs 2.21 and 2.22), 4 (paragraph 2.23) 15 (paragraphs 4.16 to 4.19) and 16 (paragraphs 4.20 and 4.21).
4.3.2	<i>examination of the benefit to all affected parties of the use of ICANN time and resources in developing policy positions and particularly whether Constituency expectations are being met</i>	See Figure 25, recommendations 14 (paragraphs 4.12 to 4.14) and 24 (paragraph 5.13).
4.3.2	<i>examination of ICANN's Strategic Plan process and how that relates to</i>	See recommendations 9 (paragraphs 3.15 and 3.16) and 23

	<i>the development of GNSO policy development processes; examination of the GNSO Strategic Plan process and opportunities for the policy development process to reflect rapid market changes</i>	(paragraphs 5.6 and 5.7).
4.3.2	<i>whether the PDP process needs to be amended to reflect new participants, different kinds of issues, more realistic timeframes for workflow and interaction with other ICANN entities and different ways of communicating policy positions, taking into consideration the GNSO Council Review recommendations</i>	See Figure A7 in Annex A and also recommendations 17 (paragraphs 4.23 to 4.26), 19 (paragraphs 4.33 to 4.36) and 23 (paragraphs 5.6 and 5.7).
4.3.2	<i>whether the ICANN Board is satisfied with the policy recommendations it receives from the GNSO and if that advice could be improved in any way</i>	See Figure 19 and recommendations 2 (paragraphs 2.13 and 2.14), 11 (paragraphs 3.24 to 3.26) 21 (paragraphs 4.37 and 4.38) and 24 (paragraph 5.13).
4.3.2	<i>analysis of whether the work output from the GNSO Council and Constituencies reflects the expertise and market knowledge of constituency members to ensure best practice policy development</i>	See recommendations 16 (paragraphs 4.20 and 4.21), 17 (paragraphs 4.23 to 4.26) and 18 (paragraph 4.27).
4.3.2	<i>whether the GNSO Council recommendations have been implemented successfully and whether further work needs to be done to ensure implementation</i>	We make not specific recommendations relating to the previous study of the GNSO Council. We have provided a general summary of the recommendations from this Review in Annex A Figure A7, with some indication of where progress has been made based on our interviews and discussions with the author of the study, Patrick Sharry. Many of our recommendations address important issues raised by this previous work.
<b>TRANSPARENCY</b>		
4.3.3	<i>whether decisions are made by applying documented policies neutrally and objectively; whether those entities which are affected by decisions have adequate mechanisms for participation through the Constituencies</i>	<p>These are two distinct issues. We made no recommendations about the neutrality and objectiveness of application of documented policies. We found generally high standards in the way that GNSO and its Constituencies take care to apply documented policies.</p> <p>Recommendations 12 and 13 address important issues relating to transparency and integrity, however there are not currently written procedures covering these areas in the GNSO, and so we are unable to say that rules or policies are being explicitly broken.</p> <p>Recommendation 21 suggests that the threshold for consensus on major policy issues voted upon in the Council should be raised to at least 75 per cent. This would ensure that Registries and Registrars</p>

		would be able to block any policy proposals which would have deleterious effects on them. We would also advocate this measure as a way to do away with the current weighted voting.
4.3.3	<i>whether policy decisions are made in a way which demonstrates that participants are accountable to the Internet community and whether statements of interest are explicitly made on each issue under consideration</i>	See recommendations 11 (paragraphs 3.24 to 3.26), 12 (paragraphs 3.27 and 3.28) and 13 (paragraphs 3.29 and 3.30).
4.3.3	<i>whether the GNSO website and the Constituencies' websites operate effectively as tools for transmitting a wide variety of procedural and substantive information on the policy development process</i>	See recommendations 7 (paragraphs 3.6 to 3.10) and 8 (paragraphs 3.11 to 3.14).
4.3.3	<i>whether new technologies and systems could be used to augment the work of the Constituencies and GNSO Council</i>	We make no specific recommendations about particular technologies or systems. Our recommendations relating to the GNSO website and document management may indeed require introduction of a more sophisticated content management tool for the website. We also refer to offer of free consultancy made at the recent ICANN annual meeting in Wellington by collaborative software engineers. There may be scope for the GNSO to innovate with collaborative software packages. The GNSO Council is currently piloting a version of a well-known document management tool.
4.3.3	<i>analysis of the recording, publishing and notification of significant input and decisions contributing to the policy development process of the GNSO Council, GNSO taskforces, workgroups and Constituencies</i>	See recommendations 3 (paragraphs 2.21 to 2.22) and 8 (paragraphs 3.11 to 3.14) for discussion of the need for greater standardization and resourcing for Constituency operations.
4.3.3	<i>analysis of ICANN face to face meetings and their contribution to the work of the GNSO, its taskforces, workgroups and Constituencies in facilitating their contribution to the development of policy advice</i>	See recommendations 15 (paragraphs 4.16 to 4.19) and 16 (paragraphs 4.20 to 4.21) for discussion of the balance between face-to-face and teleconference activity, and increased funding for Constituencies to subsidize minimum travel and accommodation.
<b>COMPLIANCE</b>		
4.3.4	<i>whether the GNSO Council and the GNSO Constituencies comply with the ICANN Bylaws and with their own rules and procedures</i>	See Part 5 of the Review for discussion on compliance
4.3.4	<i>whether there is effective alignment of the GNSO structure and policy development process that delivers practical policies which can be effectively implemented</i>	See recommendation 19 (paragraphs 4.33 to 4.35).
4.3.4	<i>whether there are sound linkages between the GNSO's policy development processes and ICANN's policy compliance program</i>	We make no recommendations about the ICANN compliance program as this out of scope. We found very little evidence of cooperation between the GNSO Constituencies and ICANN staff on

		compliance. We do provide some data in Part 5 on perceptions of compliance across the GNSO.
4.3.4	<i>whether there is effective cooperation between the policy development and operational aspects of the ICANN organization to implement consensus based policy</i>	We found very little evidence of any work undertaken to assess the impact of policy deriving from GNSO policy development work.  See recommendation 24 (paragraphs 5.13 onwards) for further discussion of evaluation and assessment of policy.
<b>ANALYSIS AND MEASURES</b>		
5.2.	It is intended, to effectively manage the resources available for the Review, to conduct on-line as well as face-to-face interviews across a range of GNSO participants as well as members of the broader Internet community who are interested in ICANN's work.	The team used an online survey to garner views from Constituency members as well as non-member organizations and individuals. An intensive interview schedule was undertaken which included both face-to-face and phone interviews. See Annex D of the Review for further discussion about the methodologies used.
5.3.	<i>Operational Analysis and Statistics</i> - To inform the work, baseline statistics from each of the GNSO Constituencies and the GNSO Council will be required. Those statistics (based on, for example, facts and figures about voting patterns, membership fees and participation rates) will provide a frame for understanding the component parts of the GNSO and the GNSO Council. Each constituency will be asked to provide this information, in a consistent format, across a range of question areas.	Where provided, analysis was undertaken on a variety of statistics. See Annex D of the Review for further discussion about the methodologies used.
5.4.	<i>Quantifying Focus Areas</i> - These concepts, as outlined in Section 4, can be measured objectively and subjectively. A range of tools could be used including one-to-one interviews, literature searches and online analysis. These tools may be selected in consultation with the evaluators. Analysis of groups who are not participating in ICANN meetings and reasons for that is also required. Any barriers to entry need to be identified and addressed. Comparisons may be made with other organizations to measure, for example, timeliness of decision making and use of resources; use of technology and possible models for improving GNSO participation and effectiveness.	Various methodologies were used during the fieldwork stage of the Review. These included: interviews (both face-to-face and via phone), online survey, literature review, analysis of voting patterns, mailing list use, meeting attendance and comparator organizations case studies. See Annex D of the Review for further discussion about the methodologies used.
5.5.	<i>Mapping Relationships and Interactions</i> - Internal relationships – with the ICANN Board, ICANN Staff and other ICANN entities in addition to those within the GNSO itself. External relationships – with the broader Internet using community including the public and private	An online survey was undertaken of both individuals and organizations not currently members of a Constituency. See Annex D of the Review for further discussion about the methodologies used.

	sector	
5.6	<i>Capturing and Mapping Perceptions</i> - Interpretation and examination of the use of concepts used in the ICANN Bylaws such as “open and transparent manner”, “fairness”, “consensus”, “bottom-up policy development” is required. Perceptions can be mapped to tangible facts which may stem from answers to the questions below.	An online survey of Constituency members was undertaken to garner views. See Annex D of the Review for further discussion about the methodologies used.
5.6	<i>How many topics have the GNSO been working on?</i>	See Figure 22 of the Review.
5.6	<i>How are policy topics initiated?</i>	See Figure A46 in Annex A.
5.6	<i>How many different people or organizations have been involved in the work?</i>	See recommendation 2 (paragraphs 2.13 and 2.14).
5.6	<i>How do the Constituencies handle the policy development topic workload?</i>	See Part 3 of the Review on the policy development process.
5.6	<i>How many topics have been resolved and implemented as policy?</i>	See recommendations 8 (paragraphs 3.11 to 3.14) and 9 (paragraphs 3.15 and 3.16).
5.6	<i>Has the introduction of new topics impeded the work on existing work programs?</i>	We make no specific recommendations on how may pieces of policy development work should be under way at any one time. There is some indication that policy development processes may be initiated ‘on the hoof’. In order to curb this, recommendation 9 (paragraphs 3.15 to 3.16) suggests that the GNSO publish a two-year corporate plan covering projected work for that period.
5.6	<i>Should new topics be taken on before old topics have been resolved?</i>	See box above. It is important that the GNSO is able to identify key issues early on and put in place realistic plans for addressing these issues. We suggest that the GNSO have a clear idea about the human resources expended on an average PDP, and compare this with total human resources available in the course of one year.
5.6	<i>Should topics have clearly defined time constraints?</i>	See recommendation 23 (paragraphs 5.6 and 5.7).

# Annex I

## Bibliography

**ICANN Documents:**

A Mission Statement for the IETF. Network Working Group. (October 2004).

Budget – Fiscal Year 2001-2002 (Adopted 4 June 2001). 6650

Budget – Fiscal Year 2002-2003 (Adopted 28 June 2002). 10314

Budget – Fiscal Year 2003-2004 (Adopted 26 June 2003). 9563

Budget – Fiscal Year 2004-2005 (Adopted 22 September 2004, Updated 6 October 2004). 9955

Budget – Fiscal Year 2005-2006 (Adopted 15 July 2005). 9324

Combined WHOIS Task Force (1, 2, 3) of the GNSO Council. Final task force report on Recommendations for improving notification and consent for the use of contact data in the Whois system. (April 2005). 5265

Combined WHOIS Task Force (1, 2, 3) of the GNSO Council. Preliminary task force report on a policy recommendation and advice on a procedure for handling conflicts between a registrar/registry's legal obligations under privacy laws and their contractual obligations to ICANN. (September 2005). 8518

Comments of Intellectual Property Constituency on New TLDs. (24 August 2000). 1376

Designating a successor operator for the .net registry. Final GNSO report. (July 2004 revised).

Draft Approach for addressing new gTLD policy needs. (2 September 2005). 1332

Draft Revised .COM Registry Agreement. (29 January 2006).

Final Report and Recommendations of the GNSO Council's Transfers Task Force Policies and Processes for Gaining and Losing Registrars. (12 February 2003). 17579

Final Report of the GNSO Council's WHOIS Task Force on Accuracy and Bulk Access. (6 February 2003, Amended on 19 February 2003). 9309

GNSO Council Deletes Task Force Report. (17 June 2003). 5948

GNSO Initial Report: Introduction of New Generic Top-Level Domains. (Draft Version 1.4, 14 February 2006). 8005

GNSO Issues Report Proposed .COM Registry Agreement. (2 January 2006).

GNSO Issues Report: Introduction of New Top Level Domains. (Draft Version 1.3, 5 December 2005).

Guidelines for the Implementation of Internationalized Domain Names. Version 2.0. (8 November 2005). 1628

ICANN Byelaws: Article X: Generic Names Supporting Organization. (28 February 2006).

ICANN Generic Names Supporting Organization Council Task Force 3. Improve the Accuracy of Data Collected from gTLD Registrants. Preliminary Report. (28 May 2004).

ICANN Stockholm Meeting Topic: Status Report of the Internationalized Domain Names Internal Working Group of the ICANN Board of Directors. (1 June 2001). 5074

Initial Report: GNSO Wellington Meeting Input. (March 2006). 9000

Internationalized Domain Names (IDN) Committee. Briefing Paper on IDN Permissible Code Point Problems. (27 February 2002). 2042

IPC Constituency Statement. Whois Task Force 1. (24 March 2004).

Policy on Transfer of Registrations between Registrars. (12 July 2004). 2806

Preliminary task force report on the purpose of Whois and of the Whois contacts. (23 December 2005).

Preliminary task force report on the purpose of Whois and of the Whois contacts. (18 January 2006). 13449

Procedure for use by ICANN in considering requests for consent and related contractual amendments to allow changes in the architecture or operation of a gTLD registry. Final Report. (30 June 2005). 19702

Registrar Constituency (RC) Position Paper Regarding the proposed Wait List Service (WLS). (26 February 2002).

Registrar Transfer Dispute Resolution Policy. (12 July 2004). 4461

Report of the Internationalized Domain Names Internal Working Group of the ICANN Board of Directors. (28 August 2001). 9014

Staff Manager's Issue Report on the Need for a Predictable Procedure for Changes in the Operation of TLD Registries. (19 November 2003, Updated 2 December 2003). 3529

Staff Manager's Issues Report on Privacy Issues Related to Whois. (13 May 2003). 3221

Staff Manager's Issues Report on UDRP Review. (1 August 2003). 3291

Staff Report to GNSO Council: Experiences with Inter-Registrar Transfer Policy. (14 April 2005).

Status Report on the sTLD Evaluation Process. (December 2005).

Strategy: Introduction of New Generic Top-Level Domains. (30 September 2004).

Summary of Comments on the Proposed Verisign Settlement. (11 December 2005).

Summary of Draft Revisions to Verisign Settlement Agreement/.COM Registry Agreement. (29 January 2006).

Terms of Reference for a PDP to guide Contractual Conditions for existing generic top-level domains. (February 2006).

The Internet Standards Process -- Revision 3. Network Working Group. (October 1996).

The Tao of IETF: A Novice's Guide to the Internet Engineering Task Force. (August 2001). 13805

Uniform Domain Name Dispute Resolution Policy. (Policy Adopted: 26 August 1999. Implementation Documents Approved: 24 October 1999). 2290

Whois Task Force 1. Restricting Access of Whois For Marketing Purposes. Preliminary Report. (22 October 2003).

Whois Task Force 2. Preliminary Report. (No date given).

### **ICANN Press Releases:**

Advisory Inter-Registrar Transfers: Implementation Requirements. ICANN announces implementation of new policy rules for transfer of domain names between registrars. Posted: 12 July 2004.

Expired Domain Deletion Policy. Posted: 21 September 2004.

ICANN Domain Name Transfer Policy Becomes Effective. Posted: 12 November 2004.

New TLD Questions. Posted: 7 June 2005.

Restored Names Accuracy Policy. Posted: 12 August 2004.

### **Other:**

Aizu, Isumi, Peake, Adam, Berman, Jerry, Davidson, Alan, Courtney, Rob, Ahlert, Christian, Harshberger, Scott, Simon, Don, Draheim, Andy, Johnson, Scott Albert, Levin, Alan, Neville, Mark, Echeberria, Raúl, Alfonso, Carlos, Dzidonu, Clement, Verhulst, Stefaan, Myungkoo Kang, Hofmann, Jeanette (2001) *ICANN, Legitimacy, and the Public Voice: Making Global Participation and Representation Work*. Report of the NGO and Academic ICANN Study. NGO and Academic ICANN Study.

Al-Zoman, Abdulaziz H. *Arabic Top Level Domains*. [www.arabicdomains.org](http://www.arabicdomains.org). [Accessed 30 May 2006].

Auerbach, Karl (2003) *Will Network Solutions/Verisign Get Away With It Again?* Posted: 22 September 2003.

Bettinger, Torsten (1997) Trademark Law in Cyberspace: The Battle of the Domain Names. *International Review of Industrial Property and Copyright Law*, 28, 4: 508-620.

Cerf, Vinton G. (2004) *Internet Governance*. (Draft, 28 October 2004).

Committee on Internet Navigation and the Domain Name System: Technical Alternatives and Policy Implications (2005) *Signposts in Cyberspace: The Domain Name System and Internet Navigation*. Washington DC: National Research Council.

- Dierkes, Meinolf, Jeanette Hofmann and Lutz Marz (1998) 'Technological Development and Organizational Change: Differing Patterns of Innovation' in *21<sup>st</sup> Century Technologies: Balancing Economic, Social and Environmental Goals*. Paris: OECD.
- Frieden, Rob (2002) Revenge of the Bellheads: how the Netheads lost control of the Internet. *Telecommunications Policy*, 26: 425-444.
- Froomkin, A.M and Lemley, M. (2003) ICANN and antitrust. *University of Illinois Law Review*, 1: 1-76.
- Froomkin, A.M. (2000) Wrong turn in cyberspace: Using ICANN to route around the APA and the constitution. *Duke Law Journal*, 50, 1: 17-184.
- GAO (2005) *Internet Management: Prevalence of False Contact Information for Registered Domain Names*. Report to the Subcommittee on Courts, the Internet, and Intellectual Property, House of Representatives. November. Washington DC: GAO.
- Halpin, E. and Simpson, S. (2002) Between self-regulation and intervention in the networked economy: the European Union and Internet policy. *Journal of Information Science*, 28, 4: 285-296.
- Informatique & Communication (2005) *Unicode/IDN in Africa*. Echos, No. 21, September.
- Klein, Hans (2002) ICANN and Internet Governance: Leveraging Technical Coordination to Realize Global Public Policy. *The Information Society*, 18:193–207.
- Kleinwaechter, Wolfgang (2000) ICANN between technical mandate and political challenges. *Telecommunications Policy*, 24: 553-563.
- Koppell, Jonathan G.S. (2005) Pathologies of Accountability: ICANN and the Challenge of "Multiple Accountabilities Disorder". *Public Administration Review*, January/February, 65, 1: 94-108.
- Litan, Robert E. (2001) Law and Policy in the Age of the Internet. *Duke Law Journal*, 50: 1045-1085.
- Mueller, Milton (2001) Rough Justice: A Statistical Assessment of ICANN's Uniform Dispute Resolution Policy. *The Information Society*, 17:151–163.
- Mueller, Milton L. and McKnight, Lee W. (2004) The post-.COM internet: toward regular and objective procedures for internet governance. *Telecommunications Policy*, 28: 487–502.
- OECD (2004) *Generic Top Level Domain Names: Market Development And Allocation Issues*. Paris: OECD Working Party on Telecommunication and Information Services Policies.
- Office of the ICANN Ombudsman (2005) *Creating Dialogue, Affirming Fairness*. Annual Report.
- Osborn, J. (2000) Effective and complementary solutions to domain name disputes: ICANN's Uniform Domain Name Dispute Resolution Policy and the federal anticybersquatting Consumer Protection Act of 1999. *Notre Dame Law Review*, 76, 1: 209-240.
- Palfrey, John, Chen, Clifford, Hwang, Sam and Eisenkraft, Noah (no year given) *Public Participation in ICANN: A Preliminary Study*. Berkman Center for Internet & Society, Harvard Law School. Available on <http://cyber.law.harvard.edu/icann/publicparticipation/>. [Accessed 05/06/06.]

Sharry, Patrick (2005) *Review of comments on the ICANN strategic plan*. (March 2005).

Weinberg, Jonathan (2001) ICANN and The Problem of Legitimacy. *Duke Law Journal*, 50: 187-260.

Williams, Elizabeth A. (2003) *The Globalisation of Regulation and its Impact on the Domain Name System: Domain Names and a New Regulatory Economy*. PhD Thesis, University of Queensland.

6.2.2 Draft Report of the Board Governance  
Working Committee GNSO Review Working  
Group on GNSO Improvements

[http://icann.org/topics/gnso-  
improvements/gnso-improvements-report-  
15oct07.pdf](http://icann.org/topics/gnso-improvements/gnso-improvements-report-15oct07.pdf)

15 October 2007

(DRAFT)

**REPORT OF THE  
BOARD GOVERNANCE COMMITTEE  
GNSO REVIEW WORKING GROUP  
ON  
GNSO IMPROVEMENTS**

**\*\*\*FOR DISCUSSION AND PUBLIC COMMENT ONLY\*\*\***

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## 1. Executive Summary

The Board Governance Committee (BGC) created a working group, comprising current and former Board members, to oversee improvements to the Generic Supporting Names Organization (GNSO). The purpose of the “BGC GNSO Review Working Group” (BGC WG) is to consider the reviews conducted by the London School of Economics Public Policy Group and others to determine whether, in general, the GNSO has a continuing purpose in the ICANN structure and, if so, whether any change in structure or operations is desirable to improve its effectiveness. The Board charged the BGC WG with recommending a comprehensive proposal to improve the effectiveness of the GNSO, including its policy activities, structure, operations and communications.

This Report on GNSO Improvements (Report) summarizes our examination of many aspects of the GNSO’s functioning, including the use of working groups and the overall policy development process (PDP), and the structure of the GNSO Council and its constituencies. We have been guided by several key objectives, including (i) maximizing the ability for all interested stakeholders to participate in the GNSO’s processes; (ii) ensuring recommendations can be developed on gTLD “consensus policies” for Board review, and that the subject matter of “consensus policies” is clearly defined; (iii) ensuring policy development processes are based on thoroughly-researched, well-scoped objectives, and are run in a predictable manner that yields results that can be implemented effectively; and (iv) improving communications and administrative support for GNSO objectives. Above all, we have sought ways to improve inclusiveness and representativeness in the GNSO’s work, while increasing its effectiveness and efficiency. Our deliberations have achieved consensus on a comprehensive set of recommendations that addresses five main areas:

**Adopting a Working Group Model:** A formalizing working group model should become the focal point for policy development and enhance the process by making it more inclusive and representative, and – ultimately – more effective and efficient. This approach can be a more constructive way of establishing where agreement might lie than task forces, where discussion can be futile because the prospect of voting can polarize the group. It also enables key parties to become involved in the beginning and work together to address complex or controversial issues. Steps should be taken immediately to move to a working group model for future policy development work, developing appropriate operating principles, rules and procedures that can draw upon expertise gained from policy development in the IETF, W3C, RIRs and other organizations.

**Revising the PDP:** The PDP needs to be revised to make it more effective and responsive to ICANN’s policy development needs, bringing it in-line with the time and effort actually required to develop policy, and making it consistent with ICANN’s existing contracts (including, but not limited to, clarifying the appropriate scope of GNSO “consensus policy” development). While the procedure for developing “consensus policies” will need to continue to be established by the Bylaws as long as required by ICANN’s contracts, Council and Staff should propose new PDP rules for the

Board’s consideration and approval that contain more flexibility. The new rules should emphasize the importance of the work that must be done before launch of a working group or other activity, such as public discussion, fact-finding, and expert research in order to define properly the scope, objective and schedule for a specific policy development goal, as well as metrics for measuring success.

**Restructuring the GNSO Council:** The Council needs to be moved away from being a legislative body heavily focused on voting towards becoming a smaller, more focused strategic entity, composed of four broad stakeholder groups, with strengthened management and oversight of the policy development process and the elimination of weighted voting. We recommend a 19-person Council consisting of 16 members elected from four stakeholder groups, with two of these groups being “suppliers” and two being “users,” as follows: registries, registrars, commercial registrants and non-commercial registrants. In addition, 3 Councilors would be appointed by the Nominating Committee (pending that review). The precise names of the four stakeholder groups, exactly how the two “demand” groups might be defined and other issues regarding this configuration, are questions on which GNSO input will be particularly important before the Board makes a decision. Indeed, the GNSO should have the flexibility to propose an alternative configuration of the stakeholder groups that comprise the “demand” side, but any deviation from the proposal outlined in the Report would have to be approved by the Board. As the Council moves from being a legislative body to a strategic manager overseeing policy development, formal voting should be minimized.

**Enhancing Constituencies:** Constituency procedures and operations should become more transparent, accountable and accessible. The Council should develop participation rules and operating procedures for all constituencies for Board approval. The criteria for participation in any ICANN constituency should be objective, standardized and clearly stated. In addition, Staff should work with constituencies to develop global outreach programs aimed at increasing participation and interest in the GNSO policy process, including information on the option to self-form new constituencies.

**Improving Coordination with ICANN Structures:** There should be more frequent contact and communication between the GNSO and the members it elects to the Board, and among the Chairs of the GNSO, other Supporting Organizations (SOs) and Advisory Committees (ACs), especially in advance of each ICANN Meeting. The Council should consider additional ways in which it can further improve GNSO cooperation and coordination with other ICANN structures.

The Report describes our recommendations and rationale in detail. We believe there is broad and strong support for changes in the functioning of the GNSO, based on input from GNSO participants and other members of the ICANN community. While the need to update and improve the GNSO is not disputed, there is no magical set of proposals that could be received without controversy or opposition. We have therefore balanced, as best we can, different – and sometimes competing – interests in order to formulate recommendations on the basis of what we believe can benefit the ICANN community as a whole.

The Report will be posted for public comment on the ICANN website and discussed at a Public Forum during the ICANN Meeting in Los Angeles before being presented to the Board. As the community and the Board consider the proposals outlined in the Report, it is important to keep in mind that this is an evolutionary process intended to reflect the importance of the GNSO to ICANN and to build upon the GNSO's successes to date.

## 2. Introduction

The Board Governance Committee (BGC) created a working group, comprising current and former Board members, to oversee improvements to the Generic Supporting Names Organization (GNSO). The purpose of the "BGC GNSO Review Working Group" (BGC WG) is to consider the reviews conducted by the London School of Economics Public Policy Group and others to determine whether, in general, the GNSO has a continuing purpose in the ICANN structure and, if so, whether any change in structure or operations is desirable to improve its effectiveness.

The Board charged the BGC WG with recommending to the BGC a comprehensive proposal to improve the effectiveness of the GNSO, including its policy activities, structure, operations and communications. The Board has made it clear that these efforts should include the GNSO and broader ICANN community in a collaborative process designed to strengthen the GNSO.

At the outset, we wish to make clear that we consider the GNSO's responsibility for recommending substantive policies relating to gTLDs vital to ICANN's functioning. ICANN is dependent upon volunteers like those who have helped build the GNSO into what it is today. Due to the efforts of these and other participants in the broader ICANN community who have donated significant time and effort, the GNSO can point to several achievements thus far. These include, for example, the [Restored Names Accuracy Policy](#), the [Inter-Registrar Transfer Policy](#), and recent recommendations on New gTLDs. We therefore look forward to working along with the rest of the ICANN community to help the GNSO evolve into an even more effective instrument of policy development.

We believe there is broad and strong support for changes in the functioning of the GNSO, based on input from GNSO participants and other members of the ICANN community. While the need to update and improve the GNSO is not disputed, there is no magical set of proposals that could be received without controversy or opposition. Indeed, this is to be expected in a global and diverse organization like ICANN, with vocal participants representing different entities and interests throughout the world. We have therefore balanced, as best we can, different – and sometimes competing – interests in order to formulate recommendations on the basis of what we believe can benefit the ICANN community as a whole.

It is important to keep in mind that improving the GNSO is an evolutionary concept intended to reflect the importance of the GNSO to ICANN and to build upon the GNSO's successes to date. Our recommendations are also evolutionary from a practical perspective. First, there may be a need for additional recommendations, depending on further information that may come to light upon completion of the reviews of other ICANN structures. Second, there are areas where we believe it is important for the Council to become involved in developing the details of a smooth and successful implementation. These areas include the rules and procedures that will govern establishment and operation of working groups; the precise development of stakeholder groups as the foundation of the Council's new structure; and the participation rules and operating procedures for the Council and all constituencies.

To carry the recommendations approved by the Board, we recommend that Staff be responsible for creating a proposed "Implementation Plan" that would (i) address all action items; (ii) recommend any corresponding changes to the ICANN Bylaws, (iii) create a realistic timetable for overall implementation; and (iv) prepare a budget to support the recommended improvements. We suggest that the BGC WG transition to an "Implementation Oversight Group" that would oversee and manage the implementation process, working with the GNSO and broader ICANN community to effect the improvements approved by the Board.

## ***2.1 The Generic Names Supporting Organization (GNSO)***

Article X of ICANN's Bylaws state that there "shall be a policy-development body known as the Generic Names Supporting Organization (GNSO), which shall be responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains."<sup>1</sup> It further provides that the "GNSO shall consist of (i) various Constituencies representing particular groups of stakeholders . . . and (ii) a GNSO Council responsible for managing the policy development process of the GNSO."

The Bylaws require periodic review, ideally every three years, of ICANN's structure and operations. Under Article IV, entitled "Accountability and Review," the goal of these reviews (including the GNSO review) is "to determine (i) whether that [particular] organization has a continuing purpose in the ICANN structure, and (ii) if so, whether any change in structure or operations is desirable to improve its effectiveness.

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<sup>1</sup> There is a distinction between the development of "consensus policies" that bind registries and registrars in accordance with their contracts with ICANN, and the development of other kinds of advice. See Section 4.2, below. The Bylaws need to be revised to make this distinction clear, as well as clarify the roles of the Board and the GNSO with respect to non-"consensus policy" advice developed by the GNSO.

## ***2.2 GNSO Reviews***

### ***2.2.1 LSE***

The results of the Review of the GNSO undertaken by the London School of Economics (LSE) Public Policy Group were posted on 26 September 2006, see <http://www.icann.org/announcements/announcement-15sep06.htm>. The LSE Review proposed 24 recommendations to help improve the GNSO's effectiveness. They can be summarized briefly as:

1. Establish a centralized register of all GNSO stakeholders, including all members of constituencies and task forces.
2. Indicate how many members participate in development of each constituency's policy positions.
3. Increase staff support to improve coherence and standardization across constituencies.
4. Appoint a GNSO Constituency Support Officer to help constituencies develop their operations, websites and outreach activity.
5. Increase balanced representation and active participation in constituencies proportional to global distributions.
6. Change GNSO participation from constituency-based to direct stakeholder participation.
7. Improve the GNSO website and monitor traffic to understand better the external audience.
8. Improve GNSO document management and make policy development work more accessible.
9. Develop and publish annually a two-year GNSO Policy Development Plan that dovetails with ICANN's budget and strategic planning.
10. Provide (information-based) incentives to encourage stakeholder organisations to participate.
11. Make the GNSO Chair role more visible and important.
12. Strengthen GNSO conflict of interest policies, such as by permitting no-confidence votes in Councilors.
13. Establish term limits for GNSO Councilors.

14. Increase use of project-management methodologies in PDP work
15. Rely on more F2F meetings for the GNSO Council.
16. Provide travel funding for GNSO Councilors to attend Council meetings.
17. Make greater use of task forces (described in Annex A of the Bylaws on GNSO Policy-Development Process).
18. Create a category of “Associate Stakeholder” to establish a pool of available external expertise.
19. Simplify the GNSO constituency structure in order to respond to rapid changes in the Internet, including by substituting 3 larger constituency groups representing Registration interests, Business and Civil Society.
20. Reduce the size of the GNSO Council (which can result from restructuring the constituency groupings).
21. Increase the threshold for establishing consensus to 75% and abolish weighted voting.
22. Change the GNSO’s election of two Board members to use a Supplementary Vote system (in which Councilors vote for 2 candidates at the same time).
23. Reduce the amount of prescriptive provisions in the Bylaws about GNSO operations and instead develop GNSO Rules of Procedure.
24. Assess periodically the influence of the GNSO’s policy development work, e.g., once every five years.

The LSE Review’s Executive Summary and a more detailed description of these 24 recommendations may be found in Annex 10.1.

Between 5 December 2006 and 11 January 2007, ICANN received and posted public comments concerning the LSE Review, see <http://forum.icann.org/lists/gnso-improvements>. Comments were received from four of the GNSO’s six constituencies: gTLD Registries (RyC); Commercial and Business Users (BC); Non-Commercial Users (NCUC) and Intellectual Property Interests (IPC). A summary of these comments is contained in Appendix 10.2.

### ***2.2.2 Prior Reviews***

In 2004, ICANN commissioned Patrick Sharry to conduct a review of the GNSO Council (as opposed to the GNSO in general). Mr. Sharry examined the PDP timelines; staff support for policy development, policy implementation and compliance; how policy issues arise; voting patterns; constituency representation; and communications and

outreach. He recommended that the Council should include members from all five ICANN regions and find ways to encourage more non-English speaking participants; revamp the PDP, including by having a scoping phase and regular reporting on milestones achieved; develop a formal process for seeking input from other parts of the ICANN structure; use more face-to-face meetings and possibly a facilitator to help achieve consensus; establish a Service Level Agreement (SLA) with Staff to establish metrics for support; develop a closer working relationship with the General Counsel's office; assess the viability of each policy recommendation; establish a way to monitor compliance with, and review the effectiveness of, each policy; utilize the Ombudsman's services more; determine how NomCom Councilors can add value; supply the NomCom with a description of what skills and expertise it needs most; and overhaul the GNSO website (see Annex 10.3 of this Report and the full review at <http://gns0.icann.org/reviews/gns0-review-sec1-22dec04.pdf>). There were three substantive comments posted on the Sharry Review from the GNSO Council, the Registry Constituency, and Danny Younger, see <http://forum.icann.org/lists/gns0-review>. One point by the Registry Constituency noted that the opportunity for public comment is not necessarily "sufficient without more outreach to impacted parties."

The GNSO Council also conducted a Self Review, which can be found in Appendix 3 of Mr. Sharry's review (see Annex 10.4 of this Report and <http://gns0.icann.org/reviews/gns0-review-sec2-22dec04.pdf>). The Council highlighted its work on several consensus policies, including the [Whois Data Reminder Policy](#), the [Inter-Registrar Transfer Policy](#), the [Whois Marketing Restriction Policy](#), the [Restored Names Accuracy Policy](#) and the [Expired Domain Deletion Policy](#). The GNSO also provided policy advice to the Board and staff on a set of criteria by which to judge applicants seeking to operate .NET. The GNSO Self Review recommendations included making PDP timelines less rigid; using Staff and independent experts to prepare more analyses and issues papers; having Staff legal counsel available as needed; developing a project management process; establishing monitoring and enforcement mechanisms for new policies; and developing a complaints process for gTLD registration practices.

All three of these reviews share a common approach in certain respects: (i) allowing for more flexibility in the PDP process; (ii) ensuring strong Staff support for policy development; and (iii) developing better mechanisms for public participation and discussion.

### ***2.3 Board Governance Committee Working Group (BGC WG)***

On 30 March 2007, the Board created a working group of the BGC, comprising current and former Board members, to manage the GNSO improvement process (See Annex 10.5). Its members are Roberto Gaetano (Chair), Rita Rodin, Vanda Scartezini, Tricia Drakes, Raimundo Beca, Susan Crawford, and Vittorio Bertola. The purpose of the "BGC GNSO Review Working Group" (BGC WG) is to consider the work done by the LSE, Patrick Sharry, and the GNSO itself, along with public, constituency and Board comments on those reviews, in an effort to decide (i) whether, in general, the GNSO has

a continuing purpose in the ICANN structure and, if so, (ii) whether any change in structure or operations is desirable to improve its effectiveness. The Board has asked the BGC WG to recommend a comprehensive proposal to the BGC to improve the effectiveness of the GNSO, including its policy activities, structure, operations and communications. The BGC WG is assisted by ICANN V.P. for Policy Development, Denise Michel, and supported by the GNSO's Manager of Policy Development Coordination, Olof Nordling, and Miriam Sapiro of Summit Strategies International.

During the past several months, the BGC WG has carefully considered the independent reviews of the GNSO and GNSO Council, the GNSO's internal review, public and constituency comments on these reviews, input from the Public Forums held during the ICANN Meetings in Lisbon and San Juan, the public comments on our preliminary report received during the comment period that ran from 19 June to 19 July 2007 and feedback from current and past chairs of the GNSO.

Our preliminary report was posted on 19 June 2007 (see <http://www.icann.org/announcements/announcement-19jun07.htm>) and discussed with the BGC and the ICANN community during the ICANN Meeting in San Juan. (A transcript of the Public Forum is available at <http://sanjuan2007.icann.org/files/sanjuan/SanJuan-ICANN-PF-GNSOImprovements-25June07.txt>). A summary of the public comments that were received on that report is in Appendix 10.6.) Discussion at the Public Forum and online was focused, comprehensive and constructive. Perhaps most important, it indicated that there is no one set of proposals that can satisfy everyone, or even nearly everyone.

This Report and its recommendations have been prepared for BGC consideration and public input, including at a Public Forum discussion at the ICANN meeting in Los Angeles and by public comment on the ICANN website. After the public comment period has ended, the Board will consider the Report and the public comments before acting on our recommendations. This process is designed to promote transparency and provide the opportunity for additional input, discussion and feedback on the recommendations and proposed changes.

We look forward to working with the community to move the GNSO forward now along the lines we have suggested, as more than a year has passed since the LSE report was completed. We are certain the community will have questions and comments on our work, and we will be pleased to address them in Los Angeles.

## ***2.4 BGC WG Objectives***

The BGC WG has been guided by several objectives in considering possible improvements to the GNSO structure. Two of these objectives relate to the degree to which the GNSO and its processes are inclusive and representative of a broad variety of different actors involved with gTLDs. Three objectives relate to effectiveness, and two

concern efficiency, including staff, communications and administrative support. The seven key objectives are:

- Maximizing the ability for interested stakeholders to participate in the GNSO's processes;
- Supporting Council efforts to prioritise and benchmark GNSO objectives and align resources as appropriate;
- Ensuring that recommendations developed on gTLD "consensus policies" (those policies that registries and registrars under contract with ICANN have agreed are appropriate for GNSO policy development and binding on them) are a result of consensus agreement among stakeholder representatives, and that minority views are recorded. (GNSO advice on other issues would not constitute "consensus policies" within the meaning of ICANN's contracts, see Section 4.2 below);
- Maximizing the quality of policy outputs by ensuring that policy work receives adequate support and is informed by expert advice and substantive stakeholder input;
- Ensuring policy development processes are based on thoroughly-researched, well-scoped objectives, and are run in a predictable manner that yields results that can be implemented effectively;
- Maximizing the use of volunteers' time to achieve objectives, including by providing adequate Staff support, and the processes and tools needed to be successful; and
- Improving communication and administrative support for objectives, including by upgrading the GNSO website, improving information distribution and solicitation of public comments, and providing robust online collaboration and document management tools.

These objectives are consistent with the four principles recommended by the LSE Review:

- GNSO operations should become more visible and transparent to a wider range of stakeholders.
- Reforms should enhance the representativeness of the GNSO Council and its constituencies.
- Operational changes could help enhance the GNSO's ability to reach consensus positions that enjoy wide support in the ICANN community.
- GNSO structures need to be flexible and adaptable.

In developing these objectives and the recommendations that follow, the BGC WG has carefully considered all of the reviews and related public comments on various aspects of the GNSO's functioning. The recommendations set forth below focus on key elements of the GNSO, including formalizing the **Working Group** model, revamping the **Policy Development Process**, enhancing the **Council's** effectiveness by re-organizing it on the basis of four broad stakeholder groups, improving the inclusiveness and representativeness of the **Constituency Structure**, and strengthening the GNSO's **Relationships** with other ICANN bodies. Each of these subjects is analyzed in terms of how best to contribute to the critical goals of (1) inclusiveness/representativeness; (2) effectiveness; and (3) efficiency.

### **3. Recommendations re: Working Groups**

The BGC WG recommends that a working group concept become the foundation and focal point for consensus policy development work in the GNSO, and potentially for other Council activities. This model would constitute an improvement over the current system, in which the GNSO Council essentially replicates itself through policy development task forces comprised of constituency representatives, which can lead to inefficiencies and even deadlock. ICANN has learned that a policy development process based on voting can encourage participants to try to form majority alliances to gain support for their specific position over competing ones, rather than to explore solutions that can be broadly acceptable and more consistent with the best interests of the Internet community as a whole. In a more open, inclusive working group setting, participants should be able to analyze and debate problems and potential solutions without feeling that they have to develop or assert a particular, or fixed, "constituency" position.

The GNSO itself has already experimented with a working group model in the launch of the recent GNSO IDN Working Group. After a great deal of discussion, the Council allowed the working group to be open to participation by interested experts who did not belong to a GNSO constituency. The IDN WG worked successfully to identify areas of (i) agreement; (ii) support (meaning less than 100% agreement); and (iii) alternative view(s).

The GNSO subsequently established a WHOIS Working Group, patterned on the successful IDN WG. The objective of the WHOIS WG was to examine how task force recommendations might be improved to address implementation concerns that had been raised, rather than reach a consensus position on work that had already been done. For this reason, the WHOIS WG is not directly relevant to establishing a working group model for future policy development work, although it does suggest certain lessons learned. In the WHOIS WG, only constituency representatives were full "members" and able to vote. The vast majority of participants were called "observers." Approximately 40 out of 70 members of the group were new to the GNSO process. The Chair did his best to determine the same categories of possible consensus, also using the terms "agreement," "support" and "alternatives." With such a large group, however, it was sometimes difficult to record agreement because not everyone attended every meeting.

As a result, one lesson is to consider how mailing lists and online collaboration tools can be used to augment conference calls to ensure that all participants can be involved in decision-making. Another lesson is to take steps to help ensure that participants believe their input is reflected adequately in the WG's conclusions.

Preliminary feedback suggests that the working group model has potential for the GNSO and ICANN, if accompanied by appropriate rules, procedures and safeguards. It can be a more constructive way of engaging groups that are not part of the existing constituency structure. This stands in contrast to a task force limited to constituency representatives, where discussion can be seen as futile because the prospect of voting can polarize the group. In a task force that is part of the current policy development process, those who know they have a majority may have little incentive to cooperate with the minority or compromise, and the minority can be tempted to focus on spoiling activity rather than constructive criticism. The working group model is of course more labor intensive for both the Chair and Staff, including in terms of orienting new participants, policing mailing lists (if open) and enforcing rules that may be new to some participants.

We note that other bottom-up policy development organizations, including the IETF and W3C, have adopted a model of using working groups to facilitate successful policy development and achieve agreement on recommendations. In addition, the RIRs formulate their policies on mailing lists before they are presented during a public forum to check consensus. The way in which the IETF,<sup>2</sup> for example, handles conflicting positions may be instructive. The establishment of "rough consensus" does not require that everyone in the working group agree. It does require that an overwhelming majority agree, and that the positions presented by those who do not agree have been completely discussed, with the reasoning of all sides noted. It is only after a thorough and exhaustive process like this that a Chair can legitimately indicate whether agreement or strong support exists.

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<sup>2</sup> The IETF, which is responsible for protocol engineering, development, and standardization, consists of volunteers who meet three times a year. Technical work is done in working groups, which are organized by topic into several areas (e.g., routing, transport, security, etc.). A working group is defined as a group of people who work under a charter to achieve a certain goal. That goal may be the development of an informational document, creation of a protocol standard or resolution of problems in the Internet. The IETF discourages reopening issues that were decided in earlier working group meetings. Working groups are encouraged to meet between IETF meetings, either in person or by video or telephone conference. Doing as much work as possible over the mailing lists is encouraged in order to reduce the amount of work that must be done at meetings. (More information about the IETF may be found at <http://www.ietf.org/home.html> and in RFC 1391, "The Tao of IETF: A Guide for New Attendees of the Internet Engineering Task Force," at <http://www.ietf.org/rfc/rfc1391.txt?number=1391>.)

To promote consensus in the W3C,<sup>3</sup> the organization requires Chairs of working groups to ensure that they consider all legitimate views and objections, and endeavor to resolve them, whether these views and objections are expressed by active participants or others (e.g., by another W3C group, a group in another organization or the general public). “Consensus” is seen as occurring when a “substantial number of individuals in the set support the decision and nobody in the set registers a ‘Formal Objection.’” Where “unanimity is not possible, a group should strive to make consensus decisions where there is significant support and few abstentions.” There is no requirement that “a particular percentage of eligible participants agree to a motion in order for a decision to be made.” To avoid decisions where there is little support and many abstentions, “groups should set minimum thresholds of active support before a decision can be recorded.”<sup>4</sup> More information about the consensus-building process, and how dissent is reflected, as well as the appeals process, may be found at <http://www.w3.org/2005/10/Process-20051014/policies>.

The Regional Internet Registries (RIR) help develop policies to guide the management of Internet number resources. The RIR “policy development process is consensus based, open to anyone to participate and is transparent in archiving all decisions and policies so that they are publicly accessible” (see <http://aso.icann.org/docs/rir-policy-matrix.html#8>). ISOC notes that formal “policy development processes, along with publicly available, open mailing lists, ensure that address management policies take into account broad perspectives on the issues that impact the community (see <http://www.isoc.org/briefings/021>). For a description of the specific process used by ARIN to develop policy, for example, see <http://www.arin.net/policy/irpep.html>.

The IETF, W3C and RIR models can prove useful in determining how a working group structure could be fashioned to help improve GNSO decision-making in terms of inclusiveness, effectiveness and efficiency. The goal is not to replicate the processes and

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<sup>3</sup> The World Wide Web Consortium (W3C) develops protocols and guidelines focusing on Web interoperability and uses open-ended working groups to facilitate policy development. W3C membership is open to all entities and includes vendors of technology products and services, content providers, corporate users, research laboratories, standards bodies and governments. W3C offers individuals an affiliate membership. When there is sufficient interest generated in a particular topic by members or W3C staff, the Director of W3C, Dr. Tim Berners-Lee, announces the development of a proposal for a new Activity or Working Group charter, depending on the breadth of the topic. An Activity Proposal describes the scope, duration and other characteristics of the intended work, and includes the charters for one or more Working Groups. When there is support among W3C members for investing resources in the topic of interest, the Director approves the new Activity and the working group is launched.

<sup>4</sup> In some cases, even after careful consideration of all points of view, a group might find itself unable to reach consensus. The Chair may record a decision where there is dissent (i.e., there is at least one Formal Objection) so that the group may make progress (for example, to produce a deliverable in a timely manner). Dissenters cannot stop a group's work simply by saying that they cannot live with a decision. When the Chair believes that the Group has duly considered the legitimate concerns of dissenters as far as is possible and reasonable, the group can move on.

procedures developed in other organizations, but to determine what lessons or benefits they might offer the ICANN model. The experience of members of the ICANN community, particularly on the Board and in the GNSO, with these other organizations can help determine which practices might be useful to adapt to an ICANN setting.

We therefore recommend that the Council and Staff work together to develop appropriate operating rules and procedures for the establishment and conduct of GNSO Working Groups. This effort should draw upon the broad and deep expertise within the ICANN community on how lessons learned in other organizations might benefit ICANN. The rules should incorporate the specific suggestions below designed to improve inclusiveness, effectiveness and efficiency of the GNSO with respect to working groups.

### ***3.1 Steps to improve inclusiveness***

In order to involve more people in the policy development process, working groups should be open to anyone interested in joining and offering their insights and expertise. There is great value to be had in enabling interested persons and organizations to become a part of the process from the beginning. This inclusiveness can have significant benefits in terms of being able to develop, and then implement, policies addressing complex or controversial issues. More concretely, a working group can engage all stakeholders and help prevent later opposition by parties that did not participate in shaping the policy. This model can also ensure that all stakeholders have a chance to participate in policy development, even if they do not form a new constituency grouping or join an existing one.

To promote inclusiveness, notices about the creation of working groups should be posted clearly and as broadly as possible, both inside and outside of the ICANN community, and in different languages. This should be done a reasonable amount of time before work begins in order to allow the news to spread and for interested parties to join. To the extent feasible, proactive outreach – including, if possible, in languages other than English – should be done by Staff and the GNSO to encourage broad participation.

### ***3.2 Steps to improve effectiveness***

While open working groups can offer many benefits in terms of broad participation and support, it is equally important that inclusiveness not compromise effectiveness. A strong, experienced and respected Chair appointed by the GNSO will be a key ingredient of a successful outcome. Such a person, for example, should be able to distinguish between participants who offer genuine reasons for dissent, and those who raise unjustified issues in an effort to block progress. The Chair should have the authority to enforce agreed upon rules against anyone trying to disrupt discussions and be able to exclude people in certain cases, provided an avenue of appeal is available. In addition, the Chair should be able to ensure that anyone joining a working group after it has begun has reviewed all documents and mailing list postings, and agrees not to reopen previously decided questions. The Chair must also assume a neutral role, refraining from pushing a specific agenda, ensuring fair treatment for all opinions, and guaranteeing objectivity in

identifying areas of agreement. The Council and Staff might consider using a professional facilitator to help a Chair ensure neutrality and promote consensus, or to provide other expertise. Any outside experts must of course be knowledgeable about ICANN and its processes in order to be effective.

A second aspect of an effective model will be the development of clear internal rules to govern working groups, including with respect to Statement of Interest disclosures and protections. As described below in Section 5.3 with respect to Councilors, it will also be advisable for working group members to declare when they have a particular interest in a matter under discussion. The Council and Staff should work together to ensure that the operating principles, rules and procedures are responsive to a variety of situations and can support sound policy development. This work should consider the following principles:

- The Chair of a working group must ensure that the group considers all legitimate views and objections, and endeavors to resolve them, whether these views and objections are expressed by active participants or others.
- At the outset, either the working group or the Council should set a minimum threshold for active support before a decision can be considered to have been reached. This may involve balancing numeric and distributional components.
- The Chair must work to foster consensus, trying to design and promote proposals that can be acceptable to as many participants as possible. “Agreement” is reached either when all participants say that they can live with the decision that has been reached or the Chair determines that this is not possible but there is only minor dissent. In the latter case, the minority opinion(s) and their rationale will be recorded.
- Where such agreement is not possible, a group should strive to reach agreement on points where there is significant support and few abstentions. Support for the points should be well-documented and include the positions and reasoning of those who do not agree.
- Decisions where there is widespread apathy should be avoided. On the other hand, dissenters should not be able to stop a group's work simply by saying that they cannot live with a decision. Instead, they should propose an alternative that would be acceptable to them and could also meet the needs of other members of the working group. When the Chair believes that the working group has duly considered the legitimate concerns of dissenters as far as reasonably possible, the group can decide to record the alternate view(s) and move on to other issues.
- The author(s) of the working group report will play a crucial role in building consensus, and should be distinct from the Chair, who in other organizations does not play a role in this part of the process. The drafting group typically includes the most vocal voices, to help ensure that the outcome is a constructive one.

- There should be a procedure for appealing a decision of the Chair (perhaps to the Council) with respect to the proper application of the agreed rules.
- Each participant agrees to openly and honestly express their views, or the views of the stakeholders they represent; to listen to the points of view of others and to focus on the merits of what is being said; and to develop and contribute to options that represent common ground.
- Participants have the right to disagree with an option that has been presented but, as noted above, they also have the responsibility to offer reasonable alternatives.
- Each participant who represents a GNSO constituency or another interest group should undertake to keep that group updated on working group progress and to bring the concerns of their constituency or interest group to the table.
- Participants must disclose certain information on standardized Statement of Interest and Declaration of Interest forms, which will be available online for public review.

A third component of a successful working group will be the ability of ICANN Staff to provide the group with sufficient support. This should include the option of recruiting and compensating outside experts for assistance on particular areas of work. These decisions will need to be made on a case-by-case basis, depending on the issue under discussion, the expertise of the participants in the working group and the budget.

We note that there are likely to be broader budget implications in using working groups more frequently, and now is an ideal time in ICANN's development to consider this question. It is logical to ensure that ICANN's resources are aligned with one of its most important functions, namely effective policy development relating to gTLDs. It will be important to ensure that the GNSO has the infrastructure and support in place to oversee a successful working group structure and policy development process. Questions regarding the costs of a working group model, including the right balance between conducting work on mailing lists and in person, will need to be addressed in this context. It should be decided, for example, whether there would be travel support funding available if a face-to-face meeting outside of an ICANN Meeting appears useful. If the answer is affirmative, ICANN should consider the rationale for awarding such funding. For example, the possibility of funding, if needed, might provide an incentive for people to volunteer to be the Chair or Vice-Chair of a working group, or to become active in constituencies and/or interest groups.

Another important question concerns facilitating the participation in working groups of those who are not comfortable working in English. The challenge may include not only the translation of documents into other major languages, but also translating comments into a language that most participants can understand. Interpretation at certain working group meetings is another issue that could be explored. With respect to these questions, there may be lessons to learn from other organizations, such as the IETF, W3C and the RIRs.

### *3.3 Steps to improve efficiency*

As indicated, both a strong, neutral Chair and clear rules are critical components of adopting an effective and efficient working group model. The Council has a vitally important role to play in terms of both selecting the Chair (and, if useful, one or more Vice-Chairs) and developing the operating principles, rules and procedures for working groups. As important as is inclusiveness, it cannot be achieved at the expense of efficiency. Thus, Council agreement on clear operating principles, rules and procedures applicable to all working groups, combined with realistic mandates and schedules for a specific working group, will be absolutely necessary for the model to work. With these issues properly addressed, a working group model might be able to achieve a number of goals that have sometimes eluded GNSO task forces.

### *3.4 Conclusions*

Our recommendations and proposed action items on formalizing a working group structure for ICANN include:

- Working Groups should become the foundation for consensus policy development work in the GNSO. Such an approach tends to be a more constructive way of establishing where agreement might lie than task forces, where discussion can be seen as futile because the prospect of voting can polarize the group. There is value in enabling parties to become a part of the process from the beginning. This inclusiveness can have benefits in terms of being able to develop and then implement policies addressing complex or controversial issues.  
**Proposed Action Item: The Board requests the Council to take steps immediately to move to a working group model, as described above, for all future policy development work, and other aspects of its work as appropriate.**
- The Council and Staff should work together to develop appropriate operating principles, rules and procedures for the establishment and conduct of GNSO Working Groups. This effort should draw upon the broad and deep expertise within the ICANN community on how lessons learned in other organizations, including but not limited to the IETF, W3C and the RIRs, might be useful to ICANN. These rules and procedures should consider the following elements:
  - Working groups should be open to anyone interested in joining and offering their insights and expertise. At the same time, safeguards to prevent any single group from “capturing” a working group must be developed.
  - Notices about the creation of working groups should be posted clearly and as broadly as possible, both inside and outside of the ICANN community, in different languages and as early as possible. In addition, Staff and constituencies should undertake proactive outreach, including in languages other than English.

- A strong, experienced and respected Chair is essential. The Chair – and any Vice-Chair(s) – must play a neutral role by refraining from pushing a specific agenda, ensuring fair treatment for all legitimate views and guaranteeing objectivity in identifying areas of agreement. The Chair should have authority to enforce agreed rules against anyone trying to disrupt discussions, and even be able to exclude people in certain cases, with the possibility of an appeal (perhaps to the Council).
- At the outset, the working group or the Council should set a minimum threshold for active support established before a decision can be considered to have been reached. This may involve balancing numeric and distributional components.
- Where such agreement is not possible, a group should strive to reach agreement on points where there is significant support and few abstentions. Support for the points should be well-documented and include the positions and reasoning of those who do not agree.
- Decisions where there is widespread apathy should be avoided. On the other hand, dissenters should not be able to stop a group's work simply by saying that they cannot live with a decision. Instead, they should propose an alternative that would be acceptable to them and could also meet the needs of other members of the working group. When the Chair believes that the working group has duly considered the legitimate concerns of dissenters as far as reasonably possible, the group can decide to record the alternate view(s) and move on to other issues.
- The author(s) of the working group report will play a crucial role in building consensus, and should be distinct from the Chair. The drafting group typically includes the most vocal voices, to help ensure that the outcome is a constructive one.
- There should be a procedure for appealing a decision of the Chair (perhaps to the Council) with respect to the proper application of the agreed rules.
- Anyone joining a working group after it has begun must review all documents and mailing list postings, and agree not to reopen previously decided questions.
- Members of working groups must disclose certain information on standardized Statement of Interest and Declaration of Interest forms, which will be available online for public review.

**Proposed Action Item: The Board tasks the Staff to work with the Council to develop a set of working principles, rules and procedures for GNSO working groups, including but not limited to the points above, and to present those principles to the Board within three months.**

- ICANN Staff must be ready to provide sufficient support to a working group. This should include the option of recruiting and compensating outside experts for assistance on particular areas of work, providing translation of relevant documents, and developing relevant training and development programs. Most important, the budget implications of additional resources for working groups should be factored into the planning cycle to the extent that has not already happened.

**Proposed Action Item: The Board:**

**(i) Tasks the Staff with preparing a report on the budget implications of moving to a working group model, including costs associated with using expert input and professional facilitators, any additional travel costs and translation and/or interpretation costs. The report should include an indication of how much funding might be available in the current fiscal year and in future years. This report should be presented to the Board within three months; and**

**(ii) Tasks the Staff to work with the Council to put in place, within six months, training and development programs and other systems to create a group of skilled chairs and a pool of facilitators familiar with ICANN issues and able to assist with GNSO policy issues (see also Section 5.3, below).**

## **4. Recommendations re: Policy Development Process (PDP)**

The GNSO Policy Development Process (PDP) is set out in the ICANN Bylaws. Those who have worked within the PDP have found it to be inflexible and not reflective of the requirements of successful policy development. Review of PDPs that have been undertaken suggests that it is not practical to complete policy work in the timeframes contained in the PDP. The LSE review of the GNSO and the Sharry Review of the GNSO Council both concluded that changes need to be made to the PDP. Additional modifications are also required to support the move to a working group approach, particular in terms of greater flexibility on elements like timelines.

Many in the ICANN community support removing the PDP requirements from the Bylaws and incorporating them into the GNSO's operating procedures. The procedure for developing "consensus policies," however, must track with ICANN's contractual requirements, and be clarified in the Bylaws. We therefore recommend that the Council and Staff work together to propose new PDP rules for the Board's consideration and approval. Once approved, the rules would become part of the GNSO's operating procedures. They could be subject to periodic review by the Council, which may propose further changes to the Board for its approval.

The introduction of more formalized working groups, as described above, and the changes in the way the Council and constituencies operate that are described in the sections that follow, are designed generally to improve the most essential task the GNSO

is responsible for – policy development. This Section details specific steps that should be taken to improve what is commonly referred to as the “PDP process.”

#### ***4.1 Steps to improve inclusiveness***

Using working groups to conduct policy development, as described in Section 4, can offer significant benefits over a task force model in terms of broadening participation and improving the inclusiveness of the process.

#### ***4.2 Steps to improve effectiveness***

The PDP process should align better with ICANN’s consensus policies as defined in its contracts with registries and registrars, and this consistency should be reflected in the Bylaws. In launching a working group to produce policy development recommendations, or in reviewing whether such a group fulfilled its mandate, the Council should be mindful of the distinction between the development of “consensus policies” that bind registries and registrars, and the development of other kinds of advice to the Board. This distinction should be clarified in the Bylaws.

ICANN’s registry agreements<sup>5</sup> contain a specific definition of the term “consensus policies.” They are defined as “those specifications or policies established (1) pursuant to the procedure set forth in ICANN’s Bylaws and due process, and (2) covering [certain] topics . . . .” These topics include: “(1) issues for which uniform or coordinated resolution is reasonably necessary to facilitate interoperability, Security and/or Stability of the Internet or DNS; (2) functional and performance specifications for the provision of Registry Services . . . ; (3) Security and Stability of the registry database for the TLD; (4) registry policies reasonably necessary to implement Consensus Policies relating to registry operations or registrars; or (5) resolution of disputes regarding the registration of domain names (as opposed to the use of such domain names).”

These topics are further defined to include, without limitation “(A) principles for allocation of registered names in the TLD (e.g., first-come, first-served, timely renewal, holding period after expiration); (B) prohibitions on warehousing of or speculation in domain names by registries or registrars; (C) reservation of registered names in the TLD that may not be registered initially or that may not be renewed due to reasons reasonably related to (a) avoidance of confusion among or misleading of users, (b) intellectual

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<sup>5</sup> ICANN’s contracts with registrars contain different provisions and also bind them to implement “consensus policies” that meet certain criteria. Section 4.3.1 of ICANN’s Registrar Accreditation Agreement (2001) defines “Consensus Policies” as “those specifications or policies established based on a consensus among Internet stakeholders represented in the ICANN process, as demonstrated by (a) action of the ICANN Board of Directors establishing the specification or policy, (b) a recommendation, adopted by at least a two-thirds vote of the council of the ICANN Supporting Organization to which the matter is delegated, that the specification or policy should be established, and (c) a written report and supporting materials (which must include all substantive submissions to the Supporting Organization relating to the proposal) that (i) documents the extent of agreement and disagreement among impacted groups, (ii) documents the outreach process used to seek to achieve adequate representation of the views of groups that are likely to be impacted, and (iii) documents the nature and intensity of reasoned support and opposition to the proposed policy.”

property, or (c) the technical management of the DNS or the Internet (e.g., establishment of reservations of names from registration); (D) maintenance of and access to accurate and up-to-date information concerning domain name registrations; (E) procedures to avoid disruptions of domain name registration due to suspension or termination of operations by a registry operator or a registrar, including procedures for allocation of responsibility for serving registered domain names in a TLD affected by such a suspension or termination; and (F) resolution of disputes regarding whether particular parties may register or maintain registration of particular domain names.

Although the contracts suggest that the Bylaws will set forth a specific Consensus Policy development process, at present they contain only a general policy development process. It thus falls to the Council, in the first instance, to distinguish between situations when the GNSO is considering a new consensus policy, which could become binding on registries and registrars, and when it is providing a different kind of advice to the Board, which the Board can reject without a supermajority vote. As suggested above, the GNSO's PDP should be better aligned with the contractual requirements of "consensus policies" and also should be more clearly distinguished from general policy advice the GNSO may wish to provide the Board.

We therefore believe the Bylaws should be amended to make clear that "consensus policies" can be created only on a set of defined issues and in accordance with certain procedures, with reference to ICANN's contracts. The Bylaws should also note that what is needed to develop a consensus policy is a process for consultation and expression of views and, ultimately, a Board decision. In cases where the GNSO adopts a consensus policy recommendation by a supermajority vote, the Bylaws now provide that the Board will adopt the policy unless it determines, by a vote of more than 2/3, "that such policy is not in the best interests of the ICANN community or ICANN." The Bylaws should clarify that this procedure applies only to issues upon which "consensus policies" can be developed, pursuant to ICANN's contracts. The GNSO is of course free to provide advice on other policy issues related to gTLDs, but it is not binding on the Board or on parties under contract with ICANN.

Another way to improve the effectiveness of the PDP is to provide for periodic assessment of the influence of the GNSO on policy development work. Unlike LSE Rec. #24, we do not believe that we should establish a time frame for review of the PDP at this juncture. We do believe that self-review by the Council of its PDP role will be an important component of its work generally. Indeed, frequent self-assessment can lead to immediate improvements in the GNSO's ability to make meaningful policy contributions. We therefore recommend that the Council ask each working group to include in its report a self-assessment of any lessons learned. The Council should also seek the working group's input on metrics that could help measure the success of the policy it recommends (see GNSO Self Review Rec. #10.3.4). Subsequent review by the Council should examine the extent to which the policy adopted has been implemented successfully and proven effective (see Sharry Rec. #12 & 15; GNSO Self Review Rec. #10.2.8).

It would also be helpful for the PDP process to align better with ICANN's strategic plan and operations plan, as was proposed in LSE Rec. #9. Recommendation #9 suggested that the GNSO publish annually a "Policy Development Plan" for current and upcoming work. Indeed, it is important across the entire ICANN community that projects and

resource allocations are better aligned with strategic objectives. ICANN has a well developed planning process, with a three year Strategic Plan that is reviewed and updated annually and an annual Operating Plan. As GNSO policy development is such a critical part of ICANN's function, it is important that there be a strong nexus between the work plan of the GNSO and the ICANN planning process. The GNSO has taken important steps in this direction by publishing its own operating plan, which sets out a timeline for planned policy development processes.

We therefore recommend that the Council execute, within six months, a more formal "Policy Development Plan" that is linked to ICANN's overall strategic plan, but at the same time is sufficiently flexible to accommodate changes in priority determined by rapid evolution in the DNS marketplace and unexpected initiatives (e.g., the use of a wildcard by a Registry). This work by the Council would be consistent with its new focus on developing as a strategic manager – reflecting the Bylaws' charge that it be "responsible for **managing** the policy development process of the GNSO" – rather than functioning as a legislative body (emphasis added). ICANN Staff is in the best position to propose, within three months, metrics that can help the Council better align policy development with ICANN's planning.

#### *4.3 Steps to improve efficiency*

Recommendation #23 of the LSE Review recommended that the PDP rules be removed from the Bylaws in order to provide greater flexibility, but this does not seem advisable. Recommendation #5 of the Sharry Review suggested that the Council seek approval from the Board for revised PDP rules, which seems preferable. Such a revised PDP could have elements on scoping ("history of the issue, key questions, contractual issues, terms of reference, timelines, milestones including deliverables and check points for legal opinion"); policy work ("including research, consultation with constituencies, periods for public comment"), timelines consistent with the complexity of the task; regular reporting to Council on milestones as established in the scoping phase; and a final report and public comment period as in the current PDP.

Several of these elements are similar to recommendations in Section 10 of the GNSO Self Review, such as requiring work to be done prior to launch of a PDP and having strong staff and expert support. Recommendation 10.1.2 of the GNSO Self Review, for example, suggested that the GNSO be allowed, "to set and review timelines according to the level of consensus on a particular issue and the amount of volunteer and staff resources available for the specific issue."

As noted above, the procedure for developing "consensus policies" will need to continue to be established by the Bylaws as long as that is what ICANN's contracts require. The BGC WG therefore recommends that the Council and Staff work together within the next three months to propose new PDP rules that address these issues, for the Board's consideration and approval. Once approved, the rules would become part of the GNSO's operating procedures. They should be subject to periodic review by the Council, which may come back to the Board to recommend changes.

In preparing these new PDP rules, the Council and Staff should emphasize the importance of the work that must be done before launch of a working group or other

activity, such as public discussion, fact-finding, and expert research in order to define properly the scope, objective and schedule for a specific policy development goal. Council and Staff should also consider whether there are certain aspects of the PDP, such as the adjustment of timelines, where the Board could authorize the Council to make the call.

#### ***4.4 Conclusions***

Our recommendations and proposed action items for improving the PDP include:

- While the procedure for developing “consensus policies” will need to continue to be established by the Bylaws as long as required by ICANN’s contracts, Council and Staff work should together to propose new PDP rules for the Board’s consideration and approval. Once approved, the rules would become part of the GNSO’s operating procedures. They should be subject to periodic review by the Council, which may come back to the Board to recommend changes. The rules should better align the PDP with the contractual requirements of “consensus policies,” as that term is used in ICANN’s contracts with registries and registrars, and distinguish that procedure more clearly from general policy advice the GNSO may wish to provide the Board. In addition, the Bylaws should clarify that only a GNSO recommendation on a consensus policy can, depending on the breadth of support, be considered binding on the Board, unless it is rejected by a supermajority vote.
  - In preparing the new PDP proposal, Council and Staff should emphasize the importance of the work that must be done before launch of a working group or other activity, such as public discussion, fact-finding, and expert research in order to define properly the scope, objective and schedule for a specific policy development goal. Council and Staff should also consider whether there are certain issues, such as the adjustment of timelines for PDP, where the Board could authorize the Council to make the decision.

**Proposed Action Item: The Board requests the Council to work with Staff to develop a draft revised Policy Development Process within three months that incorporates the working group approach and is consistent with the considerations outlined above. The new PDP rules should consider how GNSO operating procedures can contain greater flexibility, consistent with ICANN’s contractual obligations to registries and registrars.**

- Periodic assessment of the influence of the GNSO, including the PDP, is another important component of successful policy development. Frequent self-assessment by the Council and its working groups can lead to immediate improvements in the GNSO’s ability to make meaningful policy contributions. The Council should ask each working group to include in its report a self-assessment of any lessons learned, as well as input on metrics that could help measure the success of the policy recommendation.

**Proposed Action Item: The Board requests:**

**(i) The Council, with the support of Staff, to implement a self-assessment process for each working group to perform at the end of a PDP, which should contain metrics for evaluating the effectiveness of the policy and any lessons learned from the PDP. Subsequent review by the Council should discuss the extent to which the policy adopted has been implemented successfully and proven effective; and**

**(ii) The GNSO Chair to present an annual report to the community on the effectiveness of GNSO policies using the metrics developed at the end of each PDP. The report should also contain a synthesis of lessons learned from policy development during the year with a view to establishing best practice guidelines. The report should be presented at the ICANN Annual General Meeting each year, and the material should be incorporated into the ICANN Annual Report prepared by Staff.**

- The PDP should be better aligned with ICANN’s strategic plan and operations plan. A formal Policy Development Plan should be linked to ICANN’s overall strategic plan, but at the same time should be sufficiently flexible to accommodate changes in priority determined by rapid evolution in the DNS marketplace and unexpected initiatives.

**Proposed Action Item: The Board requests:**

**(i) The Council to execute, within six months, a more formal “Policy Development Plan” that is linked to ICANN’s overall strategic plan, but at the same time is sufficiently flexible to accommodate changes in priority; and**

**(ii) Staff to propose, within three months, metrics that can bring the PDP more in sync with ICANN’s planning.**

## **5. Recommendations re: GNSO Council**

The GNSO consists of “a GNSO Council responsible for **managing** the policy development process of the GNSO” (see Bylaws, Article X (2) (ii)) (emphasis added). The six constituencies currently recognized as representative of a group of GNSO stakeholders in the ICANN Bylaws each elect three representatives to the Council. In addition, three people are selected by ICANN’s Nominating Committee, for a total of 21 Councilors. Under Article X(1) of the Bylaws, the GNSO as a whole is “responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains.”

Currently, the Council manages the policy development process through the establishment of task forces on specific subjects, in accordance with Annex A of the Bylaws on GNSO Policy-Development Process. Constituencies can appoint a representative to each task force, which then deliberates on the issue and works with its Chair and ICANN Staff Manager to prepare a report for the Council to discuss. Both a task force and the Council attempt to reach agreement by a supermajority vote. If such a

vote is not possible, then the task force report must contain the positions taken by task force members and their constituencies. Upon receipt of the report, the Council reviews its conclusions and works with the Staff Manager to develop a report for the Board. The Board Report includes a statement of any recommendation of the Council reached by Supermajority or, if such a vote was not possible, then a statement of all positions held by Council members.

Several concerns have emerged with respect to this process. We will highlight three of them. First, the emphasis on voting at both the task force and the Council level has sometimes made it more difficult for GNSO stakeholders to try and develop common positions. On other occasions, it has shifted the emphasis from analyzing policy problems and developing potential solutions to determining the lowest common denominator and collecting the necessary votes to control the outcome. The result can be deadlock or an outcome that does not address the more pressing issues. Second, there is duplication of effort in that differences that emerge in the work of the task forces are then mirrored in the work of the Council, since in both situations the members vote by constituency. Third, the amount of time and energy that the Council has had to devote to task forces, whether in terms of establishing them, overseeing their work, or debating their conclusions, has left insufficient time for the Council to focus on what is perhaps its most important function – setting the overall strategy for managing policy development by the GNSO. As the Bylaws state, the GNSO Council is supposed to be responsible for “managing” the policy development process of the GNSO, and not necessarily conducting policy development itself. Rather, it is charged with managing and overseeing the process, and ensuring that it can produce useful policy recommendations to the Board. In addition, there has been a high level of duplication with the same individuals serving on both the Council and PDP task forces, leading to the conclusion that the GNSO has “recreated” itself on these bodies, particularly in terms of policy positions and voting.

It is important to re-establish the GNSO’s primary mission of managing the policy development process, as well as to open up the process of policy formulation. We would therefore like to see the GNSO move away from a model of policy development based on voting, which can encourage division rather than cooperation, and towards a more collaborative, inclusive approach. The formalization of using working groups to increase inclusiveness in ICANN’s policy development model has been discussed earlier. In this Section, we suggest concrete steps to help the Council move from being a legislative body focused on voting towards becoming a more strategic body with strengthened management and oversight of the policy development process.

### ***5.1 Steps to improve inclusiveness***

One way to enhance inclusiveness and enable more people to feel involved in Council activities is to establish term limits for Councilors, thus giving more people an opportunity to serve in these important positions. Just as there are term limits for the Board, there should also be term limits for Council members. Recommendation #13 of the LSE Review suggested a term limit of 3-4 years because “of the small number of councilors in some constituencies and the potential for de-legitimizing perceptions to

arise” (see Section 3.30) (proposing two 2-year terms or one 3-year term). We believe that the preferred limit is two 2-year terms, with provides representatives with the incentive to do a good job in order to be reelected. We also believe that a limited “grandfather” clause makes sense.

It is significant that the GNSO itself has proposed the adoption of a maximum of two terms for all Councilors, effective immediately. Under the GNSO proposal, there would be no grandfathering except in the case of allowing an incumbent to serve out his or her term. The only exception to the proposal is in connection with a “special circumstance,” such as geographic diversity requirements, where no alternative representative could serve. Indeed, overall rules for term limits should gradually be synchronized throughout the ICANN election and appointment system. The Board has deferred consideration of the GNSO’s proposal pending preparation of our recommendations.

We also note that all of the reviews of the GNSO that have been conducted have documented shortcomings in the Council’s communication methods, which serve as a barrier to broader participation and inclusiveness. Improvements are needed in a number of these areas. For example, GNSO (and constituency) documents, should be more broadly accessible, informative and understandable by the global community of stakeholders. Most importantly, the GNSO website and online public comment processes should be redesigned and (to the extent possible) made multi-lingual, adhering to the following guidelines:

- The GNSO website should be simple for newcomers to understand and use;
- It should be easy to access all current policy issues, and for each issue there should be a succinct summary, links to more detailed information, a status report, and next steps;
- There should be access to archives of all GNSO activity, including Council minutes;
- There should be links to all constituency websites; and
- There should be links to other relevant ICANN activity.

We also recommend that the Council work with Staff to improve the GNSO’s document management and means to solicit meaningful public comments, as well as the use of project-management methodologies. The use of such methodologies was suggested by LSE Rec. #14 and GNSO Self Review Rec. #10.2.7. ICANN is already applying project management methodologies and practices to its policy support activities, and staff should work with the Council to further incorporate these methodologies in the GNSO’s work, as appropriate. The goal is to achieve consistent and predictable ways of organizing and managing activities to improve their quality, transparency, and accountability.

## ***5.2 Steps to improve effectiveness***

As noted in the discussion above, the Council should focus more on its strategic role, rather than act as a legislative body. We propose that among the Council’s most important functions should be guiding the establishment of working groups and monitoring their progress. The Council should decide whether to organize a working group, based on input from the Board or an Advisory Committee. Alternatively, it may engage in fact-finding and public discourse to investigate potential issues ripe for policy

development. The Council should be responsible for launching a working group by deciding upon the appropriate mandate and timeline (including milestones), and then ensuring that the working group has an experienced and neutral Chair, performs adequate outreach and has sufficient technical expertise and knowledge of ICANN.

Another item of high priority for the Council is monitoring the progress of each working group. In doing so, the Council should offer guidance and support to assist the working group in reaching a satisfactory conclusion, with the participation of all relevant stakeholders. In particular, the Council should check that:

- The scoping of the issue remains valid;
- All relevant stakeholders are aware of, and involved, in the process;
- No one stakeholder group is dominating the process;
- Any necessary expert opinion has been provided;
- Data has been provided and used where appropriate; and
- The proposed policy can be implemented.

Once the working group has completed its work, it would present its report and conclusions, including any minority views, to the Council for review. The Council's role is to ensure that the working group followed the appropriate procedures. It should check that the working group achieved its goal and acted consistently with its mandate, including with respect to outreach, inclusiveness, effectiveness and efficiency. The Council should also verify the level of agreement in the working group. In forwarding the working group's report to the Board, the Council should indicate the extent to which it believes that the working group has fulfilled its mandate. The Council can forward a minority report of its own, if appropriate. The Council should not, of course, reopen the substance of work done by the working group, which would undermine the rationale for and efficacy of that process. At the same time, the Council could have the option of sending an issue back to the working group for reconsideration if a supermajority believes that the report omitted critical facts or did not accurately reflect the working group's deliberations.

In addition, the Council could analyze trends and changes in the gTLD arena and, as a consequence, provide advice on the use of ICANN resources affecting the gTLD name space. The Council could begin a constructive dialogue with a broad range of Internet stakeholders in order to fully understand DNS-related technologies, trends, and markets. This knowledge can help the Council set the appropriate strategic vision and direction for gTLD policy development, as well as coordinate the process in a meaningful way.

The Board has found it useful to establish several committees to focus specific attention on some of its many ongoing responsibilities, such as the Committee on Meetings and the Committee on Conflicts of Interest. The Council may wish to follow this pattern by establishing committees of 4-5 members to guide work in a certain area where focused attention and follow-up are required. The subjects just mentioned – benchmarking and trends analysis – might be a prime candidate for such an approach.<sup>6</sup>

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<sup>6</sup> We would also like to reinforce recommendations in the previous Section on policy development that can help the Council establish a clear strategic dimension for its work. These include concrete measures to help

### *5.3 Steps to improve efficiency*

Steps to shift the focus of the Council away from a legislative orientation and towards strategic tasks can have a positive impact not only on its effectiveness, but also on its efficiency. Freeing the Council to manage and oversee the policy development process rather than undertake this task itself will mean that it can devote its attention to ensuring the proper scoping and implementation of a working group's mandate.

To help the Council reach its full potential, ICANN should ensure that this body is inclusive and representative of the broad interests found in the GNSO, while limiting its size to enhance its effectiveness and promote efficiency. Balancing all of these factors, and cognizant of the limitations of the current structure pointed out by the LSE report, we recommend a reorganized Council that has the potential to be more representative, agile and collegial.

Our recommendation is to structure the Council on the basis of four broad stakeholder groups to represent better the wide variety of groups and individuals that compose the ICANN community. This change raises several interrelated questions: (i) what is the optimal allocation of representation in the Council and how should Councilors be elected; (ii) what is the optimal size of the Council; and (iii) whether there should continue to be weighted voting. As we expected, there are strong views on these questions from representatives of different interests, usually pulling in the opposite direction. We have listened closely to all comments and see merit in many suggestions we have received. We view our role as focusing on what appears best for the GNSO and the ICANN community as a whole, balancing competing interests and developing a comprehensive, indivisible proposal to address all of these questions.

We propose that the Board designate a restructured Council elected from the following four stakeholder groups: registries, registrars, commercial registrants and non-commercial registrants. The Council would be composed as follows: (i) eight (8) members would be elected from two "supply" groups under contract with ICANN -- four (4) from registries and four (4) from registrars; (ii) eight (8) members would be elected from two "demand" groups -- four (4) from commercial registrants and four (4) from non-commercial registrants; and (iii) three (3) additional members would be appointed by the NomCom (although we understand that this number could change depending on the outcome of the NomCom review). Indeed, we note that the Internet Service and Connectivity Providers (ISP), Commercial and Business Users (BC) and Intellectual Property Interests (IP) constituencies already coordinate in cross-constituency meetings and the development of policy positions, putting them in a strong position to transition easily towards a more formal stakeholder group structure. The 19 Councilors will form a

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forge policy development and implementation priorities, such as developing ways to assess and benchmark gTLD policy implementation. In addition, the Council should ask each working group to include in its report a self-assessment of lessons learned and an evaluation of its working methods (e.g., the effectiveness of outreach, the inclusiveness of stakeholders, and the effectiveness and efficiency of group processes). The Council should also ask for working group input on metrics that could help measure the success of the policy recommended policy. Afterwards, review by the Council could assess the extent to which the policy adopted has been implemented successfully and proven effective.

slightly smaller Council, which is consistent with LSE Rec. #20 to reduce the size. Under this comprehensive restructuring, there would no longer be a justification for weighted voting.

The precise names of the four stakeholder groups, exactly how the two “demand” groups might be defined and other issues regarding this configuration, are questions on which it is particularly important to receive GNSO input. From our perspective, it makes sense, in the first instance, to consider small and medium enterprises, large businesses, intellectual property interests, internet service providers, financial, e-commerce and other economic interests as partners in the commercial registrants group. It also makes sense to consider non-commercial, academic, philanthropic and other registrants with a non-commercial motive as partners in the non-commercial registrants group. The GNSO should have the flexibility to propose an alternative configuration of the stakeholder groups that comprise the “demand” side, but any deviation from the proposal outlined above would have to be approved by the Board.

The proposal to create four broad Stakeholder Groups bears some similarity to Recommendation #19 of the LSE Review, which suggested creating three larger constituency groups representing registration interests, business and civil society. The LSE suggested such a reorganization to respond to “multiple pieces of evidence about how interests are currently organizing themselves within the GNSO” (see LSE Review, Section 4.35). It sought to propose a structure that is “simpler, balanced, clearer to explain to potential members and time-proofed against future changes in the Internet that are certain to occur.” Instead of a rigid structure that can have difficulty adapting to changes “over as little as seven years,” a new structure could “flexibly accommodate changes in the balance and weights of different sectors and types of involvement with Internet policy issues.”

We agree with this conclusion and the need for a new way to approach organization of the Council. The stakeholder groups may function only as a “caucus,” bringing together like-minded stakeholders to elect representatives to the Council who can represent them. This structure would be fluid enough to accommodate new constituencies or the formation of new interest groups. Our goal is definitely not to create a new layer of bureaucracy, as we heard concerns about at the San Juan Meeting. Alternatively, if the GNSO believes it is desirable, the four stakeholder groups could take on additional functions, such as trying to coordinate and document positions on policy development questions.

One advantage of this new model for organizing stakeholder participation is to remove concern that the addition of new constituencies or interest groups could create an internal imbalance in the current composition of the Council. By creating four broad stakeholder groups, the number of constituencies is less important and can increase (or decrease) with time. Indeed, it would be inconsistent with ICANN’s processes to try to limit arbitrarily the number of constituencies that people could self-form. Making it easier to form a new constituency can also address any obstacles people perceive in joining existing constituencies. Overall, this approach can encourage the participation of more people in

the GNSO. Many details, of course, remain to be worked out concerning the new stakeholder structure for the Council, including the role of constituencies and/or interest groups within them. As noted earlier, we welcome the GNSO working with Staff to develop the appropriate Implementation Plan.

Under this comprehensive reorganization of the Council, there would no longer be a justification for weighted voting. Indeed, as the Council becomes a more strategic and supervisory body, voting in general should become less important. There may still be a need to vote for elections (e.g., for GNSO representatives to the Board and GNSO officers) if the Council cannot otherwise agree. There may also be occasions when the Council believes that it must vote to assess the extent to which a working group has satisfied its mandate and developed a consensus policy. But, generally speaking, moving to a working group model should mean that the Council needs to do little more than assure itself that the appropriate rules have been followed. If the model is working properly, then the issue under consideration by the working group will have been well scoped, all relevant stakeholders will have been part of the process and the group will have been empowered to reach a consensus that is sound and can be implemented.

There may, however, be instances where the policy presented to the Council presents a problem. For example, some members of the Council may believe that the working group process had not been followed properly. For example, relevant stakeholders had not been part of the process, or a weak Chair may have allowed the views of one stakeholder group to dominate. The best way of dealing with these kinds of problems is careful monitoring of the working group as it progresses, rather than waiting for the end of the process. However, as a safeguard, the Council should be able to vote (by a supermajority) on whether the rules were followed and, if not, what would be the appropriate remedy.

Under another scenario, some members of the Council may believe that a recommendation presented by the working group could not reasonably be implemented. Again, the best way to address this possibility is to ensure that good working group practices are followed: the issue should have been well scoped, all relevant stakeholders should have been involved in the process (including those able to provide advice on implementation issues) and expert opinion should have been sought where necessary (including on implementation issues). Indeed, it is a key responsibility of the Council to monitor the progress of the working group to ensure that best practices are being followed, and that any problems are addressed as soon as they arise. However, as a safeguard, the Council should be able to direct, by a supermajority vote if necessary, that additional work needs to be done to identify a policy that can be implemented or that expert advice on implementation issues is necessary.

It may be also the case that members of the Council believe that the policy presented by a working group is not satisfactory. This should be a rare occurrence. If the policy issue has been properly scoped, and the relevant stakeholders have been involved in a well run process that includes interim reports and “checkpoints,” it would be odd for the Council to find the result untenable. Careful monitoring of the working group during its deliberations should reduce the risk of this occurrence even further.

In a situation where a working group is unable to come to an agreement and presents the Council with alternative views, the Council should have the option of forwarding them to the Board with its views. Alternatively, the Council may consider, by supermajority vote, whether to consider first re-scoping the issue.

In addition to restructuring the Council, there are other steps that can help improve its effectiveness. The first step regards improved communication with other ICANN bodies. This can happen through more frequent contacts between the GNSO and the members of the Board elected from the GNSO. It can also happen through more frequent contacts among the Chairs of the GNSO, other Supporting Organizations and Advisory Committees. These steps, which are consistent with LSE Rec. #11 concerning the profile of the GNSO Council Chair, are described in Section 7 on “Relationships with Other ICANN Bodies.”

LSE Rec. #15 suggested that enhanced efficiency could result from more reliance on face-to-face (F2F) meetings. In the last few years there have indeed been inter-sessional meetings of the Council, such as to develop policy on the introduction of new gTLDs. Conference calls and email are used to conduct work between ICANN Meetings and these inter-sessional gatherings. It is not possible to say that one method is more efficient than another, but rather that they have different uses. Flexibility would seem to be the key here, while recognizing that any additional face-to-face meetings would have budget implications for ICANN. Because not all Councilors may have a professional reason to attend inter-sessional meetings between formal ICANN Meetings, ICANN has covered the expense of economy travel and accommodation for representatives from each constituency. It is also likely that, if the GNSO moves to a working group model, there may not be as much need for inter-sessional meetings of the Council. There would, however, remain the question of sufficient support for a working group to ensure that it has the tools necessary to be work efficiently and effectively.

Another step to improve efficiency is to strengthen the Council’s conflict of interest provisions. LSE Rec. #12 suggested that they be made consistent with those of the Board. People who take part in the GNSO, and GNSO policy development in particular, often do so because they have an interest in the outcome. Otherwise there is no incentive to participate. Sometimes these interests are based on principles and sometimes these interests are financial (either directly in the sense that the person conducts business which could be effected by GNSO policy decisions or indirectly as a representative of a group that could be effected). The traditional concept of conflict of interest test may be difficult to apply in some of these circumstances. Rather than a conflict of interest policy (which might preclude an individual from taking part in a policy process because they stand to gain from the outcome – which is exactly the reason why most participants in the GNSO policy development process take part), what is needed in the first instance is a “Statement of Interest” approach that allows the interests of participants to be declared publicly. In addition to filing “Statements of Interest,” consideration should be given to supplementing these with “Declarations of Interest” that would include whether there are issues that are material and specific to “work under consideration” or where a person’s or company’s “interest” might be a material factor. This may be necessary because it is

not possible to assume that everyone will check or be aware of “Statements of Interest” in all cases.

An additional step to improve efficiency (as well as effectiveness) would be for ICANN to provide the Council and constituency participants with training and education to better equip and motivate them to do policy work, and to help ensure that they have the knowledge and skills needed to be successful. Although the GNSO heavily relies on volunteer participants to fulfil its objectives, no training or skills development is currently available to participants through ICANN. For example, Council and task force chairs are selected with no requirements for, or development of, the skills required to effectively manage workflow and group decision-making. While leaders have been effective to date, the increasingly complex environment and policy challenges facing the GNSO merit consideration of leadership preparation. The lack of support in this area may also act as a barrier to the increased involvement of community members from non-English speaking backgrounds.

The move to working groups as the primary means of operation will require skill development for the Council, prospective chairs of working groups and, ideally, members of the ICANN community who might wish to take part in working groups. The higher the skill level of those who take part in the process, the better the outcome is likely to be.

The knowledge and skills that are likely to be useful include:

- ICANN structures and processes
- Details of the technical aspects of the DNS (and the implications of this for policy)
- GNSO structures and processes
- Understanding the working group process
- Negotiation skills for building consensus
- Being an effective chair of a working group
- Project planning methodologies for policy work

Where possible and relevant, the training and development prepared for the GNSO should be available to the broader ICANN community. Some of areas will be applicable to a smaller group (e.g. those who aspire to being working group chairs), while other subjects will have broader appeal. For some areas, there may be a need to have several levels of courses (e.g. introductory and advanced). In developing materials, particular thought should be given to ways to make training as relevant and practical as possible. The courses and training should be structured in such a way that they not only build skills within the community, but also benefit participants in their other work. There should also be a form of accreditation or certification available for those who complete the training.

There must also be ways to acknowledge previous experience of individuals and tailor the training to suit them. Given the geographical diversity of the ICANN community, training should be developed using a variety of delivery mechanisms (e.g., face-to-face training at ICANN meetings and e-learning modules that can be downloaded anywhere). Once these training and development structures are in place, ICANN should urge those who wish to hold positions, such as chair of a working group or member of Council, to

have undertaken the relevant training (or equivalent training), or agree to take it upon their appointment.

## ***5.4 Conclusions***

Our recommendations and proposed action items for improving the inclusiveness, effectiveness and efficiency of the Council address its role, structure, voting method, coordination with other entities and training. They include:

- The Council should transition from being a legislative body into its intended role as a strategic manager overseeing policy development. Among the Council's most important functions should be guiding the establishment of working groups and monitoring their progress. The Council should be responsible for launching a working group by deciding upon the appropriate mandate and timeline, and ensuring that it has an experienced and impartial Chair, who performs adequate outreach and has sufficient expertise. The Council should be available to provide guidance on any issues as soon as they arise.
  - A working group should present its report and conclusions, including any minority views, to the Council for review. The Council should ensure that the working group has achieved its goal and acted consistently with its mandate, including with respect to outreach, inclusiveness, effectiveness and efficiency.
  - In forwarding the working group's report to the Board, the Council should indicate whether it agrees that the working group has fulfilled its mandate. The Council can forward a minority report of its own, if appropriate, but it should be wary of trying to reopen the substance of work done by the working group, which would undermine the rationale for and efficacy of that process.

**Proposed Action Item: The Board requests the Council, with assistance from the staff, to prepare a set of operating principles for the Council that will allow it to be the strategic manager of the policy development process rather than a legislative body. These operating principles should follow the direction outlined in the discussion above and be presented to the Board within six months.**

- A second important role for the Council is to develop ways to (i) assess and benchmark gTLD policy implementation; and (ii) analyze trends and changes in the gTLD arena. The results of these efforts can enable the GNSO to provide meaningful advice on the use of ICANN resources affecting the gTLD name space. As noted above, the Council may wish to establish a committee, modeled after the Board committees, to focus on this area.

**Proposed Action Item: The Board requests the Council and Staff to prepare, within six months, a strategic plan to operationalize work in this area, including by the consideration of a committee structure to promote effectiveness and efficiency.**

- A third important area where the Council can have a significant impact involves working with ICANN Staff to (i) align the GNSO’s work with ICANN’s strategic plan, (ii) increase the use of project-management methodologies; and (iii) improve the GNSO’s website, document management capacity and ability to solicit meaningful public comments on its work. The Council may wish to establish a committee to coordinate its work in this area too.

**Proposed Action Item: The Board requests, within six months:**

**(i) The Council to participate fully in the ICANN planning process, including providing a three year view (for the Strategic Plan) and an annual plan (for the Operating Plan) of planned and anticipated policy processes.**

**(ii) The Council to work with staff to prepare a plan for the implementation of a formal document handling system that will allow easy tracking of all policy development documents, including translations. The plan should be developed within six months.**

**(iii) Staff to work with the Council to revise the GNSO website in a manner consistent with the principles outlined above. A plan of the intended changes (including an implementation timetable) should be developed within six months. Staff should monitor and report on the effectiveness of the changes that have been implemented using common measures for website use and functionality.**

**(iv) The Council to work with the staff to prepare a revised process for gathering and addressing public comment on policy issues. The revised process should take into account the needs of stakeholders who prefer to work in languages other than English. It should also take into account developments in technology that facilitate community interaction. The revised process should be presented to the Board within six months. ICANN Staff should monitor and report on the effectiveness of the changes that have been implemented; and**

**(v) The Council to work with Staff to prepare a plan for translation of documents associated with policy development. The plan should be consistent with other policies and processes being developed for translation within ICANN. The plan should be developed within six months.**

- To reach its full potential, the Council should be as inclusive and representative of the broad interests represented in the GNSO as possible, while limiting its size to promote efficiency and effectiveness. Two major, interrelated steps can help achieve this result. First, the Council should be restructured to consist of 16 members elected from four stakeholder groups, comprising “suppliers” under contract with ICANN and “users,” as follows: registries, registrars, commercial registrants and non-commercial registrants. In addition, we recommend that 3 members be appointed by the NomCom for a total of 19 Councilors, although we

recognize that the number of those appointed could change when the NomCom review is complete. The precise names of the four stakeholder groups, and exactly how the two “user” groups might be defined, are questions on which it will be particularly important to receive GNSO input. Second, weighed voting should be abolished. Indeed, as the Council moves from being a legislative body to a strategic manager overseeing policy development, formal voting should be minimized, if not eliminated altogether, except when necessary to confirm consensus or conduct elections.

**Proposed Action Item: The Board requests the Council, with support from Staff, to prepare suggested changes to the Bylaws, within six months, regarding the Council’s structure on the basis of four broad stakeholder groups and voting practices consistent with the principles outlined above. The changes should include details of Council voting on the output of working group processes and the abolition of weighted voting for all Council votes.**

- Another way to enhance inclusiveness and enable more people to feel involved in Council activities is to establish term limits for Councilors, thus giving more people an opportunity to serve in these important positions.

**Proposed Action Item: The Board requests Staff to include in proposed changes to the Bylaws an amendment supporting a limit of two terms per Councilor, with an appropriate but limited grandfather clause.**

- Council members should provide real-time, updated Statements of Interest similar to what is required for members of the Board in a standardized format that is publicly accessible. ICANN Staff should develop a basic template of information that GNSO Councilors, constituency leaders and others participating in policy development activities must first complete. These Statements should be supplemented by Declarations of Interest that pertain to specific matters under discussion.

**Proposed Action Item: The Board instructs Staff, in consultation with the Council, to develop “Statement of Interest” and “Declaration of Interest” forms, within three months, which would be completed by Council members (and participants in working groups). Staff should also implement a mechanism for publishing and updating this information in a manner consistent with protecting the privacy of members.**

- The Council should work with Staff to develop a training and development curriculum to promote skills development for the Council, prospective chairs of working groups and, ideally, all members of the ICANN community who might wish to take part in working groups.

**Proposed Action Item: The Board instructs Staff, in consultation with the Council, to develop a training and development curriculum for the GNSO consistent with the principles outlined above. A proposed curriculum (including suggested courses,**

**delivery mechanisms and links between positions and training) should be developed within six months and also be made available to others in the ICANN community.**

## **6. Recommendations re: Constituency Structure**

The GNSO, as noted in the Bylaws, includes various constituencies representing particular groups of stakeholders. Our goal is to make the way in which stakeholders interact in the GNSO, whether organized as constituencies, interest groups or another vehicle, as inclusive and representative as possible, without sacrificing effectiveness or efficiency. The constituency structure that has served as the basis for determining membership on the Council and its task forces, as well as for developing and voting on policy advice to the ICANN Board, needs to adapt in light of the move to a working group model, revisions to the PDP, and a restructured Council. It should be noted that we view the new stakeholder structure primarily as a way to organize the Council. While it will also encourage the constituencies to maximize their common interests, it does not on its own change the constituency structure itself.

### ***6.1 Steps to improve inclusiveness***

Under the Bylaws, the following “constituencies” are recognized as eligible to elect representatives to the GNSO Council: gTLD Registries (representing all gTLD registries under contract to ICANN); Registrars (representing all registrars accredited by and under contract to ICANN); Internet Service and Connectivity Providers (representing all entities providing Internet service and connectivity to Internet users); Commercial and Business Users (representing both large and small commercial entity users of the Internet); Non-Commercial Users (representing the full range of non-commercial entity users of the Internet); and Intellectual Property Interests (representing the full range of trademark and other intellectual property interests relating to the DNS). Each of these six groups elects three representatives to the Council. The Council also includes three people selected by ICANN’s Nominating Committee, for a total of 21 Councilors.

Any group of individuals or entities may petition the Board for recognition as a new or separate constituency, in accordance with Section 5(4) of Article X. Such a petition must explain (i) why “the addition of such a Constituency will improve the ability of the GNSO to carry out its policy-development responsibilities” and why “the proposed new Constituency would adequately represent, on a global basis, the stakeholders it seeks to represent.” The Board would consider such proposals in light of ICANN’s mission and core values. The six constituencies that are currently recognized as representative of a group of GNSO stakeholders in the ICANN Bylaws thus need not be the same constituencies that will be recognized in the future. Indeed, there is no set number of constituencies that should be represented in the GNSO, and the constituencies created in the late 1990’s do not need to remain static.

It is important that the Board has flexibility in creating new constituencies and letting older ones merge or lapse as market dynamics evolve. In addition, it has been ICANN’s

intention, as reflected in the Bylaws, that constituencies be self-forming. This is also important because of the desire to develop policy within the ICANN community in a bottom-up process reflective of the diversity of the community and conducted in an inclusive, representative manner. At the same time, there is clear recognition of the need for the GNSO to operate more effectively and efficiently. The challenge is to strike the appropriate balance among these principles in order to permit constituency growth and reorganization, but without making the number of constituencies unwieldy.

We believe ICANN should take steps to clarify and promote the option to self-form a new constituency. The option of forming a new constituency should not be viewed as an impossible task. ICANN should engage in greater outreach to ensure that all parts of the community, particularly where English is not widely spoken, are aware of the option to form new constituencies. The current Bylaws provide that an interested group of stakeholders should provide information on why “the addition of such a Constituency will improve the ability of the GNSO to carry out its policy-development responsibilities” and why “the proposed new Constituency would adequately represent, on a global basis, the stakeholders it seeks to represent.” In addition, the proponent should clarify its members’ stake in the GNSO and how the new constituency might fit within the overall GNSO structure and serve the public interest.

In this context, we are aware that there have been ideas circulating to form both an Individuals Constituency<sup>7</sup> and a Domainers Constituency. Some members of the community view an Individuals Constituency as an important development because the interests of individual registrants are not currently represented elsewhere in the GNSO. The view is that the Non-Commercial Users Constituency is open only to organizations. The At-Large Advisory Committee (ALAC), which is an advisory committee to the Board supported by a global network of structures comprising individual Internet users, is mandated to provide advice on all ICANN issues (not just gTLDs) that relate to individual users. Others believe that there is no clear need for such a constituency because the ALAC was established to represent individuals and should focus on doing that. If there were to be support for an Individuals’ Constituency, one solution might be for the ALAC, which is also being reviewed in accordance with the Bylaws, to continue to provide advisory committee input on ICANN-wide matters outside of the GNSO structure. Another issue to consider further is whether, if anyone can join an Individuals Constituency, people with the most resources could end up dominating the group in addition to being members of other constituencies. Under the new stakeholder group structure for the Council, however, individuals may find a home within either the commercial or non-commercial “demand” group, depending on how they view their registration(s).

With respect to a possible Domainers Constituency, such a group might be defined as those individuals and companies investing in and developing domain names. It might also be defined in terms of those who hold “portfolios” of domain names, those who focus on the “monetization of numerous domain names,” or those who hold a certain

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<sup>7</sup> A formal petition for an “Individual Domain Name Owner’s” Constituency (IDNO) was made by Joop Teernstra and others in 1999 (see <http://democracy.org.nz/idno/petition.htm>).

number of domain names. Some view domainers as having become a major force in the ICANN community and thus should have some kind of status; the exact status is not as important as gaining a voice. At present, some domainers are part of the BC, but it is unclear how well their interests converge. Under the new stakeholder group structure, domainers might be part of the registrars section (if they are also a registrar), or part of the commercial group, or both.

Another important aspect to improving inclusiveness and representativeness in the constituency structure is reducing barriers to participation in individual constituencies. A barrier for some entities – particularly in developing countries – may be the cost of joining a constituency. We expect all ICANN constituencies to do what they can to keep their costs, and hence their membership fees, to a minimum. If, for example, ICANN were to provide more administrative support to constituencies, those groups may be able to reduce the fees they charge members even further. It is worth exploring whether constituencies have, or should have, differentiated fee structures based on ability to pay, in order to encourage increased representation from those living in less developed economies. Additionally, an “information barrier” may be hampering participation. The difficulty in obtaining information about the GNSO and its constituencies and activities has been noted elsewhere. In addition, there should be more Staff support for constituency outreach and recruitment.

It should be pointed out that by creating four broad stakeholder groups, the number of constituencies is less important and can change with time. This approach can also encourage the participation of more people in the GNSO. In implementing a stakeholder structure, careful thoughts needs to be given to how – and when – new constituencies or interest groups are added to a stakeholder group, and how – and when – they might lapse, as technology and markets evolve.

## ***6.2 Steps to improve effectiveness***

The effective functioning of the GNSO relies significantly on the existence of vibrant and active stakeholders. To maintain a healthy policy process that is respected by all stakeholders, it is critical that ICANN work to increase participation in constituencies and any other entities that want to be part of a stakeholder group, so that policy discussions can take place with the views of all relevant stakeholders contributing to the debate. As ICANN continues to grow as a truly representative global organization, it will be crucial to reach out to interested parties across the globe and incorporate them into the GNSO policy process through the constituency structure. This will require dedicated outreach and recruitment activities, and ICANN as an organization needs to support these initiatives.

It is also important that ICANN minimize the barriers to entry to constituencies for those interested in policy issues. These barriers to entry fall into three groups: information, processes and cost. The information barrier is perhaps the most significant. Many people who should be involved as stakeholders in the ICANN policy process simply do not know the role that ICANN plays and how becoming involved in a constituency could

enable them to contribute to policy discussions. Well-resourced outreach and recruitment efforts are important in removing this barrier.

For many who might learn about ICANN and be interested in policy discussions, the next barrier to entry is a myriad of different ICANN processes. At present, each constituency has a different set of membership and operating processes, and it is difficult for an individual to have a quantifiable impact on the policy process other than through a constituency. These problems are magnified for those who are not comfortable working in English. One solution is for each constituency to have a clearly communicated set of participation rules and operating principles that are based on common principles developed by the GNSO. These rules then need to be made available in a variety of languages to meet the needs of ICANN's global audience.

The third barrier is cost. Particularly in developing countries, the cost of joining a constituency can be prohibitive. ICANN needs to find ways to allow free participation in policy processes for all interested parties and to ensure that cost is not a barrier to constituency entry wherever possible.

In addition to these barriers, ICANN is currently engaged in a series of initiatives aimed at further improving levels of accountability and transparency within the organization as a whole. The GNSO, like the rest of ICANN, needs to ensure that all of its processes adhere to the highest standards in this regard. The reviews of the GNSO suggest that there is a need for greater transparency within constituencies and greater consistency across the constituency structure. Within certain broad and important guidelines, there can still be room for innovation and differentiation.

Within this context, there are a number of areas that need to be addressed. The first is the need for Council-developed, Board-approved participation rules for all constituencies that encourage openness, transparency and accountability. The rules must adhere to the following principles:

- The criteria for participation in any ICANN constituency should be objective, standardized and clearly stated.
- It should be known when constituencies accept participant applications and make admission decisions, how these decisions are communicated, and how many applicants are successful.
- General information about each participant application and the decision should be publicly available. Each constituency must keep records of successful and unsuccessful applicants.
- Each constituency should maintain up-to-date records of all current members, and this information must be publicly available.
- There must be a clear avenue for an applicant to appeal a rejection to a neutral third party.

In addition, the Council should develop, for Board approval, clear operating procedures for each constituency to ensure that all constituencies function in a representative, open, transparent and democratic manner. The operating procedures should reflect the following guidelines:

- Mailing and discussion lists should be open and publicly archived (with posting rights limited to members).
- Procedures for developing policy positions should be clear. There should also be publicly available information about how many participants from each constituency were involved in the development of any policy position.
- Constituency processes should encourage participation from stakeholders across the globe. Where possible, relevant documents should be made available in multiple languages.
- There should be term limits for constituency officers, so as to help attract new members and provide everyone with the chance to participate in leadership positions.
- There should be an emphasis on reaching consensus to achieve objectives and closure on issues.

As noted, these rules should include term limits for constituency officers in order to help attract new participants by providing everyone with more of a chance to participate in leadership positions. This is similar to the rationale for the GNSO's decision to establish term limits for Councilors. These and other steps can help improve the global distribution of constituency participants and elected GNSO representatives, along with focused, ICANN staff-supported, constituency participation recruitment efforts for officers and GNSO Councilors (see LSE Rec. #5; Sharry Rec. #3).

In addition, there should be a centralized registry of the participants of all constituencies and those involved in policy development work (LSE Rec. #1), which is up-to-date and publicly accessible. There should also be publicly available information about how many participants from each constituency were involved in the development of any constituency policy positions (LSE Rec. #2). This database will assist with communication to all who are interested in the GNSO or GNSO issues, including notification of new policy issues and the formation of new working groups.

Additionally, communication within the GNSO – among individuals participating in its constituencies, working groups and other processes – should be improved. This can happen by creating a “GNSO-discussion list,” where the individuals who participate in constituencies, working groups and other GNSO processes have posting rights, and their emails are publicly posted. This list can serve as a much-needed “cross-functional” discussion area, enabling members of constituencies, in particular those who are grappling with the same policy questions, to discuss their positions and perspectives with each other. This list also can serve as an informal mechanism for working groups to keep the GNSO community apprised of discussions and developments.

As these recommendations will put a significant burden on the GNSO and its constituencies, ICANN should provide dedicated Staff support for constituencies to assist with standardization, outreach and their internal work. This should help to lower constituency costs and fees, and increase efficiency and effectiveness. ICANN could

offer each constituency a “toolkit” of in-kind assistance (as opposed to financial aid) that ICANN is prepared to provide on an “as requested” basis. The toolkit could include, for example, assistance with tracking PDP deadlines and summarizing policy debates, supporting websites and mailing lists, scheduling calls and other administrative duties.

### ***6.3 Steps to improve efficiency***

There are several steps that can help improve the efficiency of constituency operations. Recs. #3 and #4 of the LSE Review suggest that having dedicated Staff support for constituencies could assist with standardization, outreach and the internal work of the constituencies, as well as lower constituency budget needs and reduce membership fees. As noted in the previous Section, these are sound ideas. Staff should be used to facilitate the development of (but not advocate) constituency positions.

LSE recs. #7 and #8 specifically called for improving the GNSO website and document management. Sharry rec. #20 called for overhauling the GNSO website so that it can better meet the needs of those interested in its work. It is clearly important for constituency and GNSO documents to be more broadly accessible, informative and understandable by the global community of stakeholders (LSE Rec. #8). There are certainly steps ICANN can take to facilitate the ability of constituency members and the broader community to participate in ongoing PDPs, including by revamping public comment processes and by making translation part of all PDPs (see Sharry Rec. #4). As foreshadowed in the previous Section, constituencies should join the Council and ICANN in working together to improve the GNSO’s website, document management capacity and ability to solicit meaningful public comments on its work.

Rec. #10 of the LSE Review to institute participation and leadership training and certification as part of well-defined benefits to participating in ICANN is just as important for constituency work. As previously noted, providing Council, constituency and working group participants with training and education to better equip and motivate them to do policy work, and to help ensure that they have the knowledge and skills needed to be successful, can help increase the effectiveness and efficiency of the GNSO and its constituent bodies.

### ***6.4 Conclusions***

Our recommendations and proposed action items regarding the constituency structure include:

- ICANN should take steps to clarify and promote the option to self-form a new constituency. It should engage in greater outreach to ensure that all parts of the community, particularly those areas where English is not widely spoken, are aware of the option to form new constituencies. Together, ICANN Staff and the GNSO should develop specific recommendations for achieving these goals.

#### **Proposed Action Item: The Board tasks Staff:**

- (i) **To develop and implement an outreach program to explore the formation of new constituency groups. This outreach program should be designed to**

**reach all current members of the ICANN community and potential members, particularly in areas where English is not widely spoken. Staff should provide periodic progress reports; and**  
**(ii) To work with constituencies to develop global outreach programs aimed at increasing participation in constituencies and the GNSO policy process. Staff should provide periodic progress reports.**

- The Council should develop participation rules and operating procedures for all constituencies for Board approval, ensuring that they function in a representative, open, transparent and democratic manner. The criteria for participation in any ICANN constituency should be objective, standardized and clearly stated.
  - General information about each participant application and the decision should be publicly available.
  - Mailing and discussion lists should be open and publicly archived (with posting rights limited to members).
  - There should be term limits for constituency officers, just as for Councilors, so as to help attract new members and provide everyone with the chance to participate in leadership positions.
  - There should be an emphasis on reaching consensus and compromising to achieve objectives and closure on issues.
  - There should be a centralized registry of the participants of all constituencies and others involved in GNSO policy development work, which is up-to-date and publicly accessible. This can happen by creating a “GNSO-discussion list,” where individuals who participate in constituencies, working groups and other GNSO processes, have posting rights, and their emails are publicly posted.

**Proposed Action Item: The Board requests:**

**(i) The Council, with assistance from Staff as needed, to develop a set of participation rules and operating procedures, consistent with the principles outlined above, which all constituencies should abide by. The Council should submit these rules and procedures to the Board within six months for approval; and**

**(ii) Staff, in consultation with the Council, to develop within six months, and maintain, a database of all members of all constituencies and others involved in GNSO issues but not formally a part of any constituency. This database will be used for interested parties to communicate on a “GNSO-discussion list” about GNSO issues, and the formation of new working groups in particular. The database needs to be constructed in a manner consistent with privacy considerations of individuals.**

- ICANN should provide dedicated Staff support for constituencies to assist with standardization, outreach and internal work, which can lower constituency costs and fees. ICANN should offer each constituency a “toolkit” of in-kind assistance (as opposed to financial aid) that ICANN is prepared to provide on an “as requested” basis. The toolkit should include, for example, assistance with tracking PDP deadlines and summarizing policy debates, supporting websites and mailing lists, scheduling calls and other administrative duties.

**Proposed Action Item: The Board tasks Staff with developing, within six months, in consultation with the Council, a “tool kit” of basic services that would be made available to all constituencies.**

## **7. Recommendations re: Relationships with Other ICANN Bodies**

### ***7.1 Staff***

The ICANN Bylaws provide that a “member of the ICANN staff shall be assigned to support the GNSO, whose work on substantive matters shall be assigned by the Chair of the GNSO Council, and shall be designated as the GNSO Staff Manager (Staff Manager)” (see Article X(4)). At present, Staff is currently assigned to support the GNSO’s work, including a GNSO Secretariat, and three policy support staff positions. The Bylaws also require ICANN to “provide administrative and operational support necessary for the GNSO to carry out its responsibilities,” although there is a limitation that such “support shall not include an obligation for ICANN to fund travel expenses incurred by GNSO participants for travel to any meeting of the GNSO or for any other purpose.” It is clear that a close and supportive relationship between Staff and GNSO participants is an important component of encouraging policy development work that is consistent with, and responsive to, ICANN’s priorities and resources.

### ***7.2 Supporting Organizations and Advisory Committees***

The policy work of the GNSO increasingly deals with issues that are also of concern to other parts of the ICANN community. Issues such as Internationalized Domain Names (IDNs), for example, affect many parts of the ICANN community. It is thus particularly important that the work of the GNSO be informed by the views of other parts of ICANN. Where possible and sensible, there should be an effort to coordinate policy activities.

Indeed, it would also strengthen ICANN as a whole if the Supporting Organizations (SOs) and Advisory Committees (ACs) had greater awareness of the issues that the others were dealing with and attempted to coordinate their activity, where appropriate. The meeting time that is available to the ICANN community is limited, particularly face-to-face opportunities. Better coordination between the GNSO and other parts of the ICANN

community could therefore increase the efficiency and effectiveness of ICANN's work as a whole.

These needs could be satisfied in a few ways: by arranging meetings between the SOs and ACs in order to better coordinate their activities; arranging conference calls and meetings of the SO and AC chairs for the same purpose; and by ensuring the Board members elected by the GNSO are up-to-date with GNSO issues so that they can help keep the Board fully informed of the work that the GNSO is undertaking.

More frequent and substantive communication, for example, with the Government Advisory Committee (GAC) and with the At-Large Advisory Committee (ALAC) has begun already and could prove extremely useful in terms of reaching realistic policy conclusions. Communication between Chairs of the SOs and ACs also has increased over the years, but more communication would be beneficial.

New steps can also be taken. Consideration could be given to having a coordination call take place at least a month before each ICANN meeting to discuss the upcoming agenda and goals. This call could include the Chairs of the three SOs, the Chairs of the GAC and the ALAC, the Chair of ICANN's Board and ICANN's CEO. If this proves to be a successful coordinating device, then such calls might occur on a monthly basis. Consideration might also be given to developing a more formal process of seeking input from other ICANN organizations on each proposed GNSO policy (see Sharry Rec. #6). The Council should consider additional ways in which it can further enhance coordination with other ICANN structures in the weeks ahead.

### ***7.3 Conclusions***

Our recommendations and proposed action items for improving the relationship of the GNSO to other ICANN structures include:

- The Council should propose specific ways in which it can improve communications between it and Board Members elected from the GNSO.

**Proposed Action Item: The Board requests the Chair of the GNSO to report to the Board within six months on the mechanisms that will be put in place to improve communications between the Council and the Board members elected from the GNSO.**

- There should be more frequent contact and communication among the Chairs of the GNSO, other Supporting Organizations (SOs) and Advisory Committees (ACs), especially in advance of each ICANN Meeting. The Council should also consider other ways in which it can further enhance coordination with other ICANN structures, and report to the Board within six months on such steps.

**Proposed Action Item: Staff should propose, within six months, specific ways in which the GNSO can improve coordination with, and among, ICANN’s other SOs and ACs, in consultation with those bodies. Staff should to work with all SOs and ACs to develop a communications and coordination plan to address this issue more generally.**

## **8. Transitional Arrangements**

To carry out recommendations approved by the Board, we recommend that Staff be responsible for creating a proposed “Implementation Plan” that would (i) address all action items; (ii) recommend any corresponding changes to the ICANN Bylaws, (iii) create a realistic timetable for overall implementation; and (iv) prepare a budget to support the recommended improvements. This work should include any arrangements that need to be developed on an interim basis in order to ensure a smooth and effective transition to the new elements recommended in this Report.

There are a number of areas where the BGC WG believes it is particularly important for the Council to become involved in developing the details of a smooth and successful implementation. These areas include the rules and procedures that will govern establishment and operation of working groups; the precise development of the stakeholder group concept; and participation rules and operating procedures for the Council and all constituencies. We therefore call on Staff to work closely with the GNSO, especially the Council, in preparing the implementation details.

We suggest that we, as the BGC WG, transition to an “Implementation Oversight Group” that would oversee and manage the implementation process, working with the GNSO and broader ICANN community to effect the improvements approved by the Board.

## **9. Overall Conclusions**

Our deliberations have achieved consensus on a comprehensive set of recommendations that addresses five main areas:

- A formalizing working group model should become the focal point for policy development and enhance the PDP by making it more inclusive and representative, and – ultimately – more effective and efficient.
- The PDP needs to be revised to make it more effective and responsive to ICANN’s policy development needs, bringing it in-line with the time and effort actually required to develop policy, and making it consistent with ICANN’s existing contracts (including, but not limited to, clarifying the appropriate scope of GNSO “consensus policy” development).

- The GNSO Council needs to be moved away from being a legislative body heavily focused on voting towards becoming a smaller, more focused strategic entity, composed of four broad stakeholder groups, with strengthened management and oversight of the policy development process and the elimination of weighted voting.
- Constituency procedures and operations should become more transparent, accountable and accessible; and
- GNSO coordination with other ICANN bodies needs to be improved.

We believe there is broad and strong support for changes in the functioning of the GNSO, based on input from GNSO participants and other members of the ICANN community. While the need to need to update and improve the GNSO is not disputed, there is no magical set of proposals that could be received without controversy or opposition. We have therefore balanced, as best we can, different – and sometimes competing – interests in order to formulate recommendations on the basis of what can benefit the ICANN community as a whole. As the community and the Board consider this Report, it is important to keep in mind that this is an evolutionary process intended to reflect the importance of the GNSO to ICANN and to build upon the GNSO’s successes to date.

The primary recommendations and action items that we propose are summarized briefly in the following chart:

<b>Recommendation</b>	<b>Action Item</b>	<b>Responsible</b>	<b>Timeframe</b>
<b>WORKING GROUPS</b> Working groups (WGs) should become the foundation for consensus policy development work in the GNSO. Such an approach tends to be a more constructive way of establishing where agreement might lie than task forces, where discussion can be seen as futile because the prospect of voting can polarize the group. There is value in enabling parties to become a part of the process from the beginning. This inclusiveness can have benefits in terms of being able to develop and then implement policies addressing complex or controversial issues.	Board requests the Council to take steps to move to a WG model, as described above, for all future policy development work, and other aspects of its work as appropriate.	Council, working with ICANN community	Immediately
Council and Staff should work together to develop appropriate operating principles, rules and procedures for the establishment and conduct of GNSO WGs. This effort should draw upon the broad and deep expertise within the ICANN community on how lessons learned in other organizations, including but not limited to the IETF, W3C and the	Board tasks the Staff to work with the Council to develop a set of principles, rules and procedures for GNSO WGs, including but not limited to the points above, and to present those principles to the Board.	Staff, working with Council	3 months

RIRs, might benefit ICANN.

ICANN Staff must be ready to provide sufficient support to a WG. This should include the option of recruiting and compensating outside experts for assistance on particular areas of work, providing translation of relevant documents, and developing relevant training and development programs (see also Section 5.3).

Board tasks Staff (i) to prepare a report on budget implications of moving to a WG model, including costs associated with using expert input and professional facilitators, any additional travel costs and translation and/or interpretation costs; and (ii) work with Council to develop training and development programs to create a group of skilled chairs and a pool of facilitators familiar with ICANN issues and able to assist with policy development.

Staff ,  
working with  
Council

3/6 months

### **POLICY DEVELOPMENT PROCESS**

While the procedure for developing “consensus policies” will need to continue to be established by the Bylaws as long as ICANN’s contracts require, Council and Staff work should together to propose new PDP rules for the Board’s consideration and approval. Once approved, the rules would become part of the GNSO’s operating procedures.

Board requests the Council to work with Staff to develop a draft revised Policy Development Process that incorporates the WG approach and is consistent with the considerations outlined above. The new PDP rules should consider how GNSO operating procedures can contain greater flexibility, consistent with ICANN’s contractual obligations to registries and registrars.

Council,  
working with  
Staff

3 months

Periodic assessment of the influence of the GNSO, including the PDP, is another important component of successful policy development. Metrics can help measure the success of policy recommendations.

Board requests the Council, with support of Staff, to implement a self-assessment process for each WG to perform at the end of a PDP, which should contain metrics for evaluating the effectiveness of the policy and any lessons learned from the PDP. In addition, the GNSO Chair should present an annual report on effectiveness of GNSO policies using metrics developed at the end of each PDP and a synthesis of lessons learned.

Council,  
working with  
Staff; GNSO  
Chair

CBC &  
annual

PDP should be better aligned with ICANN’s strategic plan and operations plan, but at same time

Board requests (i) Council to execute a more formal “Policy Development Plan” that is linked

Council/Staff

6/3 months

sufficiently flexible to accommodate changes in priority.

to ICANN’s overall strategic plan but also sufficiently flexible to accommodate changes in priority; and (ii) Staff to propose metrics that can bring the PDP more in sync with ICANN’s planning.

## COUNCIL

Council should transition from being a legislative body into its intended role as a strategic manager overseeing policy development. Among the Council’s most important functions should be guiding the establishment of WGs and monitoring their progress. Council should be responsible for launching a WG by deciding upon the appropriate mandate and timeline, and ensuring that it has an experienced and impartial Chair, who performs adequate outreach and has sufficient expertise. Council should be available to provide guidance on any issues as soon as they arise.

Board requests Council, with assistance from Staff, to prepare a set of operating principles that will allow it to be the strategic manager of the policy process rather than a legislative body.

Council,  
working with  
Staff

6 months

Council should develop ways to (i) assess and benchmark policy implementation; and (ii) analyze trends and changes in the gTLD arena.

Board requests Council and Staff to prepare a strategic plan to operationalize work in this area, including by the consideration of a committee structure to promote effectiveness and efficiency.

Council,  
working with  
Staff

6 months

Council should work with ICANN Staff to (i) align the GNSO’s work with ICANN’s strategic plan, (ii) increase the use of project-management methodologies; and (iii) improve the GNSO’s website, document management capacity and ability to solicit meaningful public comments on its work.

Board requests Council participate fully in ICANN planning process, including by providing a three year view (for the Strategic Plan) and an annual plan (for the Operating Plan) of planned and anticipated policy processes; prepare a plan for the implementation of a formal document handling system that will allow easy tracking of all policy development documents, including translations; revise the GNSO’s website; prepare a revised process for gathering and addressing public comments on policy issues, taking into account the needs of stakeholders who prefer to work in languages other

Council &  
Staff

6 months

	than English; and prepare a plan for translation of documents associated with policy development.		
Council should be restructured to consist of 16 members elected from four stakeholder groups, comprising “suppliers” under contract with ICANN and “users” as follows: registries, registrars, commercial registrants and non-commercial registrants. In addition, we recommend that 3 members be appointed by the NomCom for a total of 19 Councilors (recognizing that number of NomCom could change with that review). Precise names of the four stakeholder groups, and exactly how the two “user” groups might be defined, are questions on which it will be particularly important to receive GNSO input.	Board requests Council, with support from Staff, to prepare suggested changes to the Bylaws regarding the Council’s structure on the basis of four broad stakeholder groups, with two representing supply interests and two representing demand interests.	Council, working with Staff	6 months
Weighed voting should be abolished. Indeed, as the Council moves from being a legislative body to a strategic manager overseeing policy development, formal voting should be minimized, if not eliminated altogether, except when necessary to confirm consensus or conduct elections.	Board requests Council, with support from Staff, to prepare suggested changes to the Bylaws regarding details of Council voting (when necessary), in light of elimination of weighted voting.	Council, working with Staff	6 months
Establish term limits for Councilors, thus giving more people an opportunity to serve in these important positions.	Board requests Council, with support from Staff, propose changes to the Bylaws supporting limit of two terms per Councilor, with an appropriate but limited grandfather clause.	Council, working with Staff	6 months
There should be basic information regarding Statements of Interest and Declarations of Interest (pertaining to specific matters under discussion) that GNSO Councilors, constituency leaders and others participating in policy development activities must	Board instructs Staff, in consultation with the Council, to develop “Statement of Interest” and “Declaration of Interest” forms that would be completed by Council members (and participants in WGs), which can be published and updated,	Staff, working with Council	3 months

first complete.

consistent with privacy issues.

The Council should work with Staff to develop a training and development curriculum to promote skills development for the Council, prospective chairs of WGs and, ideally, all members of the ICANN community who might wish to take part in WGs.

Board instructs Staff, in consultation with the Council, to develop a training and development curriculum for the GNSO consistent with the principles outlined above. A proposed curriculum (including suggested courses, delivery mechanisms and links between positions and training) should be developed and also be made available to others in the ICANN community.

Staff, in consultation with Council

6 months

### **CONSTITUENCY STRUCTURE**

ICANN should take steps to clarify and promote the option to self-form a new constituency. It should engage in greater outreach to ensure that all parts of the community, particularly those areas where English is not widely spoken, are aware of the option to form new constituencies. Together, ICANN Staff and the GNSO should develop specific recommendations for achieving these goals.

Board tasks Staff to (i) develop and implement an outreach program to explore the formation of new constituency groups, particularly in areas where English is not widely spoken; and (ii) to work with constituencies to develop global outreach programs aimed at increasing participation in constituencies and the GNSO policy process.

Staff

Periodic reporting

Council should develop participation rules and operating procedures for all constituencies for Board approval, ensuring that they function in a representative, open, transparent and democratic manner. Criteria for participation in any ICANN constituency should be objective, standardized and clearly stated, and include general information about each participant application and the decision; mailing and discussion lists should be open and publicly archived (with posting rights limited to members); term limits for constituency officers; emphasis on reaching consensus and compromising to achieve objectives and closure on issues.

Board requests Council, with assistance from Staff as needed, to develop a set of participation rules and operating procedures for Board approval, consistent with the principles outlined, which all constituencies should abide by.

Council, working with Staff as needed

6 months

There should be a centralized registry

Board request Staff, in

Staff, in

6 months

<p>of the participants of all constituencies and others involved in any policy development work, which is up-to-date and publicly accessible, consistent with individuals' privacy considerations. This can happen by creating a "GNSO-discussion list," where individuals who participate in constituencies, WGs and other GNSO processes have posting rights, and their emails are publicly posted.</p>	<p>consultation with the Council, to develop and maintain a database of all members of all constituencies, and others working on GNSO issues but not formally a part of any constituency. This database will be used for interested parties to communicate on "GNSO-discussion list" about GNSO issues and the formation of new WGs.</p>	<p>consultation with Council</p>	
<p>ICANN should provide dedicated Staff support for constituencies to assist with standardization, outreach and internal work, which can lower constituency costs and fees. ICANN should offer each constituency a "toolkit" of in-kind assistance (as opposed to financial aid) that would include, for example, assistance with tracking PDP deadlines and summarizing policy debates, supporting websites and mailing lists, scheduling calls and other administrative duties.</p>	<p>Board tasks the Staff with developing, in consultation with the Council, a "tool kit" of basic services that would be made available to all constituencies.</p>	<p>Staff, in consultation with Council</p>	<p>6 months</p>
<p><b>RELATIONSHIPS</b> Council should propose specific ways in which it can improve communications between it and Board Members elected from the GNSO.</p>	<p>Board requests the Chair of the GNSO Council to report to the Board on the mechanisms that will be put in place to improve communications between the Council and the Board Members elected from the GNSO.</p>	<p>Chair of GNSO Council</p>	<p>6 months</p>
<p>There should be more frequent contact and communication among the Chairs of the GNSO Council, other Supporting Organizations (SOs) and Advisory Committees (ACs), especially in advance of each ICANN Meeting.</p>	<p>Board requests Staff propose specific ways the GNSO can improve coordination with, and among, ICANN's other SOs and ACs, in consultation with those bodies. Staff should to work with all SOs and ACs to develop a communications and coordination plan to address this issue more generally.</p>	<p>Staff</p>	<p>6 months</p>

## **10. Annexes (see separate document)**

*10.1 LSE Recommendations (2006) (“Executive Summary and List of Recommendations”) <http://www.icann.org/announcements/gnso-review-report-sep06.pdf>.*

*10.2 Summary of Public Comments on LSE Recommendations*

*10.3 Sharry Recommendations (2004) (“Appendix 5: Summary of recommendations”) <http://gnso.icann.org/announcements/announcement-22dec04.htm>*

*10.4 GNSO Self Review Recommendations (2004) (“Section 10. Summary and recommendations”) <http://gnso.icann.org/reviews/gnso-review-sec2-22dec04.pdf>*

*10.5 BGC WG Charter and Board Resolution [http://icann.org/minutes/resolutions-30mar07.htm#\\_Toc36876533](http://icann.org/minutes/resolutions-30mar07.htm#_Toc36876533)*

*10.6 Summary of Public Comments on BGC WG’s preliminary report*

### 6.2.3 GNSO Improvements Workshop, October 2007

<http://losangeles2007.icann.org/node/44>

# Los Angeles 2007

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## Workshop: GNSO Improvements

[GNSO](#) [webcast](#) [Workshop](#)

Start: 29 Oct 2007 - 11:00

End: 29 Oct 2007 - 12:30



français | español | Русский interpretation will be provided.

### What is it:

This workshop, which is organised by the Board Governance Committee and is open to all interested individuals, provides the broad community with an opportunity to consider and discuss [proposed improvements](#) to the [Generic Names Supporting Organisation's \(GNSO\)](#) structures and processes.

- [Click here for Summary of Proposed GNSO Improvements \(English\)](#) [PDF, 17K]
- [Click here for Summary of Proposed GNSO Improvements \(Spanish\)](#) [PDF, 25K]
- [Click here for GNSO Improvements Report](#) [PDF, 185K]

### Webcast:

<http://media1.icann.org/ramgen/2007/la/workshop-gnso-improvements-10-29-07.rm>

### Why it's important:

This workshop enables stakeholders to ask questions about proposed improvements and provide input on how this critical policy development body can be improved.

### Who should attend:

All individuals interested in how ICANN makes decisions that affect gTLDs.

### Transcripts:

<http://losangeles2007.icann.org/files/losangeles/LA-GNSOImprovements-29OCT07.txt>

Attachment	Size
<a href="#">summary-gnso-improvements-french-27oct07.pdf</a>	23.52 KB
<a href="#">summary-proposed-improvements-spanish-19oct07.pdf</a>	23.42 KB

[Calendar](#)

Visit the main ICANN Public Participation Site at <http://public.icann.org>.

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## AFRALO-ICANN At Large Africa

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# Welcome to the online home of the African Regional At Large Organisation

Welcome to the online home of the At-Large (individual Internet user community) community for the Africa region, providing news, key resources, and interactive features for information sharing for individuals and end-user groups in the African region interested in ICANN and shaping the future of the Internet. The portal is part of ICANN At-Large's ongoing effort to be more inclusive and responsive to end-users.

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## NEWSFLASH

### ICANN Los Angeles - 30th International Meeting and Annual General Meeting 2007

ICANN will held it's 30th International Meeting "Annual General Meeting" in Los Angeles from 27th Oct to 2nd Nov 2007. You can review the [Los Angeles Meeting](#) agenda and details.

### Nomcom selection for ALAC 2007 - African Representative

Nomcom announced on 25th Sept 2007 it's selection for ALAC African seat form 2007.

[Fatimata Seye Sylla](#) (Senegal, Africa)

Term: Conclusion of the ICANN Annual General Meeting for 2007 until conclusion of the ICANN Annual General Meeting for 2009

### African ALSes Sign MoU with ICANN, Creating AFRALO

The MoU was signed at the Public Forum of the Lisbon ICANN Meeting on 29th Marc 2007. A link to the webcast of the ceremony will be shortly available here as a permanent record and photos will be available soon too.

[AFRLO MOU Signign with ICANN on YouTube ..](#)

### Regional Officers Elected!

At the 27th March 2007 meeting in Lisbon, ALS representatives elected their regional leaders for 2007:

**Hawa Diakite - Mali - At-Large Advisory Committee, 1 year seat**

**Mohammed El Bashir - Sudan - At-Large Advisory Committee, 2 year seat**

**Didier Rukeratabaro Kasole - Democratic Republic of Congo - Secretariat**

Congratulations!

## At-Large Africa Goes to Lisbon

The At-Large African ALS community met in Lisbon, Portugal from 24 - 30 March 2007, as part of the [ICANN 28th International Meeting](#). Complete information, agendas, and preparatory documents for the meeting can be found at the [ICANN Lisbon Meetings](#) page.

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## WHAT IS "AT-LARGE"?

"At-Large" is [ICANN's](#) (the Internet Corporation for Assigned Names and Numbers) name for individual Internet users who want to be involved in issues that affect individuals' use of the Internet's domain name system. ICANN At-Large consists of an international "At-Large Advisory Committee" (ALAC) and user groups throughout the world working together to form five "Regional At-Large Organizations" (1 in each geographic region; "AFRALO" in Africa) that inform and involve the world's Internet end-users in issues that affect the future of the Internet. ICANN At-Large provides crucial contributions to ICANN's work on such matters as:

- guidance on how internationalised domain names ("local language" domain names) are implemented;
- how new top-level domains (i.e. .info, .name, .museum, etc.) are introduced;-
- How to manage the implementation of a new IP addressing system to make sure there are enough unique addresses so the Internet can grow without constraints or instability

These are just a few of the issues that affect individual users worldwide currently being worked on at ICANN. At-Large is also a leading voice for ICANN stakeholders on Internet Governance and issues related to WSIS follow-up, and helps raise awareness of key Internet resource issues that affect ICT development.

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## HOW DO I GET INVOLVED?

Groups in Africa involved in issues that affect individuals' user of the Internet are encouraged to work together to inform and involve Africa's user community in ICANN, as well as in other international fora that may help shape the future of the Internet. In Africa, the Moroccan Internet Society (in Morocco), Anais.AC (in Cameroon), the Sudan Internet Society (in Sudan) and the Internet Society Congo (in the DRC) were the first groups certified as "At-Large Structures." Groups throughout Africa, and the rest of the world, that deal with individual Internet users' interests are encouraged to register and participate in ICANN by submitting a simple application form. Groups that meet the minimum requirements will be certified as "At-Large Structures."

If a group you are involved with wants to influence the decisions that shape the Internet, apply to be certified as an "At-Large Structure" and participate in ICANN decisions critical to the Internet's end users. "At-Large Structure" certification is free, easy, and done via email. Groups interested participating in ICANN At-Large are encouraged to complete an application available online and email it to [als@alac.icann.org](mailto:als@alac.icann.org).

## Application Forms

English ([MSWord](#)) ([PlainText](#))  
Francais ([MSWord](#)) ([PlainText](#))

Application forms in several other languages can be found at [ICANN ALS Info Page](#)

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## WHY BECOME AN AT-LARGE STRUCTURE?

By being designated an At-Large Structure, your group gets:

- A recognized role in forming the policies that affect how individuals' use the Internet (ICANN is listening. Make sure your voice is heard!);
- Quick and easy access to first-hand information on what's happening in ICANN and why it matters to end-users;
- Opportunities to provide your members education on ICANN's work and Internet developments;
- Participation in building your region's At-Large organization (RALO), and opportunities to network with other groups in your country and region as At-Large grows;
- Representation in ICANN at the regional and international level, plus your group's members will be eligible to serve on important regional and international decision-making bodies in ICANN;
- A free web page and other Internet-based mechanisms to support your group's work;
- Opportunities for grant funding to support some of your group's activities (ALAC is applying for grant funding).

At-Large Structures are wholly independent from ICANN. Certification simply recognizes that a group meets ICANN's criteria for involving individual Internet users at the local or issue level in ICANN activities, and for promoting individuals' understanding of, and participation in, ICANN.

Please see <http://www.alac.icann.org/correspondence/structures-app.htm> for information in six languages.

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## WHAT TYPE OF GROUPS CAN BE AT-LARGE STRUCTURES?

Any group that supports individuals' ability to share their views on ICANN issues, and that meets the few simple criteria listed at <[www.alac.icann.org/applications/](http://www.alac.icann.org/applications/)>, can apply to be an At-Large Structure. Types of groups that have been (or have expressed interest in being) designated At-Large Structures include:

- Professional societies (e.g. engineers, attorneys, etc.)
- Academic and research organizations
- Community networking groups
- Consumer advocacy groups
- Internet Society chapters
- Computer user organizations
- Internet civil society groups

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## GROUPS CERTIFIED AS "AT-LARGE STRUCTURES" IN AFRICA

[Nigerian Internet Users Coalition \(NIUC\)](#)

[ISOC-DRC](#)

[Moroccan Internet Society](#)

[Anais.AC](#)

[Sudan Internet Society](#)

[South African Chapter of the Internet Society](#) (ISOC-ZA <http://isoc.org.za>)

[African Youth Foundation](#)

[Journalists Union for Science & Technology Advancement in Africa \(JUSTA-AFRICA\)](#)[Tunisian Internet Society](#) [ACOULL - Association CONgolaise des Utilisateurs de Logiciels Libres](#)

[ISOC Burundi](#)

[ISOC Benin](#)[Centre De Promotion Et De Vulgarisation De L'Informatique](#)

[CAFEC](#)

[ISOC MaliNigerian Internet Users Coalition \(NIUC\)Journalists Union for Science & Technology Advancement in Africa \(JUSTA-AFRICA\)](#)

## **APPLICATIONS CURRENTLY UNDER REVIEW**

[Youthful Initiatives for Economic, Environmental, Educational and Large-scale Development – YIELD](#)

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## **WHERE CAN I GET MORE INFORMATION?**

To help with At-Large organising, and to work with user groups worldwide in advising ICANN on pending issues of interest to end users, ICANN created the 15-member Interim At-Large Advisory Committee (ALAC) in 2003. Current ALAC members from Africa are Pierre Dandjinou (based in Benin), Clement Dzidonu (based in Ghana), and Sunday Folayan (based in Nigeria). They can be reached by sending an email to <[afri-alac@atlarge-lists.icann.org](mailto:afri-alac@atlarge-lists.icann.org)>. For more information, or if you have questions about joining At-Large, send an email to <[info@afralo.org](mailto:info@afralo.org)>.

## **LINKS**

You can find a lot of useful information about what's happening with Internet Names and Numbers from these sites:

### **Regional Sites**

[Asia/Australia/Pacific](#)

[Europe](#)

[Latin America and the Caribbean](#)

[North America](#)

### **At-Large Advisory Committee**

[ALAC Independent Site](#)

[ICANN-Maintained Site](#)

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## **FURTHER INFORMATION**

[Meetings and Events](#)

[Collaboration Tools](#)

[MOU and Organising Documents](#)

**At-Large Worldwide Calendar**

## At-Large

Today **January 2008** Week Month Agenda

Sun	Mon	Tue	Wed	Thu	Fri	Sat
30 < ICANN offices closed for the Festive Season	31	1	2	3 21:00 At Large Si	4	5
6	7 20:00 NARALO Co	8 13:30 Monthly At	9	10 05:00 APRALO M	11	12
13	14	15	16	17 21:00 ALAC Exec	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2

Events shown in time zone: GMT (no daylight saving)



Keep up with events and meetings at your choice of the links above

---

Please add ISOC Tunisia as an ALS

contributed by [Khaled KOUBAA](#) on Oct 30 10:29am

Created by victoria.tricamo on Nov 22 4:05pm. Updated by Yan Sun on Nov 20 11:31am.

### 6.3.2 AsiaPacRALO – ICANN At Large Asia Pacific

[https://st.icann.org/asiapac/index.cgi?asiapac\\_icann\\_at\\_large\\_asia\\_pacific](https://st.icann.org/asiapac/index.cgi?asiapac_icann_at_large_asia_pacific)

ASIAPAC-ICANN At Large Asia Pacific

## **ASIAPAC-ICANN At Large Asia Pacific**

---

# **Welcome to the online home of the Asia Pacific Regional At Large Organisation**

This website is the At-Large (individual Internet user community) portal for the Asia Pacific region, providing news, key resources, and interactive features for information sharing for individuals and end-user groups in the Asia Pacific region interested in ICANN and shaping the future of the Internet. The portal is part of ICANN At-Large's ongoing effort to be more inclusive and responsive to end-users.

## **WHAT IS "AT-LARGE"?**

"At-Large" is ICANN's (the Internet Corporation for Assigned Names and Numbers) name for individual Internet users who want to be involved in issues that affect individuals' use of the Internet's domain name system. ICANN At-Large consists of an international "At-Large Advisory Committee" (ALAC) and user groups throughout the world working together to form five "Regional At-Large Organizations" (1 in each geographic region; "APRALO" in Asia Pacific) that inform and involve the world's Internet end-users in issues that affect the future of the Internet. ICANN At-Large provides crucial contributions to ICANN's work on such matters as:

- guidance on how internationalised domain names ("local language" domain names) are implemented;
- how new top-level domains (i.e. .info, .name, .museum, etc.) are introduced;-
- How to manage the implementation of a new IP addressing system to make sure there are enough unique addresses so the Internet can grow without constraints or instability

These are just a few of the issues that affect individual users worldwide currently being worked on at ICANN. At-Large is also a leading voice for ICANN stakeholders on Internet Governance and issues related to WSIS follow-up, and helps raise awareness of key Internet resource issues that affect ICT development.

---

## **[How Do I Get Involved?](#)**

## **[Meetings and Events](#)**

## **[Current Issues](#)**

## **[APRALO Officers](#)**

## **[Accredited ALS'](#)**

## **[Collaboration Tools](#)**

## **[Resources](#)**

## **[RALO Organising Documents](#)**

## Questions & Comments?

### LINKS

You can find a lot of useful information about what's happening with Internet Names and Numbers from these sites:

- ICANN: <http://www.icann.org>
- ICANN At-Large Microsite: <http://www.alac.icann.org>
- At Large Advisory Committee (ALAC):

### At-Large



Events shown in time zone: GMT (no daylight saving)



### At-Large Worldwide Calendar

Keep up with events and meetings at your choice of the links above.

*Created by victoria.tricamo on Nov 22 4:10pm. Updated by Yan Sun on Nov 20 11:32am.*

6.3.3 EURALO – ICANN At Large Europe  
[https://st.icann.org/euralo/index.cgi?euralo\\_icann\\_at\\_large\\_europe](https://st.icann.org/euralo/index.cgi?euralo_icann_at_large_europe)

EURALO-ICANN At Large Europe

## **EURALO-ICANN At Large Europe**

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**Language Versions:** [български](#)

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# **Welcome to the online home of the European Regional At Large Organisation**

Welcome to the online home of the At-Large (individual Internet user community) portal for the European region, providing news, key resources, and interactive features for information sharing for individuals and end-user groups in the European region interested in ICANN and shaping the future of the Internet. The portal is part of ICANN At-Large's ongoing effort to be more inclusive and responsive to end-users.

---

## **CURRENT NEWS**

### **EURALO ELECTIONS IMMINENT!**

The EURALO General Assembly is shortly to begin the first election cycle, for the two ALAC seats and the Board of the EURALO. Details on the elections process can be found at [EURALO Elections 2007](#)

---

### **European ALSes Finish Bylaws, MoU with ICANN**

**The European ALS Community, meeting in Lisbon, agreed the contents of their Bylaws and MoU with ICANN on 25th March 2007!**

The MoU was signed at the Lisbon ICANN Meeting on 29th March 2007 at approximately 1230 PM Lisbon time. A link to the webcast of the ceremony will be shortly available here as a permanent record in audiovisual format.

For complete details on the organising instruments of the region please see the [RALO Organising Instruments](#) page.

### **Photos from Lisbon**

For those who couldn't make it to Lisbon, here are a few photos. We hope you enjoy them!

Thanks to Patrick Vande Walle for [these photographs](#)

### **[Older News](#)**

---

### **[Meetings and Events](#)**

### **[At-Large Worldwide Calendar](#)**

## At-Large

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## WHAT IS "AT-LARGE"?

"At-Large" is [ICANN's](#) (the Internet Corporation for Assigned Names and Numbers) name for individual Internet users who want to be involved in issues that affect individuals' use of the Internet's domain name system. ICANN At-Large consists of an international "At-Large Advisory Committee" (ALAC) and user groups throughout the world working together to form five "Regional At-Large Organizations" (1 in each geographic region; "EURALO" in Europe) that inform and involve the world's Internet end-users in issues that affect the future of the Internet. ICANN At-Large provides crucial contributions to ICANN's work on such matters as:

- guidance on how internationalised domain names ("local language" domain names) are implemented;
- how new top-level domains (i.e. .info, .name, .museum, etc.) are introduced;-

- How to manage the implementation of a new IP addressing system to make sure there are enough unique addresses so the Internet can grow without constraints or instability

These are just a few of the issues that affect individual users worldwide currently being worked on at ICANN. At-Large is also a leading voice for ICANN stakeholders on Internet Governance and issues related to WSIS follow-up, and helps raise awareness of key Internet resource issues that affect ICT development.

## HOW DO I GET INVOLVED?

Groups in Europe involved in issues that affect individuals' user of the Internet are encouraged to work together to inform and involve Europe's user community in ICANN, as well as in other international fora that may help shape the future of the Internet. Groups throughout Europe, and the rest of the world, that deal with individual Internet users' interests are encouraged to register and participate in ICANN by submitting a simple application form. Groups that meet the minimum requirements will be certified as "At-Large Structures."

If a group you are involved with wants to influence the decisions that shape the Internet, apply to be certified as an "At-Large Structure" and participate in ICANN decisions critical to the Internet's end users. "At-Large Structure" certification is free, easy, and done via email. Groups interested participating in ICANN At-Large are encouraged to complete an application available online and email it to <[als@alac.icann.org](mailto:als@alac.icann.org)>.

### Application Forms

English (MSWord) (PlainText)  
Francais (MSWord) (PlainText)

---

## EUROPE REGIONAL AT-LARGE ORGANIZATION (EURALO) IS BORN!

### Comments on Draft Bylaws Invited

The process to establish the European RALO has concluded! Draft Bylaws for the RALO have been agreed, and a Memorandum of Understanding has been signed with ICANN at the Lisbon ICANN Meeting on 29th March 2007.

The process of choosing officers for the regions is now beginning. Please visit [Nominations 2007](#) for full details.

**Please see the [RALO Organising Instruments](#) page.**

Your participation is greatly appreciated. Please email any questions you may have to <[info@euralo.org](mailto:info@euralo.org)>.

---

## WHY BECOME AN AT-LARGE STRUCTURE?

By being designated an At-Large Structure, your group gets:

- A recognized role in forming the policies that affect how individuals' use the Internet (ICANN is listening. Make sure your voice is heard!);
- Quick and easy access to first-hand information on what's happening in ICANN and why it matters to end-users;

- Opportunities to provide your members education on ICANN's work and Internet developments;
- Participation in building your region's At-Large organization (RALO), and opportunities to network with other groups in your country and region as At-Large grows;
- Representation in ICANN at the regional and international level, plus your group's members will be eligible to serve on important regional and international decision-making bodies in ICANN;
- A free web page and other Internet-based mechanisms to support your group's work;
- Opportunities for grant funding to support some of your group's activities (ALAC is applying for grant funding).

At-Large Structures are wholly independent from ICANN. Certification simply recognizes that a group meets ICANN's criteria for involving individual Internet users at the local or issue level in ICANN activities, and for promoting individuals' understanding of, and participation in, ICANN.

## WHAT TYPE OF GROUPS CAN BE AT-LARGE STRUCTURES?

Any group that supports individuals' ability to share their views on ICANN issues, and that meets the few simple criteria listed at [www.alac.icann.org/applications/](http://www.alac.icann.org/applications/), can apply to be an At-Large Structure. Types of groups that have been (or have expressed interest in being) designated At-Large Structures include:

- Professional societies (e.g. engineers, attorneys, etc.)
- Academic and research organizations
- Community networking groups
- Consumer advocacy groups
- [Internet Society](#) chapters
- Computer user organizations
- Internet civil society groups

### [Certified At Large Structures](#)

### [ALS Applications Being Reviewed](#)

---

## WHERE CAN I GET MORE INFORMATION?

To help with At-Large organising, and to work with user groups worldwide in advising ICANN on pending issues of interest to end users, ICANN created the 15-member Interim At-Large Advisory Committee (ALAC) in 2003. Current ALAC members from Europe are Vittorio Bertola, based in Italy, and Annette Muehlberg, based in Germany. They can be reached by sending an email to [<EURO-ALAC@atlarge-lists.icann.org>](mailto:EURO-ALAC@atlarge-lists.icann.org). For more information, or if you have questions about joining At-Large, send an email to [<info@euralo.org>](mailto:info@euralo.org).

## LINKS

You can find a lot of useful information about what's happening with Internet Names and Numbers from these sites:

## Other At-Large Regional Sites

### [Africa](#)

### [Asia/Australia/Pacific](#)

[North America](#)

[Latin America and the Caribbean](#)

**At-Large Advisory Committee**

[ALAC Independent Site](#)

[ICANN-Maintained Site](#)

---

## HOW-TO-USE THIS WORKSPACE:

### Welcome to the Workspace

This is the home page for EURALO-ICANN At Large Europe.

Please feel free to add or modify pages -- even this one -- as you see fit. That's the idea of a Workspace.

- If you'd like an **introductory tour** of the Socialtext Workspace, [start here](#).
- Visit **Recent Changes** every once in a while to see what's new, and see [Socialtext Documentation](#) for tips to use this Workspace.

*Created by System User on Nov 22 4:23pm. Updated by Yan Sun on Nov 20 11:34am.*

#### 6.3.4 LAC RALO – ICANN At Large Latin America and Caribbean

<https://st.icann.org/lacralo/index.cgi>

LAC RALO  
**LAC RALO**

---

[Spanish Home](#) [Portuguese Home](#)

---

# Welcome to the Online Home of the Latin America and Caribbean Region of At-Large!!

If you are looking for the organising documents for the region they can be found here:

[\*\*RALO Organising Documents\*\*](#)

---

## **LINKS**

Regional [Meetings and Events](#)

[Collaboration Tools](#)

[LACTLD - LAC Regional TLDs](#)

[LACNIC - LAC Region NIC](#)

[LAC IPv6 Task Force](#)

[LatinoAmerICANN](#)

[Internet Governance Group Cusco](#)

[LACRALO Signing Ceremony Video](#)

**At-Large Worldwide Calendar**

### At-Large

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Keep up with events and meetings at your choice of the links above

## Other At-Large Websites:

### Regional Sites

[Africa](#)

[Asia/Australia/Pacific](#)

[Europe](#)

[North America](#)

# At-Large Advisory Committee

[ALAC Independent Site](#)

[ICANN-Maintained Site](#)

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Dear Colleagues:

A newly-accredited ALS had asked if the original MOU document is available to them for signature. To my mind it is not. Since it is the MOU and Operating Principles that define LACRALO, this question raises the broader issue of how LACRALO formally accepts new ALS into the organization.

My work space says a codicil to the MOU that requests the ALS 1) Ratify the MOU as it exists 2) accepts the existing Operating Principles would be the best way to deal with these.

Your advice is requested.

Carlton Samuels  
Secretary to LACRALO

*contributed by [carlton.samuels](#) on Dec 19 9:22am*

*Created by System User on Sep 11 2:18pm. Updated by Yan Sun on Nov 20 11:35am.*

### 6.3.5 NARALO – ICANN At Large North America

[https://st.icann.org/naralo/index.cgi?naralo\\_icann\\_at\\_large\\_north\\_america](https://st.icann.org/naralo/index.cgi?naralo_icann_at_large_north_america)

NARALO-ICANN At Large North America

## **NARALO-ICANN At Large North America**

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**Welcome!**

**This site is the online home of the North American At-Large Community**

---

All accredited At-Large Structures (ALSes) should now have an account that allows them to interactively contribute, whilst the general public will only be able to read what is found here.

If you know of someone who should have an edit account, have them send a note to [na-staff@atlarge-lists.icann.org](mailto:na-staff@atlarge-lists.icann.org) and state their affiliation.

---

**Further Information:**

**[Meetings and Events](#)**

**[Collaboration Tools](#)**

**[Active Documents](#)**

**[RALO Organizing Documents](#)**

**[ICANNWiki NARALO Site](#)**

**At-Large Worldwide Calendar**

## At-Large

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27	28	29	30	31	1	2

Events shown in time zone: GMT (no daylight saving)



## [NA RALO General Assembly Chair's Calendar](#)

Keep up with events and meetings at your choice of the links above

## Other At-Large Websites:

### Regional Sites

[Africa](#)

[Asia/Australia/Pacific](#)

[Europe](#)

**[Latin America and the Caribbean](#)**  
**[At-Large Advisory Committee](#)**  
**[ALAC Independent Site](#)**  
**[ICANN-Maintained Site](#)**

*Created by Nick Ashton-Hart on Dec 5 10:33am. Updated by Yan Sun on Nov 19 2:28pm.*

6.4.1 Independent Review of the  
Nominating Committee Report Prepared by  
Interisle Consulting Group LLC  
[http://www.icann.org/reviews/nomcom-  
review-report-23oct07.pdf](http://www.icann.org/reviews/nomcom-<br/>review-report-23oct07.pdf)



# **Independent Review of the ICANN Nominating Committee**

**Report to the  
Internet Corporation for Assigned Names and Numbers**

**Prepared by  
Interisle Consulting Group, LLC**

**23 October 2007**



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## Executive Summary

The Internet Corporation for Assigned Names and Numbers (ICANN) relies on several different mechanisms to recruit and select volunteers to fill leadership positions on its Board of Directors, the Councils of its Supporting Organizations, and its Advisory Committees. ICANN believes that an important enabler of its mission is finding and appointing people who place the broad public interest of the global Internet community ahead of any particular interests to some of these bodies, including the Board. The reform process that led to the adoption of new Bylaws for ICANN in 2002 recognized this by reserving specific seats on the Board, the Councils of the Generic Names Supporting Organization (GNSO) and the Country-Code Names Supporting Organization (ccNSO), and the At-Large Advisory Committee (ALAC) for independent and unaffiliated volunteers recruited and appointed by a Nominating Committee.

This report presents the results of an independent review of the ICANN Nominating Committee (NomCom), which was undertaken in accordance with the Bylaws in order to determine

- (i) whether the NomCom has a continuing purpose in the ICANN structure; and
- (ii) if so, whether any change in structure or operations is desirable to improve its effectiveness.

This review reaffirms the central rationale of using a process that includes a nominating committee to choose some of ICANN's leaders—ensuring that the broad public interest of the global Internet community is appropriately represented on ICANN's policy-making bodies—while providing strong support for making substantial changes to its structure and operations.

The recommendations in Part III of this document propose specific changes to current policies and practices which would transform the role, structure, and operation of the NomCom in order to dramatically improve its effectiveness in fulfilling its mission.

### Summary of recommendations

- **Balance confidentiality and transparency.** Maintain the core confidentiality of candidate data, but eliminate secrecy everywhere else.
- **Treat candidates more respectfully.** Create a more collegial atmosphere by ensuring that candidates are well informed about the process and the NomCom

is in frequent communication with them regarding the status of their candidacies.

- **Recruit and select based on requirements.** Develop an explicit profile of the skills that are needed, and use that to guide the process.
- **Separate recruiting from selection.** Maintaining an active pool of interested volunteers is one job; selecting from that pool for leadership positions is another. Manage them separately.
- **Focus NomCom on its core mission** to seek genuinely independent and unaffiliated Directors. Do not worry about issue advocacy, technical recruiting, or other distractions.
- **Restructure the NomCom leadership roles** to provide a balance of continuity and fresh perspective. Appoint the volunteer Chair for a single one-year term, assisted by a permanent paid Administrative Director. Appoint the Chair a year in advance to serve as a nonvoting member (“Chair-elect”) of the NomCom during the year prior to becoming Chair.
- **Enforce participation rules.** Remove and replace NomCom members who don’t carry their weight.
- **Explicitly design and document NomCom processes** that deal with all of the “rules of engagement” issues that arise during the NomCom’s work. Ensure that participants (and those outside the NomCom as well) are fully aware of their roles and responsibilities.
- **Seek candidate information from many sources** beyond the Statement of Interest and the cited references.
- **Boost awareness of ICANN and NomCom.** Successful recruiting depends on visibility and reputation. Make potential candidates aware of the process, and that not being selected does not constitute rejection.
- **Hold NomCom appointees accountable.** Develop a mechanism to objectively assess the performance of NomCom appointees, and base decisions to re-appoint—or to recall and replace mid-term—on those data.
- **Audit the NomCom process** each year to determine how well it worked, and publish the results.

- **Manage outreach and recruitment.** Hire a permanent full-time Administrative Director (NomCom AD) to manage a continuous global outreach and recruitment process to identify motivated volunteers, establish relationships with them, and gather relevant information about them and their interests in ICANN. The recruitment function doesn't look specifically for "someone to serve on the GNSO Council"; it builds a database of ICANN volunteers, and collects information about the qualifications and other characteristics of people who might be candidates not only for specific offices but also for other volunteer roles within ICANN.
- **Select NomCom members by lottery.** Choose all of the voting members of the NomCom by random lottery from an annual list of NomCom volunteers, which anyone who meets specified objective criteria and agrees to abide by the NomCom Code of Ethics may join.
- **Distinguish between the "fiduciary" and "policy" roles of the Board.** The "fiduciary board"<sup>1</sup> oversees the ICANN staff organization, and is responsible for the financial, legal, contractual, regulatory, personnel, and other business management aspects of running the corporation; the "policy board" oversees the ICANN volunteer organization, and is responsible for the development, consideration, and promulgation of policies concerning Internet names and numbers.
- **Select Directors from the ICANN volunteer pool.** The NomCom selects all policy board Directors except those appointed by Supporting Organizations from a slate of candidates compiled objectively by the NomCom AD from the ICANN volunteer pool. The ALAC appoints two policy board Directors using whatever mechanism it considers to be appropriate. The fiduciary board recruits and selects fiduciary board Directors separately.
- **Select Supporting Organization Council members from the volunteer pool.** The GNSO and ccNSO Council seats currently filled by the NomCom remain reserved for people who represent the "broad public interest" perspective. Each

---

<sup>1</sup> We use the terms "fiduciary board" and "policy board" in this report to refer to the two different roles that the ICANN Board plays. These shorthand terms are used only to simplify the discussion, not to suggest that the Board should literally be divided into two separate bodies.

SO clearly documents the qualifications and other criteria for members of its Council; the NomCom AD objectively compiles a slate of candidates consisting of everyone in the ICANN volunteer pool who satisfies the SO's criteria and is willing to be considered for appointment to a Council position; and each SO defines its own mechanism for selecting people from that slate.

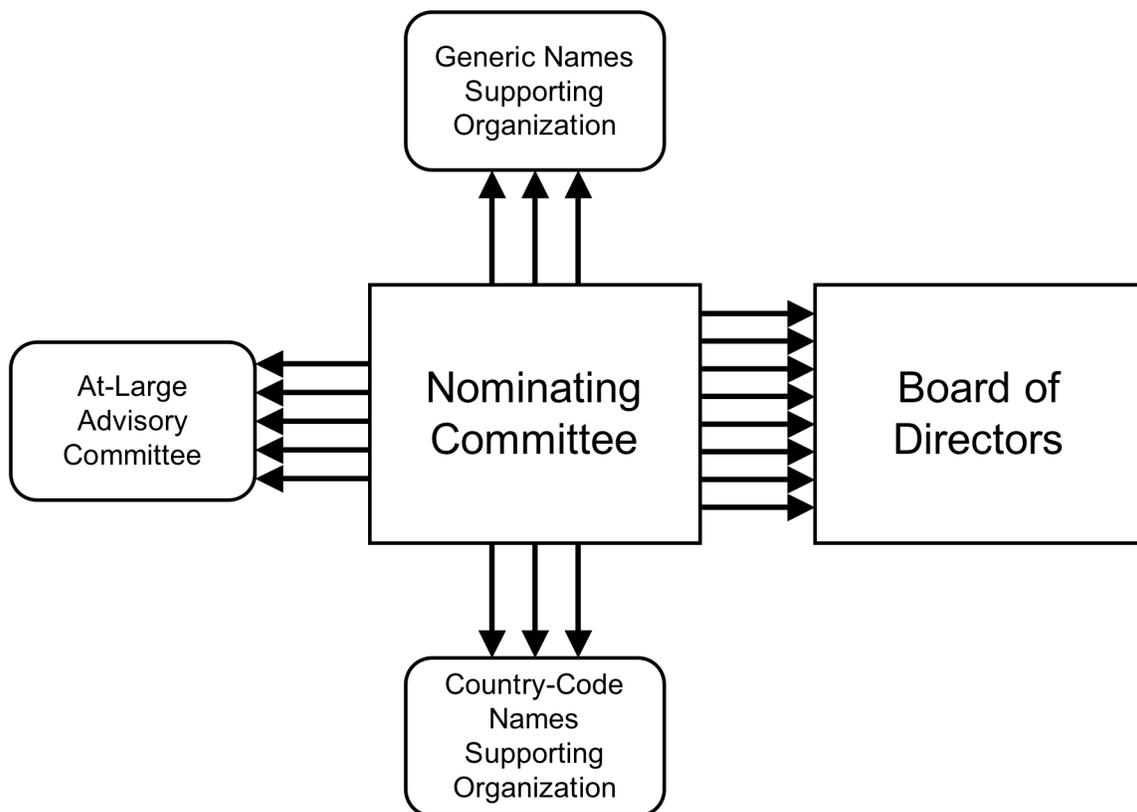
- **Devolve responsibility for the selection of At-Large Advisory Committee members to the ALAC.** It is no longer necessary or advisable for the NomCom to be involved in the selection of ALAC members.

All of the recommendations presented in this report are supported by the evidence compiled from extensive personal interviews, consultation with experts in organizational dynamics and corporate governance, and the documentary record.

## Part I – INTRODUCTION

### I.1 The ICANN Nominating Committee

The ICANN bylaws [1] call for a Nominating Committee (NomCom) [5] to make a specified number of appointments to the ICANN Board of Directors (Board), the Generic Names Supporting Organization (GNSO) Council, the Country-Code Names Supporting Organization (ccNSO) Council, and the At-Large Advisory Committee (ALAC):<sup>2</sup>

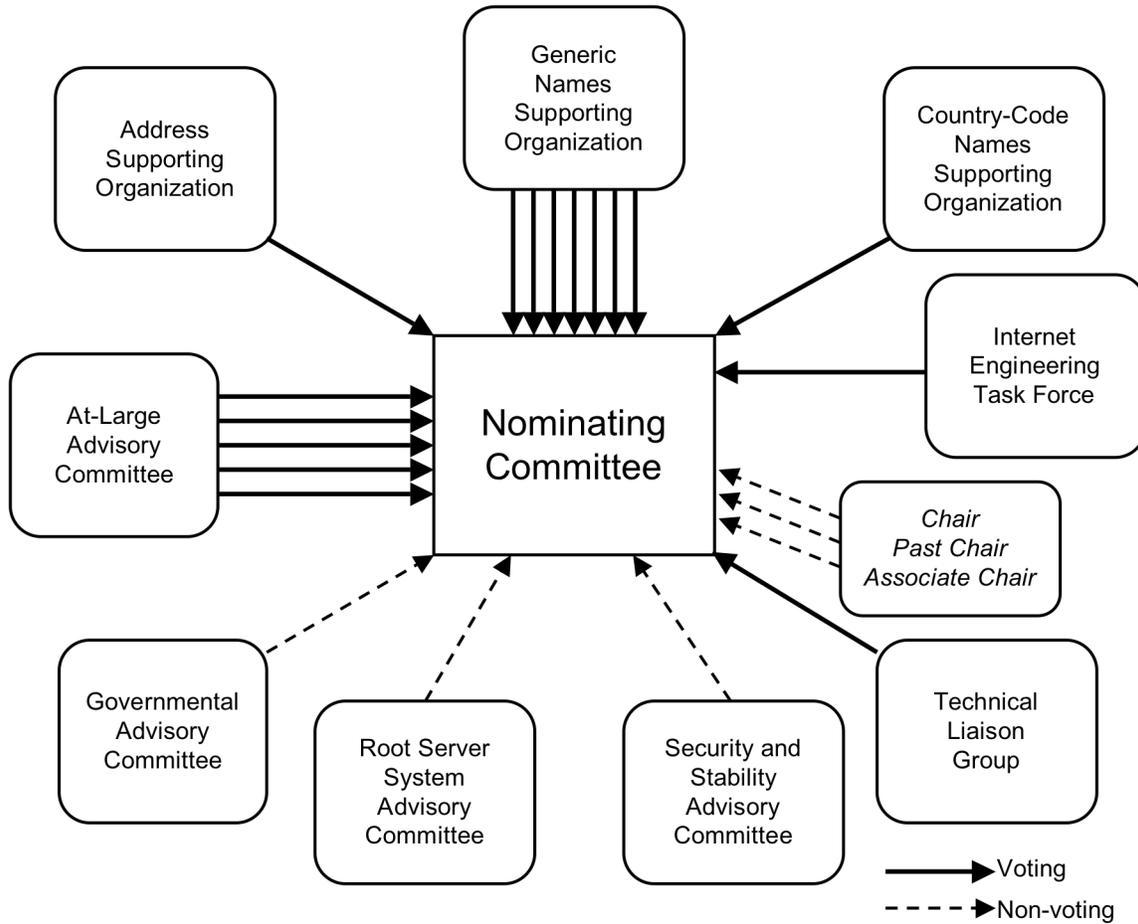


**Figure 1—NomCom Appointments**

The NomCom is created anew each year with the appointment by the Board of a non-voting Chair, who may appoint a non-voting Associate Chair to act as her assistant. The immediate past Chair also serves as a non-voting advisor. The voting membership and

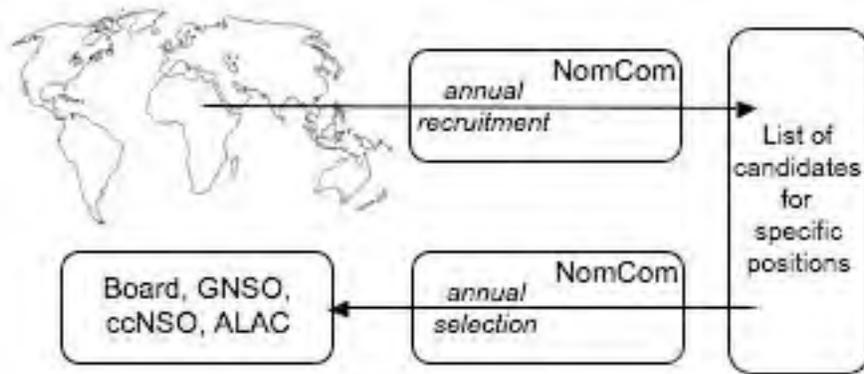
<sup>2</sup> When the current (amended) bylaws were approved in 2006, the ALAC was still formally the “Interim ALAC.” The “Interim” qualifier was removed by a Board resolution in June 2007.

non-voting liaison representatives to the NomCom are then appointed by each of the constituent structures of ICANN, except the Board, as illustrated in Figure 2:



**Figure 2—NomCom Membership**

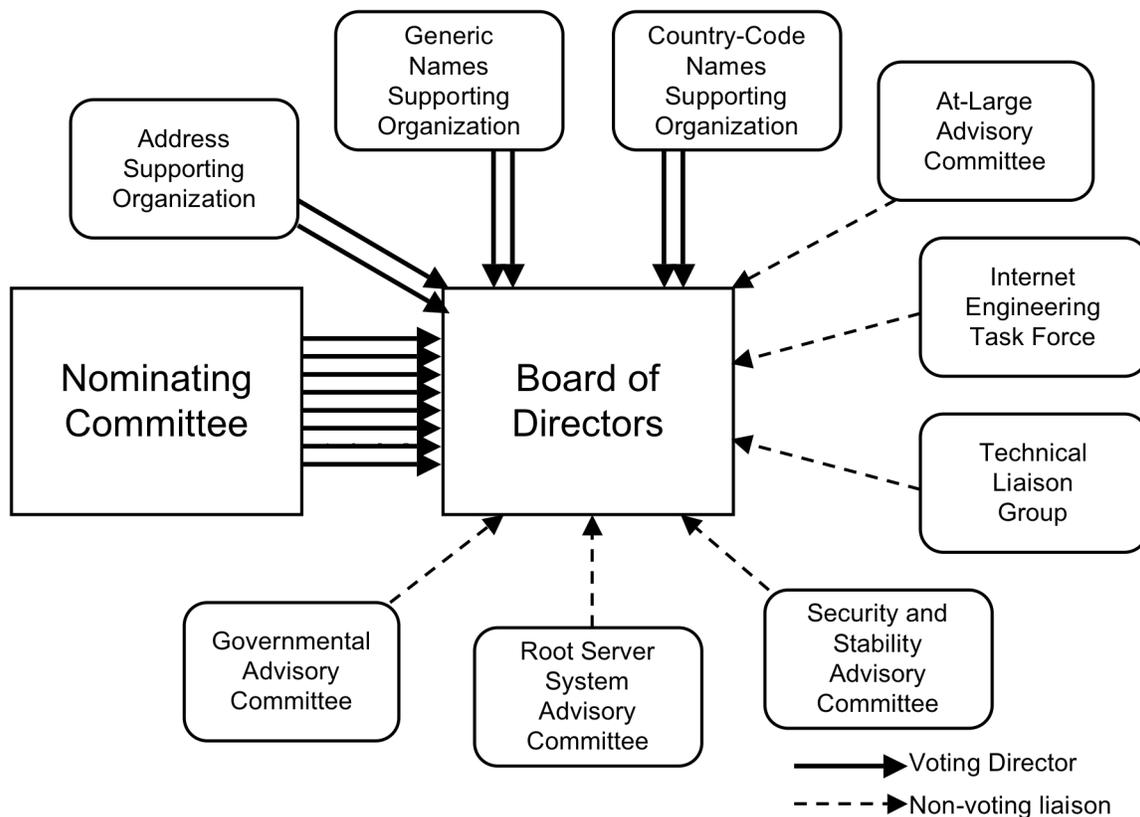
The NomCom is responsible for recruiting candidates for each of the positions it fills each year, and also for evaluating the candidates and making selections.



**Figure 3—NomCom Recruitment and Selection**

In addition to the statutory requirements of the Bylaws, the NomCom follows a set of formal [26] and informal procedures that have been developed in practice over the years since the first NomCom was created in 2003. Staff support for the NomCom is provided on a part-time basis by one or more ICANN employees, who also participate in most NomCom activities (but do not vote). The NomCom is disbanded after it has completed its annual task, although in practice many of its non-voting liaisons participate for more than one year (as they are entitled to do indefinitely), and roughly 50% of its voting members participate for two consecutive years (as they are entitled to do, but for no more than two consecutive years).

The three groups other than the Board to which the NomCom appoints members find all of their other members through their own internal processes.<sup>3</sup> The Board, however, consists entirely of (voting) Directors and (non-voting) liaison representatives appointed by other groups, including the NomCom:



**Figure 4—Appointments to the Board**

<sup>3</sup> They may also receive liaison representatives from other groups within ICANN.

NomCom appointments are final, in the sense that they are not reviewed or approved by any other body (including the body to which the NomCom appointments are made) before taking effect. A “due diligence” period of several months between the completion of the NomCom’s selection process and the public announcement of its appointments is provided to allow ICANN to perform background checks on the selected candidates.<sup>4</sup>

## I.2 The NomCom Context

The NomCom exists and operates as part of a complex system that includes both the rest of ICANN and the global Internet community that ICANN serves. Unlike (for example) the Supporting Organizations, however, NomCom does not execute any part of ICANN’s mission; it exists solely as a means to identify and select individuals for leadership positions. This dependent role means that the NomCom cannot be meaningfully evaluated in isolation. Although the scope of this review does not extend beyond the NomCom, many of the observations and recommendations reported here have implications for other ICANN bodies in addition to their direct relevance to the NomCom.

## I.3 The NomCom Independent Review

Article IV(4)(1) of the ICANN Bylaws [1] calls for a periodic independent review of each of the organizational structures within ICANN. In accordance with that mandate, this review [37] of the Nominating Committee was designed to determine:

- (i) whether the NomCom has a continuing purpose in the ICANN structure; and
- (ii) if so, whether any change in structure or operations is desirable to improve its effectiveness.

The *Terms of Reference* for the NomCom review [3] elaborates on these two high-level questions:

“The broad question [of] whether the NomCom has a continuing purpose to play in ICANN includes consideration of the role that it was intended to play, whether it has met its objectives, and whether there are other

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<sup>4</sup> We have been told that at least one of the reasons for conducting background checks is that ICANN is incorporated in the State of California (USA) as a nonprofit public benefit corporation (<http://192.0.34.163/general/articles.htm>) under § 501 (c)(3) of the (U.S.) Internal Revenue Code of 1986, and as such, it is subject to (U.S.) State and Federal laws concerning people who may and may not legally serve as Directors.

ways to achieve the same goals. An assessment of whether changes in the NomCom’s structure or operations are needed depends upon how well it has performed its function during its four selection periods to date (2003-2006)<sup>5</sup>, and whether there are general or specific ways to enhance its effectiveness in the future. Several questions pertain to the composition of the NomCom, its internal procedures (including transparency), the selection process it utilizes, and the extent of its outreach.”

Appendix B contains a cross-reference between the specific questions listed in the *Terms of Reference* and the place(s) in this report in which the topic is addressed.

In Part II we report the direct observations of our review, focusing on the “facts on the ground”—what is actually happening within the NomCom and within ICANN, regardless of whether or not what is actually happening matches what the bylaws or other specifications say about how things are supposed to work. These are the essential data of our analysis.

The focus of the recommendations presented in Part III is improvements to the structure and operation of the NomCom and the role it plays in filling ICANN’s leadership positions. They arise from our broadly and deeply informed collective analysis of all of the observations reported in Part II. In proposing these improvements we have taken the intentions declared in the Bylaws, Board resolutions, and other authoritative formal declarations at face value. For example, where we observe a difference between what is declared (e.g., NomCom members “act as individuals and are not beholden to their appointing constituencies”) and what appears to be a fact on the ground (e.g., NomCom members acting not as individuals but as representatives of their appointing constituencies), our recommendation seeks improvement in the direction of what is declared.

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<sup>5</sup> A fifth NomCom was operating in 2007 during the course of this review. We have been able to include some information from the 2007 NomCom process in our review, but most of the information available to us refers to the process as it operated in 2003–2006.

## Part II – FINDINGS

### II.1 Sources

In this Part we present the objective findings of our independent review. These are derived from three principal sources:

- Individual interviews with 47 people who represent a variety of perspectives on NomCom, including NomCom members, successful and unsuccessful candidates, past and current members of the boards and councils to which NomCom appoints, and well-placed observers of the Internet and its governing bodies. Appendix A contains a list of the people we interviewed.
- Publicly available documentary materials, including ICANN’s corporate record, published papers and articles, blog entries, email exchanges, formal and informal presentations, and other reports that discuss the NomCom and related activities. Appendix A contains a complete list of sources and other references.
- Our own well-developed knowledge of ICANN, the NomCom, and the way in which other organizations accomplish the task of finding and appointing Board members and other leaders.

During a multi-stage review of documents, interview transcripts, and other source materials, we identified and evaluated a very large number of individual arguments, statements, and assertions, and distilled those into a set of observations that represent the findings of our review. These observations are based on data extracted from multiple sources, but in some cases a direct quotation<sup>6</sup> from a particular document or interview provides an important illustration of an observation. When we include a quotation from a primary source in this report, we set it off typographically as follows:

“This is a direct quotation from a single primary source.”

Because the meaning and significance of a direct quotation depend on the context from which it is taken, we identify the source of each quotation that appears in this report.

### II.2 Observations

Observations are statements that express our reasoned interpretation of the information we evaluated. They are numbered sequentially and set off typographically as follows:

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<sup>6</sup> In some cases—particularly those involving data from personal interviews—we edit or paraphrase the direct quotation in order to ensure that the source is not identifiable.

**n** Observations are derived from data subjected to collective analysis and evaluation; they represent the findings of our independent review.

In order to maintain narrative continuity, the organization of this section does not correspond directly to the organization of questions in the *Terms of Reference*. A cross-reference between the *Terms of Reference* and this report is contained in Appendix B.

The following sections group observations into four broad categories that refer to the role and purpose, structure, operation, and outcomes of the NomCom.<sup>7</sup>

### ***II.2.1 Role and purpose***

The role and purpose of the NomCom are declared in the Bylaws and reiterated in many other documents:

“There shall be a Nominating Committee of ICANN, responsible for the selection of all ICANN Directors except the President and those Directors selected by ICANN’s Supporting Organizations, and for such other selections as are set forth in these Bylaws.” [1]

In addition to its general obligation to make selections that satisfy the criteria that each body establishes for its members, the NomCom bears a specific “diversity” obligation that is stated in Article VII, Section 5 of the Bylaws:

“In carrying out its responsibilities...the Nominating Committee shall take into account the continuing membership of the ICANN Board (and such other bodies), and...shall, to the extent feasible and consistent with the other criteria...make selections guided by Core Value 4 in Article I, Section 2 [of the Bylaws]” [1]

Core Value 4 is:

“Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.” [1]

This mandate has been interpreted in practice to mean that the NomCom must make its selections in such a way as to satisfy the criteria that the bodies to which it appoints have set for various types of diversity. It has become one of the “core objectives” of the NomCom:

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<sup>7</sup> The categories themselves are not an important part of our findings; the placement of an observation in one category or another is not itself significant.

“[4] Pursue diversity in geography, culture, skills, experience, and perspectives from across the global Internet community.” [26]

As the NomCom procedures have evolved over the past five years, the “diversity” mandate has expanded:

“It is understood that the criteria of cultural and geographic diversity... includes gender, ethnic, religious, or other forms of diversity.”

Not explicitly stated in the Bylaws, but also generally accepted as part of the NomCom’s mandate, is an obligation to appoint people who are independent with respect to the interests and agendas of specific ICANN constituency groups:

“The central rationale for using a nominating committee to select a portion of the ICANN leadership bodies is to balance those who can represent particular areas of knowledge and interests with those who place the broad public interest of the global Internet community ahead of any particular interests. NomCom’s role is to select individuals of the highest integrity and capability who place the broad public interest of the global Internet community ahead of any particular interests, and who are nevertheless knowledgeable about ICANN’s mission and environment.” [25]

This obligation has emerged from the ICANN community’s understanding of the “original intent” of specifying in the Bylaws that a nominating committee be used to select some of ICANN’s leaders (see, for example, Section II(A) of [28]).

### **II.2.1.1 Purpose of NomCom**

We observed a broad consensus that the search for strong, independent, unaffiliated Board members is central to NomCom’s purpose. We observed an equally broad consensus that this central purpose should not be diluted by other considerations—in particular, that the NomCom should not be expected to find technical experts for the SOs, and that NomCom should not be exploited as an alternative, “second chance” route to the Board or other bodies for clearly affiliated people who were unsuccessful candidates for appointment by their natural constituency.

<p><b>1</b> The central purpose of the NomCom is to find genuinely independent and unaffiliated Board, Council, and ALAC members.</p>
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Current and past NomCom members report that the additional obligations imposed on the NomCom by the community’s interpretation of the “diversity” mandate (as described above) are often difficult to reconcile with its central purpose. We observe that in addition to “over-constraining” the problem of finding good candidates, the

diversity mandate cannot even in principle always be satisfied by the NomCom, which has no power, for example, to correct a diversity imbalance on the Board in mid-cycle that is created by the removal and replacement of an SO-appointed Director.<sup>8</sup>

- 2** The responsibility for achieving and maintaining cultural and geographic diversity on the bodies to which it appoints makes it difficult for the NomCom to pursue its central purpose.

### **II.2.1.2 Should NomCom continue to exist?**

We observed a strong consensus that the nominating committee approach is valid and sound and should be retained, but that there are problems with the way in which the current NomCom is implemented. There were significant outliers on both sides: those who believe that the fundamental approach is flawed (and who favor other mechanisms), and those who believe that the approach, as currently implemented, is entirely adequate.

It is generally true of non-profit organizations that a nominating committee operating independently, without interference from the bodies to which it appoints, confers substantial popular legitimacy on the organization it serves by validating the organization's commitment to operating transparently and in the public interest.

- 3** A nominating committee is a good way to find and appoint independent people to some of ICANN's leadership positions, but the current NomCom could be substantially improved.

### **II.2.1.3 Alternatives to NomCom**

The current NomCom was originally conceived as—among other things—an alternative to direct election of At-Large Directors to the Board by popular vote. Direct election was proposed in 1999 as an effective means of opening ICANN to public participation [33], and an election for five At-Large Directors was conducted by ICANN in 2000, employing a nominating committee to build a slate of candidates for popular election in each of ICANN's five geographical regions:

[Resolution 00.31] "There shall be a Nominating Committee responsible for nominating a set of candidates for five At-Large Director seats, to be

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<sup>8</sup> Article VI, Section 2 of the Bylaws [1]: "the Nominating Committee shall ensure through its selections that at all times the Board includes at least one Director who is a citizen of a country in each ICANN Geographic Region."

placed on the ballot for consideration and selection by the At-Large members of ICANN in the year 2000. The Nominating Committee will solicit and accept recommendations for candidates from the global Internet community. The Nominating Committee may also affirmatively recruit candidates for nomination." [35]

Our review of the documentary record of the 2000 election and interviews with both proponents and critics of direct elections confirms a consensus that popular election of Directors and other ICANN leaders is not a desirable alternative to the current NomCom process for recruiting and selecting highly qualified candidates for ICANN's leadership positions. The most frequently cited obstacle to conducting an election is defining the franchise (who gets to vote?) and engaging it:<sup>9</sup>

"The notion of an impacted 'public' in ICANN is broad. Definitions of the 'public' affected by ICANN vary widely, in part due to regional differences in conceptualizing the concept of 'public' independent of other civil institutions. At the very least there is a continuum of interests in ICANN's activities, which, at their broadest, include all users and potential users of the Internet." [32]

Reviewing the results of the 2000 election, the At-Large Study Committee<sup>10</sup> concluded in 2001 that the level of popular interest in ICANN and its activities was far too low to sustain the concept of a meaningful at-large "electorate," and that mechanisms other than direct elections would satisfy the desire for public participation more efficiently:

"We have concluded that the main interest of the wider Internet community is in the stability and reliability of the Internet itself, and that a structure for participation and representation that is seen as creating the best possibilities for this would meet with its tacit approval." [34]

The current NomCom is designed to satisfy this criterion:

"It should be noted that this NomCom process differs from an election, although the goal is the same: to elicit the Internet community's participation in a thoughtful process leading to the selection of very well-qualified individuals to fulfill the specific roles of their positions." [26]

A number of people interviewed during our review maintained that the potential benefit of electing some of ICANN's leaders directly by popular vote was great enough

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<sup>9</sup> Participation in the 2000 election was 0.0005% of the defined electorate [32].

<sup>10</sup> An independent committee formed by ICANN's Board in 2001 to undertake a comprehensive study of the concept, structure, and processes relating to an ICANN At-Large membership.

to justify continued efforts to establish a viable franchise for direct public participation in the selection of Directors.

- 4** Direct elections are not a desirable alternative to the NomCom in the absence of a well-defined and adequately engaged electorate.

During our review we observed that the At-Large Advisory Committee (ALAC) has also been proposed as an alternative source of unaffiliated, independent Directors. As currently constituted, however, the ALAC is not prepared to undertake either the recruitment and evaluation of candidates or the appointment of candidates to positions on the ICANN Board or the SO Councils.

- 5** The At-Large Advisory Committee is not currently a viable alternative to the NomCom.

#### **II.2.1.4 Inconsistent understanding of role and purpose**

Although the role and purpose of the NomCom is clear to almost all observers at the most abstract level—“to get good people onto the Board and other ICANN bodies”—individual interpretations of the formal statements in the Bylaws [1] and NomCom procedures [26] diverge as soon as one digs deeper into the details. Some people focus on the role of the NomCom in ensuring that the unaffiliated have a voice; others emphasize the NomCom’s role in examining the Board and “balancing” it; and still others are most concerned with the role played by the NomCom in establishing ICANN’s “legitimacy.”

This divergence is not surprising given the number and variety of people in and around the NomCom, the strength of their individual perspectives, and the fact that serving on the NomCom is a short-term, part-time activity. We observed that the people in and around the NomCom do not necessarily have a common, aligned view of its purpose or the role and responsibilities of its members.

- 6** NomCom members do not consistently understand the overall role and responsibilities of the NomCom or agree on the details.

Because the NomCom’s role is dependent—its only job is to appoint people to other bodies—any uncertainty or confusion in the community about the role or requirements of the Board, the SOs, or the ALAC necessarily creates uncertainty and confusion about what the NomCom should be doing. We observe that uncertainties within ICANN itself

are reflected in corresponding uncertainties about how the NomCom should interpret its formal mandates; two examples follow:

- The proper balance within the Board between its fiduciary and policy-making roles; and within its policy-making role, the proper balance between technical expertise and social, political, and legal skills.
- The ongoing debate between those who believe that ICANN should fulfill a broad role as an “Internet governance body” in which all Internet users have an important stake and those who believe that ICANN’s mandate extends no further than the limited technical coordination and self-regulation of the DNS industry.

Although each of the bodies to which the NomCom appoints has published criteria and qualifications for membership, NomCom members report considerable disagreement within the NomCom about what they mean.

<p><b>7</b> NomCom members do not consistently understand ICANN or its constituent bodies well enough to interpret and apply the criteria and qualifications for appointments.</p>
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#### **II.2.1.5 To which bodies does NomCom make appointments?**

Figure 1 in Part I of this report illustrates the NomCom’s mandate to appoint people to positions on the ICANN Board, the GNSO and ccNSO Councils, and the ALAC.

The responsibilities of the ICANN Board are different from those of the SO Councils or the ALAC. The Board’s influence is exercised broadly across the entire spectrum of ICANN activities and participants, and it bears a unique fiduciary responsibility to the corporation.<sup>11</sup> The SO Councils and the ALAC operate in much more specific domains on behalf of much more narrowly defined constituencies. Finding and selecting candidates for the Board is therefore different in both scope and objective from finding and selecting candidates for the SO Councils and the ALAC. Current and former NomCom members report that the NomCom spends the bulk of its time on Board appointments, and that some NomCom members take their responsibilities with respect to Board appointments more seriously than their responsibilities with respect to appointments to other bodies.

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<sup>11</sup> Section E of [38] provides a summary description of the duties of Directors. [36] describes the activities of an actual ICANN Board, although it is not definitive.

**8** Recruiting and selecting candidates for the ICANN Board is fundamentally different from recruiting and selecting candidates for the SOs and ALAC.

The rationale for using the NomCom process to appoint three members of the GNSO Council and three members of the ccNSO Council is that both Councils benefit from a balance between those who can represent particular areas of knowledge and interests and those whose principal perspective is the broad public interest of the global Internet community [26]. During our review we observed a counter-argument that because the mission and responsibilities of the SO Councils are narrowly focused on the interests of their defined constituencies, rather than the community at large, using the NomCom to appoint SO Council members is less valuable.

We observed a different but equivalent counter-argument for the ALAC, which is already organized in such a way that “the broad public interest of the global Internet community” is well represented.

**9** The rationale for NomCom appointments to the Board is stronger than the rationale for NomCom appointments to the SOs or ALAC.

## II.2.2 Structure

Our review evaluated the following four elements of the structure of the NomCom:

- its composition, including who serves, the term of service, member participation, and NomCom size;
- its leadership;
- the relationship between the NomCom and the ICANN Board (and with the other bodies to which the NomCom appoints members); and
- the relationship between the NomCom and ICANN staff.

### II.2.2.1 Composition of the NomCom

As defined in Article VII, Section 2 of the Bylaws [1], the NomCom is currently composed of 23 voting and non-voting members:<sup>12</sup>

- a non-voting Chair, appointed by the ICANN Board;
- the Chair of the previous year's NomCom, as a non-voting advisor;
- a non-voting Associate Chair, who may be appointed by the Chair, at his or her sole discretion, to serve during all or part of the term of the Chair;
- a non-voting liaison appointed by the Root Server System Advisory Committee;
- a non-voting liaison appointed by the Security and Stability Advisory Committee;
- a non-voting liaison appointed by the Governmental Advisory Committee;
- five voting delegates selected by the ALAC;
- two voting delegates, one representing small business users and one representing large business users, selected by the Business Users Constituency of the GNSO;
- one voting delegate selected by each of the other five Constituencies of the GNSO;
- one voting delegate selected by the ccNSO Council;
- one voting delegate selected by the Address Supporting Organization (ASO) Council;
- one voting delegate selected by an entity designated by the Board to represent academic and similar organizations;
- one voting delegate selected by the Internet Engineering Task Force (IETF); and

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<sup>12</sup> Figure 2 in Part I of this report illustrates the composition of the NomCom.

- one voting delegate selected by the ICANN Technical Liaison Group (TLG).

**Representation**

The *Terms of Reference* asks specifically whether the NomCom as currently populated adequately and fairly represents the different parts of the ICANN community. The question contains the implicit assumption that the composition of the NomCom should be broadly reflective of the composition of the ICANN community. However, once on the NomCom, people are expected to act in the best overall interests of ICANN, and not parochially “represent” any one constituency.

We observe that the NomCom is indeed broadly representative, including contributions from outside of ICANN itself (the IETF and TLG), although it conspicuously lacks representation from the Board. However, our review suggests that a deliberately “representative” model for populating the NomCom encourages NomCom members to think of themselves (and act) as constituency representatives rather than as individuals. The deliberately non-uniform distribution of NomCom membership—seven delegates from the GNSO, one from the ccNSO, five from the ALAC, etc.—reinforces the idea that NomCom members are expected to project the voices of their constituencies, rather than an independent voice, into the NomCom process.

**10** The NomCom lacks representation from the Board, but otherwise adequately represents the different parts of the ICANN community.

**11** The representative composition of the NomCom encourages members to think of themselves (and act) as constituency representatives rather than as individuals.

**Preparation**

In order to effectively recruit potential candidates, evaluate their qualifications with respect to the requirements of different ICANN leadership positions, and participate in the discussions and debates that lead to selection decisions, NomCom members must be well-informed about ICANN and able to reach out effectively to people who might be interested in volunteering to serve ICANN. Article VII, Section 4 of the Bylaws [1] states more formally that “delegates to the ICANN Nominating Committee shall be:

1. accomplished persons of integrity, objectivity, and intelligence, with reputations for sound judgment and open minds, and with experience and competence with collegial large group decision-making;

2. persons with wide contacts, broad experience in the Internet community, and a commitment to the success of ICANN;
3. persons whom the selecting body is confident will consult widely and accept input in carrying out their responsibilities;
4. persons who are neutral and objective, without any fixed personal commitments to particular individuals, organizations, or commercial objectives in carrying out their Nominating Committee responsibilities;
5. persons with an understanding of ICANN's mission and the potential impact of ICANN's activities on the broader Internet community who are willing to serve as volunteers, without compensation other than the reimbursement of certain expenses; and
6. persons who are able to work and communicate in written and spoken English.”

This is a very high standard. Current and past NomCom members and other observers report that people appointed to serve on the NomCom are often poorly prepared by their appointing body, and lack either sufficient knowledge of ICANN or the skills necessary to participate effectively in the NomCom process. In some cases this appears to be a consequence of the appointing body’s lack of interest in or commitment to the NomCom process; in others, the appointing body appears to place a greater emphasis on issue advocacy than other factors when selecting people to serve on the NomCom.

**12** New NomCom members are not always well prepared to participate effectively.

When some members of a short-term, part-time volunteer group are much better prepared than others, they inevitably exercise much greater influence over the group’s activities. Our review suggests that when relative “ICANN insiders” are appointed to serve on the NomCom, their familiarity with the organization and its politics gives them a distinct advantage over their less well-prepared peers. This advantage is not unfair or abusive *per se*, but it can make the NomCom appear—both from the inside and from the outside—to be “controlled by insiders.” We observe that in some cases this perception has led people to suspect that NomCom selections are therefore too often also “ICANN insiders” when we can find no objective evidence to support that claim.

**13** When some members are much better prepared than others, the NomCom appears to be controlled by “insiders.”

***Term of service and continuity***

Article VII, Section 3 of the Bylaws [1] defines the term of service for NomCom members:

“Each voting delegate shall serve a one-year term. A delegate may serve at most two successive one-year terms, after which at least two years must elapse before the individual is eligible to serve another term.”

In general, all volunteer groups must strike an appropriate balance between the benefits of continuity (efficient operation that builds on past experience) and the benefits of regularly introducing fresh perspectives (access to new ideas and resistance to the cronyism of the “established order”). We observe that the current arrangement, in which voting delegates are appointed for the one-year term of a single NomCom cycle but may be re-appointed for one additional term, produces in practice roughly 50% turnover from one year to the next [9], which is consistent with productive turnover rates in other part-time volunteer organizations.

<p><b>14</b> NomCom’s one-year term of service with one-year renewal strikes the right balance between continuity and productive turnover.</p>
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***Uneven participation***

Because NomCom service is a volunteer activity, and NomCom members are appointed by a wide variety of different groups, it is not surprising that we observe different levels of participation in the NomCom’s work by different members. Despite the fact that it must complete a very large amount of work in a relatively short (and inflexible) period of time, the NomCom has no good way to quickly remove and replace members who do not “carry their weight.”

The NomCom operating procedures [26] define the following mechanisms for removing a NomCom member:

“A NomCom member may be removed, following notice to the member, and if selected by a Supporting Organization constituency or Advisory Committee, after notice to that Supporting Organization constituency or Advisory Committee, by a majority vote of all NomCom members entitled to vote.”

No documented criteria or principles establish objective grounds for removal, however, which means that it is difficult to invoke the removal mechanism without inviting the challenge of subjective bias; and no clear mechanism is available to quickly fill a vacancy created by a non-participation removal.

**15** NomCom lacks a practical mechanism for removing and replacing under-performing members.

### **Size of NomCom**

Any group that is required to perform a certain amount of work in a fixed amount of time must balance the agility and efficiency of “smaller” against the workload capacity of “larger.” Because the NomCom is expected to fulfill two different roles—recruitment and selection<sup>13</sup>—it is both “too small” (for effective recruitment and outreach) and “too large” (for efficient deliberation and selection after candidates have been identified).

**16** NomCom is “too small” for effective recruitment and outreach and “too large” for efficient deliberation and selection after candidates have been identified.

#### **II.2.2.2 Leadership**

The NomCom is led by a Chair who is appointed annually by the Board [1]. We observed that the Chair exercises considerable influence, and many current and former NomCom members reported that the success of the NomCom’s activities, particularly those involving outreach and recruiting, depended heavily on the skills of the Chair. In practice, the Chair establishes many of the “rules of engagement” that govern the way in which the NomCom operates. We also observed that the Chair has been the principal interface between the NomCom and the Board, and between the NomCom and the ICANN staff.

**17** The success of the NomCom’s efforts depends heavily on the skills of the Chair.

The Bylaws give the Chair the option of appointing an Associate Chair, which every NomCom Chair has done. Current and recent past NomCom members report that the Associate Chair acts in many ways as a co-Chair, and exercises more influence than would be expected of someone fulfilling the “administrative assistant” role described in the Bylaws. We observe that the sheer size of the Chair’s job virtually guarantees that this will be the case. The commitment of time and energy expected of the Chair is much greater than can ordinarily be sustained in a volunteer, nominally “part time” position; this has made it difficult for ICANN to achieve a healthy balance between continuity

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<sup>13</sup> See section II.2.1.5.

and turnover in the Chair, because few volunteers have been willing to take the job. It has also complicated the task of planning for orderly succession in the Chair.

Our review suggests that the continuity associated with the long tenure of the current NomCom Chair and Associate Chair has improved the efficiency with which the NomCom operates, but has also led to the perception that an entrenched core group consisting of the Chair, Associate Chair, and ICANN support staff acts as an informal “executive committee” in ways that appear to disenfranchise other members.

**18** The demands of the NomCom Chair’s job exceed what can reasonably be expected of a volunteer, part-time position.

**19** The unrealistic level of effort expected of the Chair inhibits regular turnover and planned orderly succession.

### **II.2.2.3 Relationship between the NomCom and ICANN staff**

The Bylaws say very little about the proper relationship between the NomCom and ICANN staff:

“ICANN shall provide administrative and operational support necessary for the Nominating Committee to carry out its responsibilities.” [1]

The NomCom procedures add only a provision for the unilateral removal of a staff member by the Chair:

“A member of the NomCom staff may be removed by the Chair of NomCom, following notice to the ICANN CEO.” [26]

It is clear from our review that staff support is critical to the NomCom’s ability to conduct its work, and that both the Chair and the members of the NomCom rely on staff both for administrative assistance and for “institutional memory” with respect to process. As a matter of policy, the NomCom maintains a “wall” between the administrative staff support role and the deliberative role of the (voting and non-voting) NomCom members and liaisons.

Within the NomCom, we observed a high level of satisfaction with the *supporting* staff role, diminished somewhat by occasional concerns about the encroachment of a *participatory* staff role into the NomCom’s deliberations concerning potential candidates. We also observed some frustration among both staff and NomCom members that the lack of clarity concerning the “rules of engagement” between staff and the NomCom

made it more difficult than it should be to exchange useful information and insights that might, depending on who was interpreting the unwritten rules, be construed as “interference.”

**20** The rules governing the relationship between the NomCom and ICANN staff are not clearly documented or understood.

**21** Lack of clarity concerning what does and does not constitute “interference” by staff in NomCom deliberations inhibits communication and encourages suspicion.

### *II.2.3 Operation*

The Bylaws describe the role and structure of the NomCom, but provide almost no guidance concerning the way in which it should operate. The first NomCom in 2003 developed and documented a working set of operating procedures,<sup>14</sup> which have been revised and refined by subsequent NomComs [40, 26].

Our review evaluated the following six elements of NomCom operation:

- communication and public relations;
- criteria that govern the search for and evaluation of candidates;
- recruitment and outreach to potential candidates;
- interaction with candidates;
- deliberation, voting, and selection;
- secrecy, confidentiality, and transparency; and
- conflicts of interest.

#### **II.2.3.1 Communication and public relations**

Because it operates in an intrinsically obscure domain, ICANN has very limited natural visibility in the world outside of its own community. NomCom’s ability to recruit potential candidates who are not already “ICANN insiders” depends to a great extent on communication and public relations efforts to “market” ICANN to a global audience that is mostly unaware of what it does or why it represents an important and attractive volunteer opportunity.

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<sup>14</sup> See “Basic Operating Principles” in [39].

We observed that the NomCom has generated substantial goodwill towards ICANN during its five years of operation, and that it has contributed significantly to the perception that ICANN is a legitimately open organization that encourages public participation. We also observe that the NomCom is the ICANN activity that is most visibly directed outward, into the world beyond the Domain Name System, and is therefore an important ambassador for ICANN.

**22** Broader awareness of ICANN and its mission would help NomCom recruit qualified volunteers.

**23** As ICANN’s most visible outward-facing activity, the NomCom has a significant effect on the way in which ICANN is perceived in the world at large.

Although the NomCom is recognized and well-regarded as an outreach activity, we found that most people outside of the NomCom itself either were not aware of or did not fully understand its mission, responsibilities, procedures, schedule, or selection criteria.

**24** The way in which the NomCom operates is not well understood outside of the NomCom itself.

### II.2.3.2 Criteria and qualifications

The general criteria and qualifications for the selection of Directors and members of the SO Councils and the ALAC are specified in the Bylaws [1]. Beyond that, however, we find that the requirements of each body for specific skills or other characteristics, either generally or during a particular annual NomCom appointment cycle, are not well documented or understood. This lack of definition extends to the way in which the NomCom is expected to establish selection criteria: should it receive explicit instructions from, for example, the Board (“this year, we need someone with expertise in trademark and intellectual property law in Asia”); or should it operate independently and make its own decisions concerning the qualities that would best complement and balance the existing membership?

**25** The NomCom lacks specific requirements for its annual Board, SO, and ALAC appointments, and it is not clear how those requirements should be established (or by whom).

### II.2.3.3 Recruiting and outreach

The process whereby the NomCom solicits Statements of Interest [10] from potential candidates for the Board, SO Council, and ALAC positions that must be filled each year is documented in Section B(7) of its current Procedures [26], which also describes a general framework for active outreach to identify and encourage people who might not otherwise be inclined to consider volunteer service to ICANN.

The recruitment model on which the NomCom procedures are based is that of “applying for a position”: candidates complete and submit applications (Statements of Interest) and provide references; the NomCom obtains reference letters from each reference; NomCom members read the applications and reference letters, and may conduct interviews; and the NomCom then makes its selections. This model stands in contrast to an alternative approach based on what might be called an “invitation” model that is more commonly used to fill corporate executive and director positions, in which the hiring entity develops a specification or requirements list describing what it needs; commissions a recruiter to identify a small number of qualified candidates; interviews the candidates; and assuming that a good fit is found, invites one of the candidates to take the position. People who are familiar and comfortable with the “invitation” model, whether from past experience or cultural preference, are often not comfortable with the “application” model. During our review we observed that the NomCom’s application approach deterred interest from some potentially well-qualified candidates, and that some candidates who did apply considered the process to be unpleasantly disrespectful.

**26** The NomCom “application” model for recruitment deters some potentially well-qualified candidates who are accustomed to and more comfortable with the traditional corporate “invitation” model.

Our review observed a clear distinction between recruitment and the subsequent process of evaluating candidates and selecting a slate of appointees; recruitment and selection followed different procedures, called for different NomCom member aptitudes and skills, and placed different demands on members’ time and participation patterns.

**27** Recruitment and selection follow different procedures, call for different skills and aptitudes, and place different demands on NomCom resources.

We also observed that the annual NomCom outreach efforts produce a great deal of information about potential ICANN volunteers that is not well-managed from one year to the next, both because information about candidates who are not selected in one cycle is not routinely “rolled over” into the next cycle, and because the NomCom’s confidentiality obligation to candidates prevents the use of that information by any other part of ICANN.

**28** Annual NomCom outreach generates information about motivated potential ICANN volunteers that is not available either to subsequent NomComs or to other parts of ICANN.

#### **II.2.3.4 Relationship between NomCom and candidates**

The NomCom’s “application” model of recruitment does not naturally encourage the formation or maintenance of a close relationship between the NomCom and people who submit Statements of Interest. We observed that some candidates (both successful and unsuccessful) were offended by what they considered to be a lack of communication from and interaction with the NomCom, particularly with respect to the status of their applications; “I didn’t hear anything from the NomCom until I read on the website that someone else was selected.”

**29** Candidates want better and more timely information about the status of their candidacy and the progress of the NomCom process.

Some candidates with no prior experience with Director-level appointment processes also considered the background check to be unreasonably intrusive.

**30** Some successful candidates consider the background check to be unreasonably intrusive.

Our review of NomCom–candidate interactions going back to 2003 suggests that the relationship between the NomCom and candidates has steadily improved as the NomCom’s procedures have evolved.

#### **II.2.3.5 Deliberation, voting, and selection**

During our review several past NomCom members reported that the NomCom did not always operate with a common understanding or agreement concerning the way in which candidate qualifications should be discussed and evaluated, and that therefore orthogonal or conflicting criteria for Board members and other appointees could not be

resolved easily. Some past NomCom members felt that because the rules governing deliberation were not explicit, they were often unsure when or how decisions about individual candidates were made.

**31** The rules that govern the way in which candidate qualifications are evaluated and selections are made are not well-documented or understood.

**32** Lack of internal agreement on the way in which deliberation and selection should be conducted makes it difficult for the NomCom to resolve conflicting criteria for evaluating candidates.

We observed that when the NomCom considers an incumbent candidate for re-appointment, it lacks objective information about the candidate’s performance in her current position. This appears to be due both to the fact that the information is not generally available—ICANN’s Board, SO Councils, and ALAC do not routinely assess the performance of their members—and to the lack of a formal mechanism for the NomCom to query another body for information about the past performance of a candidate for re-appointment.

**33** NomCom lacks information about the past performance of incumbent candidates for re-appointment.

### **II.2.3.6 Secrecy, confidentiality, and transparency**

The NomCom’s confidentiality obligation to candidates is asserted in Section 5 of the “Agreement to Adhere to the Code of Ethics” [25]:

“All NomCom members will safeguard all internal NomCom communications concerning the candidates and treat them as private, confidential, and for the use of immediate Committee members and NomCom staff only, without exception.

“NomCom members will not disclose outside of the Committee any of the discussions, deliberations, communications, records and notes, about the candidates. Further, NomCom members will not disclose outside of the Committee the identities of the candidates under consideration by NomCom, unless NomCom as a whole has decided to do so and the explicit consent of the candidate(s) in question has been obtained.”

Both the way in which the obligation is defined in [25] and the way in which it has been interpreted by competent legal observers limit it to information concerning individual candidates. Nevertheless, our review observed that the powerful emphasis on

candidate confidentiality impressed upon the NomCom members and staff led them to “err on the side of caution” and treat many other aspects of the NomCom’s operation as confidential “just to be safe.”

**34** In practice, the importance of its obligation to maintain absolute candidate confidentiality has led the NomCom to be secretive about other aspects of its operation as well.

Current and past NomCom members reported that in some cases secrecy was intended not only to guard against the disclosure of confidential candidate information but also to shield the committee from lobbying and other outside influences. In general, people who had participated in the NomCom process felt that at least some of that “shielding” secrecy was justified; people observing the NomCom from the outside felt that it damaged the NomCom’s credibility.

**35** Secrecy beyond what is required to preserve candidate confidentiality shields the NomCom from outside pressure and influence but also damages its credibility.

#### **II.2.3.7 Conflicts of interest**

Section A(4) of the Procedures [26] defines the NomCom’s conflict of interest policy; it does not specify a specific procedure for dealing with circumstances in which a violation of the policy has occurred, except to the extent that Section A(6) provides that failure to adhere to the code of ethics or the conflict of interest policy constitutes grounds for removal from the NomCom.

Our review found that the conflict of interest policy is well-understood by NomCom members, and that in all of the cases that we observed the documented rules for disclosure and recusal were followed.

**36** Members properly disclose their financial and other relationships in accordance with the NomCom’s conflict of interest policy, and also properly recuse themselves from discussions when called for by the policy.

#### **II.2.4 Outcomes**

Our review of the outcomes produced by the NomCom process yielded three types of observations, pertaining to:

- the direct results of the process: the NomCom’s success in appointing highly-qualified people to the Board, SO Councils, and ALAC; and

- follow-through: whether NomCom appointees are given adequate orientation and preparation for their new jobs.

#### **II.2.4.1 Direct results**

Measuring the direct results of the NomCom process over the past five years with respect to the core objectives stated in [1] and [25], our review finds that the NomCom has been remarkably successful. We observe that for the most part even severe critics of other aspects of the NomCom process (including people who report dissatisfaction with specific individual NomCom appointments) believe that on the whole it has “appointed good people.”

**37** On the whole the NomCom has appointed well-qualified, independent, and effective people to the Board, SO Councils, and ALAC.

Our review also finds that the NomCom process is inherently biased in favor of results that are broadly acceptable to a diverse community; its deliberately multi-stakeholder design favors uncontroversial and broadly acceptable candidates over those whose viewpoints or other attributes make them unattractive to one or more of the constituencies represented within the NomCom. We observe that the NomCom has occasionally found itself pursuing the appointment of the “least objectionable” candidate rather than the “best” candidate.

**38** The NomCom’s multi-stakeholder process is inherently biased in favor of appointments that are uncontroversial and broadly acceptable.

#### **II.2.4.2 Follow-through**

Some candidates reported that after they were appointed by the NomCom they were not given adequate orientation, training in their roles and responsibilities, background materials, or other tools that would help them to be effective in their new jobs starting on the first day. We observe that the staff’s ability to help new appointees “get up to speed” would be improved by the timely conveyance of contact and other information about selected candidates to the staff.

**39** Some NomCom appointees need more help “getting up to speed” in their new jobs; with better and more timely information about selected candidates, staff could fill this role.

## Part III – RECOMMENDATIONS

In Part III we make specific recommendations based on the findings and conclusions reported in Part II. These recommendations focus on improvements to the structure and operation of the NomCom, and the role it plays in filling ICANN’s leadership positions, that follow directly from our review.

We take at face value the stated role and mission of ICANN itself, and its internal structure, except as it relates directly to the NomCom. Some of our recommendations, however, depend on the way in which other parts of ICANN may or may not change as a result of other independent reviews (and internal assessments). For example, if the upcoming review of the Board leads to a decision by ICANN to change the role or composition of the Board, that decision might have consequences for the NomCom’s process for selecting independent Directors that could affect one or more of the recommendations made here.

These recommendations arise from our broadly and deeply informed analysis of all of the observations reported in Part II; in most cases, therefore, no direct relationship exists between a particular observation and a particular recommendation. We note that many other recommendations for specific structural and process improvements have been made by past NomComs [9]; to the extent that those are concerned with the details of internal operation, we have not repeated them here.

Our review affirms the central rationale of using a process that includes a nominating committee to choose some of ICANN’s leaders—ensuring that the broad public interest of the global Internet community is appropriately represented on ICANN’s policy-making bodies<sup>15</sup>—while providing strong support for making the substantial changes to the way in which it operates that we propose here.

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<sup>15</sup> “The central rationale for using a nominating committee to select a portion of the ICANN leadership bodies is to balance those who can represent particular areas of knowledge and interests with those who place the broad public interest of the global Internet community ahead of any particular interests. NomCom’s role is to select individuals of the highest integrity and capability who place the broad public interest of the global Internet community ahead of any particular interests, and who are nevertheless knowledgeable about ICANN’s mission and environment.” [25]

### **III.1 Balance confidentiality and transparency**

Confidentiality with respect to individual candidates is important, as it encourages interest from candidates who might otherwise avoid the potential public loss of face associated with a transparent candidate evaluation process.<sup>16</sup> Confidentiality of deliberations also encourages free and open discussion within the NomCom, and it shields the NomCom from undue outside pressure. But total secrecy is an inappropriately blunt instrument with which to accomplish these goals, and it undermines the legitimacy of both the NomCom and ICANN itself. It directly interferes with the NomCom’s ability to do its job and with the ICANN community’s ability to measure how well the job is being done.

We recommend a reassessment of the NomCom policies concerning confidentiality that starts with the assumption that everything about the NomCom process is completely transparent, and then deliberately and parsimoniously identifies the specific information about individual candidates that must be confidential. This reassessment should start with a clear and well-documented rationale for confidentiality that focuses narrowly on what is required for the NomCom to fulfill its mission and takes relevant national privacy laws and expectations into account. With that done, everything else should be open, documented, and published.

### **III.2 Treat candidates more respectfully**

ICANN depends on a high level of effort from dedicated volunteers. A candidate who submits a Statement of Interest (SoI) [10]—perhaps having been encouraged to do so by someone he or she trusts and respects—is not a supplicant, and not a job applicant, but a volunteer who has offered to step forward and contribute to the organization: a potential colleague. The current process does not reflect that perspective. While individual NomCom members are respectful of candidates, the process is not.

We recommend that the NomCom take steps to make the process more collegial and more predictable, and to communicate better with candidates. From the beginning,

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<sup>16</sup> We note that several of the people we interviewed felt that someone who was not comfortable with a transparent candidate evaluation process would find it difficult to operate effectively in an ICANN leadership position, and that candidate transparency would therefore be a reasonable and appropriate filter to discourage interest from people who are not “compatible” with the ICANN culture. Taken as a whole, however, our observations lead us to recommend that candidate confidentiality be maintained.

candidates and potential candidates should be given a roadmap of the process, so that they understand what will happen and when it will happen. The SoI should be re-written so that it is less like a job-application form and more like an opportunity for people to present themselves to ICANN, using a shorter initial version followed up by a longer questionnaire for short-listed candidates. The NomCom should communicate with candidates often, whether to acknowledge receipt of a reference's letter, to thank the candidate for an interview, or to explain where in the process the candidate stands. The NomCom should never ask candidates to participate in a conference call with an unknown number of unidentified people on the other end; and it should inform candidates immediately that they have been selected or not selected, giving in both cases the NomCom's reasons.

### **III.3 Recruit and select based on requirements**

We have explored the distinction between a "pull" model, in which the Board (or other body to which NomCom appoints) communicates its requirements to the NomCom (e.g., "We need more expertise in IP law in Asia"), and a "push" model, in which the NomCom itself studies the Board (or other body) and determines what is needed. Both models have merit, and either would represent an improvement over the current situation, in which there is no institutionalized way for the NomCom to understand the bodies to which it makes appointments.

The NomCom should communicate regularly with the Board and other bodies, rather than relying upon individual NomCom members' (or the Chair's) relationship with them, in order to understand their requirements as they evolve over time. We recommend that the NomCom establish a formal procedure for discovering and understanding the requirements of each body to which it makes appointments.

### **III.4 Separate recruiting from selection**

As we note in Part I, the NomCom fulfills two distinct roles: (1) searching for and recruiting qualified candidates, and (2) selecting from among those recruited a small number of appointments to the Board and other bodies each year. We also note that selecting for the Board is entirely different from selecting for the other bodies.

We recommend that these two different roles be separated so that they can operate differently. A permanent search and recruitment function should seek potential candidates for all ICANN leadership positions (and other volunteer contributions)

continuously, reaching out to encourage participation in ICANN throughout the year (not just when candidates are required for appointment to a specific leadership position). The resulting candidate pool should be maintained continuously from year to year.

The annual selection process carried out by the NomCom should draw from this candidate pool and make appointments only to the Board. The other bodies (SOs and ALAC) should define their own mechanisms for selecting from the candidate pool.

### **III.5 Focus NomCom on its core mission**

We recommend that the NomCom focus exclusively on its core mission of appointing genuinely independent and unaffiliated directors, and develop internal controls to ensure that it does not simply offer an alternative path to a leadership position for people who have been unsuccessful reaching that position through a constituency appointment process.

NomCom should select for experience and other qualifications that satisfy the requirements of the bodies to which it makes appointments, not for issue advocacy; and it should not be solely responsible for achieving or maintaining geographical diversity on any of the boards to which it appoints.

### **III.6 Restructure leadership roles**

Both continuity (experience and institutional memory) and regular turnover (preventing the entrenchment of an insider “old guard”) are important features of a successful volunteer organization.

We recommend that the NomCom strike a balance between continuity and turnover by adopting a leadership structure in which the volunteer Chair, appointed for a single one-year term by the Board, is assisted by a permanent paid Administrative Director. The Chair should be appointed a year in advance, and serve as a nonvoting member (“Chair-elect”) of the NomCom during the year prior to becoming Chair. The Administrative Director would maintain process and “institutional memory” continuity from year to year, and should be responsible for managing the ICANN staff support for the NomCom in addition to providing administrative assistance to each year’s Chair (eliminating the position of Associate Chair).

### III.7 Enforce NomCom participation rules

Inadequate contribution and participation by some NomCom members not only shifts the workload onto others but also corrupts the process directly, by inserting poorly informed and/or unmotivated “non-performers” into the NomCom’s critical deliberations and decisions.

We recommend that the NomCom enforce its requirement [25] that members obey the rules and satisfy the obligations described in the NomCom procedures [26], particularly with respect to participation.<sup>17</sup> The NomCom procedures should provide for the removal and replacement of an under-performing NomCom member either by the Chair<sup>18</sup> or by a majority vote of the NomCom.<sup>19</sup>

### III.8 Explicitly design and document the NomCom process

Although the NomCom procedures have been documented in [26], they do not deal with many of the issues that arise during the course of an actual NomCom season, and they are poorly understood by many NomCom members.

We recommend the explicit design and documentation of a deliberative and decision-making process that deals with all of the “rules of engagement” issues that arise during the NomCom’s work, including those that we have identified in Part II of this report: the role of staff and other non-voting participants in NomCom deliberations; the importance of requiring that hearsay, innuendo, and rumor be backed up by authoritative information; the rules for conducting investigations and discussions of individual candidates; and many others.

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<sup>17</sup> From [26]: “NomCom members are expected to engage in outreach, recruitment, and information gathering; to read the submitted and gathered information about each candidate under consideration; to participate in both deliberations about individual candidates and construction of slates of candidates that will fulfill the requirements for each of the leadership bodies for which NomCom selects members; to participate in NomCom teleconferences; to work diligently with NomCom colleagues toward an overall consensus on the best possible group of candidates to be selected; and to adhere to the Code of Ethics.”

<sup>18</sup> The procedures should constrain the Chair’s authority to remove a NomCom member by requiring the concurrence of a majority of the NomCom membership.

<sup>19</sup> The majority vote to remove should of course exclude the person who is the subject of the vote.

We also recommend that the NomCom implement an explicit process for educating new NomCom members so that they understand their roles and responsibilities.

### **III.9 Seek candidate information from many sources**

We recommend the design and implementation of a process for gathering candidate information from a variety of sources, including but not limited to the references listed in the SoI.

### **III.10 Boost awareness of ICANN and the NomCom**

ICANN's ability to recruit highly-qualified volunteers ultimately depends on its global visibility and reputation. It also depends on potential candidates' awareness of the NomCom as the formal process for staffing leadership positions in ICANN's volunteer organizations, and of how the NomCom operates.

We recommend that ICANN's marketing and public relations efforts include the NomCom, and in particular that those efforts promote two ideas that are critically important for the NomCom: that service to ICANN is a valuable contribution to the Internet community, and that not being selected by the NomCom is not "rejection."

### **III.11 Hold NomCom appointees accountable**

Because the NomCom operates on an annual cycle in which it performs its work and then disbands, the NomCom that appoints a person does not exist afterward, and is therefore unable to hold that person accountable for her performance in the position to which she was appointed. The Board, SO Councils, and ALAC have their own procedures for dealing with under-performing members, but it is often difficult for them to take those steps in the absence of objective criteria for measuring and evaluating the performance of NomCom appointees.

We recommend that the Board, the SO Councils, and the ALAC define objective performance metrics for people who are appointed to their bodies by the NomCom, and that they establish procedures for measuring appointees' performance and removing under-performers. The results of these performance assessments should be available to the NomCom, which should base its decisions concerning the re-appointment of an incumbent on performance and contribution rather than opinions or advocacy positions.

## **III.12 Transform the NomCom process**

The recommendations presented in this report are intended to transform the way in which the Nominating Committee's role is implemented within ICANN, so as to achieve all of the improvements identified by our review in a well-integrated fashion.

### *III.12.1 Role of the Nominating Committee*

As we note in Part I of this report, the current NomCom is responsible for two different functions: reaching out into the world to identify and recruit good candidates for ICANN's leadership positions, and selecting each year a slate of appointments from among the candidates that have been found. It is also responsible for performing these functions for two different types of body: the ICANN Board, on the one hand, and the SO councils and ALAC, on the other.

We recommend that the recruitment and selection parts of the NomCom's role be conducted separately. Recruitment should be an ongoing activity that takes place continuously over a period of many years, independent of the annual cycle of selecting people to serve in leadership positions.

We also recommend that the selection part of the NomCom's role be performed separately (and differently) for the Board and for all other bodies.

These recommendations are described in detail in the following sections, and summarized graphically in Figure 5.

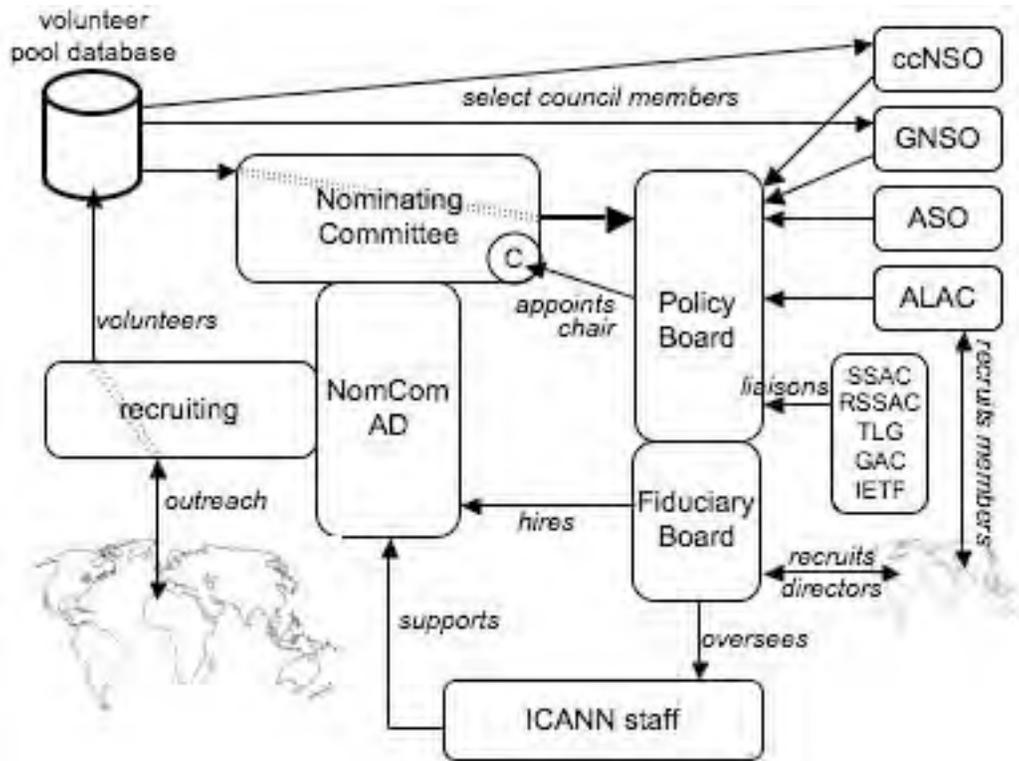


Figure 5—NomCom Role Recommendation

### III.12.2 Management of the Nominating Committee

Our review suggests that it is important for the NomCom Chair and the members of the NomCom to be volunteers, but that the combined workload of recruitment and selection is more than can realistically be expected from a volunteer committee. In order to effectively separate the recruitment and selection roles of the NomCom, we recommend that outreach and recruitment be managed by a permanent, full-time (paid) NomCom Administrative Director (AD) appointed by and responsible to the Board<sup>20</sup>, and that the annual selection process be managed by a (volunteer) NomCom Chair appointed by the Board for a single one-year term.<sup>21</sup>

<sup>20</sup> One way to achieve effective Board oversight of the NomCom AD outreach and recruitment functions would be to establish a standing Board outreach committee to support the activities of the AD.

<sup>21</sup> We note that the reduced workload of the NomCom chair, in addition to making it possible for the chair to continue to be a volunteer position, should also make it easier to recruit highly qualified people to serve in the position.

The NomCom AD should also oversee staff support and perform other administrative functions for each year’s NomCom, but should not serve as a member of the NomCom in any deliberative or voting capacity. In this structure the role of the Associate Chair as described in the Bylaws [1] would belong to the NomCom AD.

To augment the continuity from one year to the next provided by the permanent NomCom AD, we recommend that the Board appoint the NomCom Chair one year in advance (the “Chair-elect”), and that the Chair-elect serve *ex officio* in the year prior to her service as Chair.

Our recommendation for selecting NomCom members is described in a later section.

### III.12.3 Outreach and recruitment

Many people are willing and able to help ICANN fulfill its mission in many different ways, not all of which involve serving on the Board or a Council. Outreach and recruitment should therefore be a continuous, global process of identifying motivated volunteers, establishing relationships with them, and gathering relevant information about them and their interest in ICANN. The goal should be to identify and nurture relationships with a wide variety of people who are interested in ICANN and willing to play some role to benefit ICANN and the Internet. The recruitment function doesn’t look specifically for “someone to serve on the GNSO council”; it builds a database, and collects information about the qualifications and other characteristics of people who might be candidates not only for specific offices (e.g., the Board or an SO council) but for other volunteer roles within ICANN.



**Figure 6—Outreach and Recruitment**

This database of motivated volunteers would then be available for many purposes, including the formation of task forces, study groups, or advisory committees as needed, as well as the selection process for ICANN leadership positions.

Recruitment should take advantage of a broad range of resources—personal networks, professional search firms, Board alumni, a staffed “field operation,” the at-large community—to find potential volunteers, and should accept into the volunteer pool anyone who expresses an interest in serving ICANN.<sup>22</sup>

### ***III.12.4 Managing the volunteer pool***

The NomCom AD should be responsible for managing the pool of volunteers—ensuring that the database contains complete and accurate information over time, maintaining communication with volunteers, and directing marketing and public relations activities designed to facilitate recruitment.<sup>23</sup>

The NomCom AD should also be responsible for preparing, on request, “slates” of volunteers from the database who meet specified objective criteria, are eligible,<sup>24</sup> and are willing at that time to be considered for appointment to a specific position within ICANN. Examples of the way in which we recommend that this function operate will be found in the sections that follow.

### ***III.12.5 Selecting Nominating Committee members***

The transformed NomCom that we recommend would be responsible only for selecting people for leadership positions, drawing from a list of candidates (a “slate”) compiled objectively by the NomCom AD.<sup>25</sup> It would not be responsible for searching for or gathering information about candidates. Such a substantial change in the NomCom’s responsibilities<sup>26</sup> would also change the selection criteria<sup>27</sup> for NomCom members; the

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<sup>22</sup> Our review did not provide any basis for deciding whether or not requirements should be established simply to enter the volunteer pool—that is, separate from the requirements for actually being considered for a particular volunteer position.

<sup>23</sup> We note that the responsibilities assigned to the NomCom AD by our recommendation call for staff resources dedicated to and managed by the NomCom AD. How this should be organized within ICANN and/or through the use of outside resources is beyond the scope of our review.

<sup>24</sup> For example, someone currently serving on the NomCom might be a qualified member of the volunteer pool, but would not be eligible for selection to any position by the NomCom.

<sup>25</sup> “Objectively” means that the list includes every volunteer in the database who meets the specified objective requirements for the slate and agrees to be considered at that time for that position.

<sup>26</sup> The first “core objective” of the NomCom [25] is “Identify, recruit, and nominate the highest-quality nominees for the positions NomCom is charged to fill.”

ability to fairly and impartially evaluate the qualifications of candidates would be paramount, and the ability to recruit candidates would no longer be important.

As we note in Part II, despite the best efforts of well-intentioned people, past NomComs have found it difficult to consistently satisfy the mandate of impartiality stated in their Code of Ethics [25]:

“They act only on behalf of the interests of the global Internet community within the scope of the ICANN mission and the responsibilities assigned to NomCom by [the] ICANN Bylaws. They act as individuals and are not beholden to their appointing constituencies as they work by consensus to derive the NomCom slates of Selected Nominees for these leadership bodies.”

Our review suggests that this difficulty arises at least in part from the way in which NomCom members are selected; a long list of groups<sup>28</sup> both inside and outside of ICANN—including groups to which NomCom is expected to make appointments—each selects one or more NomCom members. Such an arrangement is not unreasonable in principle, but in practice it has had the effect of duplicating within the NomCom some of the same policy-driven partialities that are already represented in the direct appointments by various ICANN constituencies to Board, council, and ALAC positions. This has in some cases made it more difficult for the NomCom to focus on appointing people “who place the broad public interest of the global Internet community ahead of any particular interests.” [25]

Other organizations have successfully used an alternative that encourages nominating committee members to focus on the good of the organization as a whole by breaking the link between an individual NomCom member and a specific constituency. If NomCom members are clearly individuals rather than appointees from a particular group, they will be more likely to “act as individuals...not beholden to their appointing constituencies.”

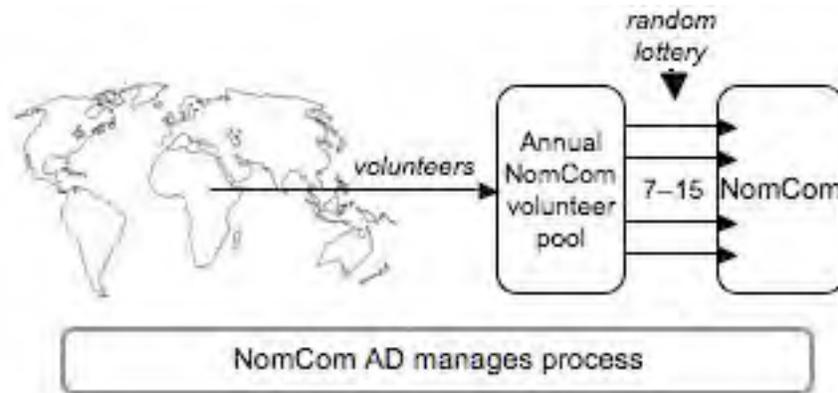
To achieve this benefit, we recommend that all of the voting members of the NomCom be chosen by lottery from a pool of volunteers, which anyone who meets specified objective criteria and agrees to abide by the NomCom Code of Ethics may join. The

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<sup>27</sup> <http://www.icann.org/general/bylaws.htm#VII-4>.

<sup>28</sup> The list is at <http://www.icann.org/general/bylaws.htm#VII-2>.

criteria should include the objective criterion #6 in the current Bylaws<sup>29</sup>—“able to work and communicate in written and spoken English”—and an objective criterion based on the Bylaws’ subjective criterion #5—“understanding of ICANN’s mission and the potential impact of ICANN’s activities on the broader Internet community.”<sup>30</sup> Unlike the long-term ICANN volunteer pool described above, a NomCom volunteer pool should be created each year to feed a lottery for that year’s NomCom. The process should be managed by the NomCom AD.



**Figure 7—Selecting NomCom Members**

### ***III.12.6 Selecting ICANN Directors***

We note in Part I of this report that the ICANN Board fulfills both a fiduciary role, in which it is responsible for the financial and business management of ICANN as a corporation, and a policy role, in which it is responsible for the strategic decisions that guide ICANN in the pursuit of its mission. We also note in Part I that the current process for selecting Board members does not guarantee that the Board will have all of the skills and experience necessary for it to fulfill its fiduciary responsibilities.

The two roles of the Board are sufficiently different and distinct to justify our use in this section of the terms “fiduciary board” and “policy board,” without explicitly recommending that the Board actually be divided into two separate bodies (which would be beyond the scope of the NomCom review). As we will use the terms here, the fiduciary board oversees the ICANN staff organization, and is responsible for the financial, legal, contractual, regulatory, personnel, and other business management

<sup>29</sup> <http://www.icann.org/general/bylaws.htm#VII-4>.

<sup>30</sup> Although we do not propose a specific criterion, we note that one possibility is “has attended at least one ICANN or RALO meeting in the past three years.”

aspects of running the corporation; the policy board oversees the ICANN volunteer organization, and is responsible for the development, consideration, and promulgation of policies concerning Internet names and numbers that lie within the scope of ICANN's mission and mandate.

We observe that the qualifications and criteria for a fiduciary board Director are not the same as those for a policy board Director (and *vice versa*). For example, it is more important to have financial-management expertise on the fiduciary board than on the policy board; and it is more important to have geographic and constituency diversity on the policy board than on the fiduciary board. This suggests that different mechanisms for selecting fiduciary board and policy board Directors, responsive to these different criteria, could produce better results than the system currently in use.<sup>31</sup>

We recommend that the NomCom be responsible—as it is today<sup>32</sup>—for the appointment of all policy board Directors except those appointed by Supporting Organizations, selecting from a slate of candidates compiled objectively (as described above) by the NomCom AD from the ICANN volunteer pool. Although the findings of our review do not specifically support it as a recommendation, we believe that the NomCom AD would benefit from the assistance of the NomCom Chair in performing this function.

We recommend that the ALAC appoint two policy board Directors, using whatever mechanism it considers to be appropriate.<sup>33</sup> Our review provides no basis for recommending changes to the way in which SOs currently appoint Directors to the Board, with the exception that SOs should appoint only policy board Directors.

We recommend that the fiduciary board itself recruit and select fiduciary board Directors separately.<sup>34</sup>

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<sup>31</sup> Although it is more properly a subject for the Board review, we recommend that the ICANN President be considered to belong *ex officio* only to the fiduciary board (as a voting member).

<sup>32</sup> <http://www.icann.org/general/bylaws.htm#VII-1>.

<sup>33</sup> The intention is for the ALAC's responsibility for Board appointments to be the same as that of the SOs.

<sup>34</sup> Allowing the fiduciary board to select all of its own members could lead to an overly self-contained system. One way to counter that would be to use an outside recruiting firm to prepare a qualified slate of candidates, and have the fiduciary board make its selection from that slate.

### ***III.12.7 Selecting Supporting Organization Council members***

The rationale for using the NomCom process to appoint three members of the GNSO Council and three members of the ccNSO Council<sup>35</sup> is that both Councils benefit from a balance between those who can represent particular areas of knowledge and interests and those whose principal perspective is the broad public interest of the global Internet community [26]. The findings of our review support this rationale in principle, while suggesting that in practice the different requirements of the Board and the SO Councils make it awkward to use the same process for both. In particular, the way in which the “broad public interest” perspective applies to the composition of the Board is different from the way in which it applies to the composition of the Councils, which have a different (narrower) scope and more precisely defined responsibilities.

We recommend that the GNSO and ccNSO Council seats currently filled by the NomCom continue to be reserved for people who represent the “broad public interest” perspective. We also recommend that each SO clearly document the qualifications and other criteria for members of its Council; that the NomCom AD objectively compile for each SO, when requested to do so, a slate of candidates consisting of everyone in the ICANN volunteer pool who satisfies the SO’s criteria and is willing to be considered for appointment to a Council position; and that each SO define its own mechanism for selecting people from that slate.

### ***III.12.8 Selecting At-Large Advisory Committee members***

Our review suggests that the original rationale for relying on the NomCom to find and appoint five ALAC members has receded as the ALAC has matured, and that it is no longer necessary or advisable for the NomCom to be involved in the selection of ALAC members. In devising its own mechanism for selecting members, the ALAC might decide to take advantage of the NomCom AD’s outreach and recruitment efforts to find qualified candidates, but we see no reason to recommend that it do so.

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<sup>35</sup> The NomCom is not involved in any aspect of the operation of the Address Supporting Organization (ASO), and the findings of our review do not support any recommendation to change this arrangement.

### **III.13 Audit the NomCom process**

We recommend that the NomCom process be audited each year to determine how well it worked, and that the results of the audit be published before the next year's NomCom members are selected.

## Appendix A – Sources and References

### A.1 Personal interviews

We conducted individual telephone interviews with the following 47 people over a period of 10 weeks (from 16 July to 21 September 2007). Most of the interviews lasted for one hour. Everyone interviewed was informed of, and agreed to, the following privacy policy: “the fact that the interview took place with a named person will be public and published in our report, but none of the information gathered during the course of the interview will be attributed to a particular individual.”

For each person interviewed, the list below shows both nationality and the perspective from which the person was asked to comment on the Nominating Committee.

Name	Nationality	Relevant Perspective
Chris Disspain	UK	Current ccNSO chair
Adam Peake	USA	NomCom member 2004-2007 Associate chair
J. Beckwith Burr	USA	NomCom ccNSO council appointee
Roberto Gaetano	Italy	NomCom Board appointee
Jean Armour Polly	USA	ICANN community
Bret Fausett	USA	NomCom member 2003
Vint Cerf	USA	Current Board chair
Scott Bradner	USA	Internet Society Board secretary
Kieren McCarthy	UK	ICANN community

## ICANN Nominating Committee Review

Name	Nationality	Relevant Perspective
Michael Fromkin	USA	NomCom member 2006-7
Karl Auerbach	USA	Past Board member
Susan Crawford	USA	NomCom Board appointee
Wolfgang Kleinwaechter	Germany	NomCom member 2006-7
Wendy Grossman	USA	ICANN community
Carlos Aguirre	Argentina	ICANN community
Jacqueline Morris	Trinidad	NomCom ALAC appointee
Marcus Faure	Germany	ICANN community
Fred Baker	USA	Past IETF chair
Jean-Jacques Damlamian	France	NomCom chair 2004
George Sadowsky	USA	NomCom chair 2005-2007
Tommy Matsumoto	Japan	ICANN community
Ram Mohan	USA	NomCom member 2003-2005
Elisabeth Porteneuve	France	ICANN community
Njeri Rionge	Kenya	NomCom Board appointee

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Name	Nationality	Relevant Perspective
Alejandro Pisanty	Mexico	Past Board vice-chair
Guo Liang	China	ICANN community
Pindar Wong	Hong Kong	NomCom associate chair 2003-2004
Ken Fockler	Canada	NomCom member 2006-7
Darlene Thompson	Canada	North American RALO
Bill Manning	USA	NomCom member 2007
Lucy Lynch	USA	IETF rep to NomCom 2007
George H. Conrades	USA	Past Board member
Carolyn Love	USA	Corporate governance consultant
Paul Kane	UK	ICANN community
Janis Karklins	Latvia	Current GAC chair
Bruce Tonkin	Australia	Past GNSO council chair Current Board member
Patrick Jones	USA	NomCom staff support 2007
Donna Austin	Australia	NomCom staff support 2005-7
Paul Twomey	Australia	ICANN CEO and President

Name	Nationality	Relevant Perspective
Karen Lentz	USA	NomCom staff support 2003-4
Kurt Pritz	USA	ICANN Sr. VP services
Theresa Swinehart	USA	NomCom staff support 2004
John Jeffrey	USA	ICANN general counsel
Denise Michel	USA	ICANN VP policy development
Marilyn Cade	USA	Past NomCom member
Jeanette Hofmann	Germany	Past NomCom member
Suzanne Sene	USA	U.S. GAC representative

## A.2 References

- [1] ICANN bylaws provisions that concern the Nominating Committee (<http://nomcom.icann.org/bylaws.htm>). The defining bylaw for the NomCom is Article VII, Section 1 (<http://www.icann.org/general/bylaws.htm#VII-1>).
- [2] ICANN Announcement: Request for Proposals for Independent Evaluator for Nominating Committee Review, 25 April 2007 (<http://www.icann.org/announcements/announcement-2-15mar07.htm>).
- [3] Terms of Reference for Independent Review of the Nominating Committee, 15 March 2007 (<http://www.icann.org/reviews/tor-review-nomcom-15mar07.htm>).
- [4] Public comments received on the draft Terms of Reference posted in December 2006 (<http://forum.icann.org/lists/nomcom-review-tor>).
- [5] The 2007 Nominating Committee (<http://nomcom.icann.org>).

- [6] The ICANNwiki entry for the NomCom ([http://www.icannwiki.org/Nominating\\_Committee](http://www.icannwiki.org/Nominating_Committee)).
- [7] ICANN's Strategic Plan, Operating Plan, and Proposed Budget ([http://www.icann.org/strategic-plan/draft\\_stratplan\\_2007\\_2010\\_clean\\_final.pdf](http://www.icann.org/strategic-plan/draft_stratplan_2007_2010_clean_final.pdf)).
- [8] George Sadowsky's report on the status of the 2007 NomCom process, presented at the San Juan ICANN meeting (<http://sanjuan2007.icann.org/files/sanjuan/NomComReportPuertoRico.pdf>).
- [9] Chair's report of the 2005 and 2006 NomComs (<http://nomcom.icann.org/2005-2006-report.pdf>).
- [10] Statement of Interest ICANN Nominating Committee 2007 (<http://nomcom.icann.org/soi-2007.html>).
- [11] "Working Paper on the ICANN Structure and the Nominating Committee Concept," The Committee on ICANN Evolution and Reform, May 2002 (<http://www.icann.org/committees/evol-reform/working-paper-structure-09may02.htm>).
- [12] The transcript of the Nominating Committee's workshop at the March 2007 ICANN meeting in Lisbon (<http://www.icann.org/meetings/lisbon/transcript-nomcom-28mar07.htm>).
- [13] The real-time captioning from the Nominating Committee's workshop at the June 2006 ICANN meeting in Marrakech (<http://www.icann.org/meetings/marrakech/captioning-NomCom-29jun06.htm>).
- [14] Kieren McCarthy's September 2006 blog comments on the NomCom process, in which he was a participant as a candidate in 2006 (<http://kierenmccarthy.co.uk/2006/09/16/new-icann-board-members-decided-this-weekend/#more-563> and <http://kierenmccarthy.co.uk/2006/09/19/door-of-icann-secrecy-opens-a-crack>).
- [15] Bret Fausett's blog exchange with Kieren McCarthy about the NomCom in September 2006 ([http://blog.lextext.com/blog/\\_archives/2006/9/20/2341566.html](http://blog.lextext.com/blog/_archives/2006/9/20/2341566.html)).
- [16] Karl Auerbach's comments on the exchange between Bret and Kieren (<http://www.cavebear.com/cbblog-archives/000270.html>).
- [17] Bret Fausett's September 2006 blog entry responding to Karl Auerbach's comments ([http://blog.lextext.com/blog/\\_archives/2006/9](http://blog.lextext.com/blog/_archives/2006/9)).

- [18] Kieren McCarthy's December 2006 blog entry "NomCom Nonsense Continues" (<http://kierenmccarthy.co.uk/2006/12/06/nomcom-nonsense-continues>).
- [19] Wendy Grossman's blog entry recounting her experience as an unsuccessful NomCom candidate in 2006 ([http://www.pelicancrossing.net/netwars/2006/11/icann\\_dreams\\_1.html](http://www.pelicancrossing.net/netwars/2006/11/icann_dreams_1.html)).
- [20] Bret Fausett's July 2007 blog entry (<http://blog.lextext.com/blog/icann/archives/2007/7/24/3115433.html>).
- [21] "Selection of the ICANN Board of Directors," David G. Post and Michelle E. Arnold (<http://www.temple.edu/lawschool/dpost/ICANNBoard.htm>).
- [22] Richard P. Chait, William P. Ryan, and Barbara E. Taylor, "Governance as Leadership: Reframing the Work of Nonprofit Boards." John Wiley & Sons, 2005.
- [23] "What to Do About ICANN: A Proposal for Structural Reform." Internet Governance Project concept paper (Hans Klein), 5 April 2005 (<http://www.ip3.gatech.edu/images/IGP-ICANNReform.pdf>).
- [24] John P. Kotter, "Leading Change." Harvard Business School Press, 1996.
- [25] ICANN Nominating Committee—Agreement to Adhere to the Code of Ethics (<http://nomcom.icann.org/ethics-2007.html>).
- [26] ICANN Nominating Committee Procedures 2007 (<http://nomcom.icann.org/procedures-2007.html>).
- [27] Final Implementation Report and Recommendations of the Committee on ICANN Evolution and Reform, 2 October 2002 (<http://www.icann.org/committees/evol-reform/final-implementation-report-02oct02.htm>).
- [28] Working Paper on the ICANN Structure and the Nominating Committee Concept, 9 May 2002 (<http://www.icann.org/committees/evol-reform/working-paper-structure-09may02.htm>).
- [29] ICANN: A Blueprint for Reform, 20 June 2002 (<http://www.icann.org/committees/evol-reform/blueprint-20jun02.htm>).
- [30] Questionnaires used by the Internet Engineering Task Force (IETF) Nominating Committee in 2007 (<https://www3.tools.ietf.org/group/nomcom/07/questionnaire>).
- [31] Peter M. Senge, "The Fifth Discipline." Doubleday, 1990.
- [32] Interim Report of The NGO and Academic ICANN Study (NAIS), May 2001 (<http://www.naisproject.org/report/interim/naisinterim.pdf>).

- [33] A Study of the ICANN At-Large Elections by Common Cause and the Center for Democracy and Technology, March 2000 (<http://www.cdt.org/dns/icann/study>).
- [34] Final Report on ICANN At-Large Membership, November 5, 2001 ([http://atlargestudy.org/final\\_report.shtml](http://atlargestudy.org/final_report.shtml)).
- [35] Minutes, Special Meeting of the ICANN Board, 4 May 2000 (<http://www.icann.org/minutes/minutes-04may00.htm>).
- [36] Michael Froomkin, "What Does the ICANN Board Do? An Analysis of ICANN Board Minutes for the Years 2005 and 2006," 3 August 2007 (<http://www.icannwatch.org/article.pl?sid=07/08/03/1932238>).
- [37] The ICANN NomCom Review 2007 (<http://icann-nomcom-review.org>).
- [38] Formal Call for Statements of Interest and Suggestions for Candidates, 2 May 2007 (<http://nomcom.icann.org/formal-call-2007.html>).
- [39] The 2003 NomCom Selection Process, presentation by Linda Wilson on 26 June 2003 at the ICANN meeting in Montréal (<http://www.icann.org/presentations/wilson-montreal-26jun03.pdf>).
- [40] ICANN Nominating Committee Procedures, 18 June 2004, updated 22 April 2005 (<http://nomcom.icann.org/NC-Procedures-19-Oct-04.pdf>).

### **A.3 Other sources**

Public comment email from Danny Younger.

## **Appendix B – Cross-Reference between the Terms of Reference and this Report**

In the following tables, the entry in the left column is taken directly from the Terms of Reference; the entry in the right column is a cross-reference to the section(s) of this report in which the topic is addressed.

### **PART I. Does the NomCom have a continuing purpose in the ICANN structure?**

1. What is the current purpose of the NomCom?	I.1, II.2.1.1
2. To what extent has the NomCom process been able to select persons who place the broad public interest of the global Internet community ahead of any particular interests?	II.2.2.1, II.2.4.1, III.12.5
3. Should this goal remain the primary goal in filling positions, or are there other elements that are also important to consider?	II.2.1.1, II.2.2, III.5, III.12.6
4. Of those persons selected by the NomCom process since 2003, do any particular qualifications predominate?	II.2.4
5. Do people selected by the NomCom appear to play a greater, comparable or lesser role in decision-making within their respective bodies, in comparison to those persons selected by other means?	II.2.4
6. What should be the purpose of the NomCom going forward?	III.3, III.4, III.5, III.12
7. What other methods of selection for leadership positions might be considered?	II.2.1.3, II.2.3.3, III.4, III.12
8. What are the benefits, drawbacks and costs of such options?	II.2.1.3, II.2.3.3, III.12

**PART II. Is there any change in structure or operations that could improve the NomCom's effectiveness?**

<b>NomCom Composition</b>	
9. Do the members of the NomCom reflect adequately the different parts of the ICANN community?	II.2.2.1
10. Are any parts of the ICANN community over-represented or under-represented in the NomCom?	II.2.2.1
11. Should the NomCom include representatives from outside the ICANN community and, if so, how should they be selected?	III.12.2, III.12.5
12. What should be the relationship, if any, between the NomCom and the bodies for which it is filling positions?	II.2.1.5, II.2.2, III.3, III.11, III.12
13. What is the optimal size of the NomCom for it to be most effective?	II.2.2, III.12.5
14. Have members selected for the NomCom had the skills needed to conduct their work most effectively?	II.2.1.4, II.2.2
15. Should there continue to be a distinction between voting and non-voting members of the NomCom?	III.6, III.8, III.12.5
<b>Internal Procedures</b>	
16. Are there elements of the NomCom's work that should be more transparent? If so, how would such transparency be balanced against the protection of personally sensitive information?	II.2.3.6, III.1, III.13
17. To what extent is there, or should there be, continuity of internal information from year to year?	II.2.2, II.2.3.3, III.4, III.6, III.12.2, III.12.3, III.12.4

<p>18. Have NomCom decisions been made in accordance with the published procedures?</p>	<p>II.2.3.5</p>
<p>19. How have any actual or potential conflicts of interest between NomCom members and candidates under consideration for leadership positions been resolved?</p>	<p>II.2.3.7</p>
<p>20. Are the safeguards in place to deal with potential or actual conflicts of interest between NomCom members and candidates adequate?</p>	<p>II.2.3.7</p>
<p>21. What kind of support has ICANN provided for the NomCom? What kind of support should ICANN provide?</p>	<p>I.1, II.2.2.3, II.2.4.2, III.8, III.10 III.12</p>
<p><b>Selection Process</b></p>	
<p>22. Are the selection criteria set forth in the bylaws for each position the NomCom fills the right ones (see also Question 4)? For example, do the criteria enable the NomCom to examine the skills set of the current members of each body before selecting its candidates? Are they flexible enough to allow for evolution of ICANN bodies pursuant to their periodic reviews? Should the implications of increased emphasis on corporate governance, as symbolized by the Sarbanes-Oxley Act in the United States and the Higgs Report in the United Kingdom, affect the criteria used for selecting new members for the Board?</p>	<p>II.2.1.4, II.2.1.5, II.2.3.2, II.2.3.5, III.3, III.5, III.12.6</p>
<p>23. Does the Statement of Interest (SOI) required of each candidate provide the NomCom with adequate information to make its decisions?</p>	<p>II.2.3.3, III.2, III.9</p>
<p>24. How does the reference-checking process work?</p>	<p>II.2.3.3, III.9</p>

25. To what extent does the NomCom communicate directly with candidates?	II.2.3.4, III.2
26. What procedures and working methods have the different NomComs used to identify top candidates, and then to make the final selections?	II.2.3
27. How effectively has due diligence at the end of the selection process worked?	I.1, II.2.3.4
<b>Outreach</b>	
28. What is the aim of outreach?	II.2.1.1, II.2.1.5, II.2.3.1, III.4, III.10, III.12.3
29. What kind of outreach has occurred each year?	II.2.3.3
30. How effective has outreach been to identify potential candidates? For example, what percentage of new candidates submit SOIs each year? Has the distribution of geographic representation of candidates changed?	II.2.3
31. How effective have NomCom members been at outreach? For example, how many candidates each year are encouraged to apply by members of the NomCom? Are these candidates more likely to be successful than other candidates?	II.2.3
32. Does any particular constituency suggest more NomCom candidates than others?	II.2.3
33. Should ICANN or the NomCom seek to generate additional candidate interest and, if so, how?	II.2.3.1, III.1, III.2, III.4, III.10, III.12.3
34. Have any issues arisen regarding the requirement that SOIs be submitted in English?	II.2.3

<b>Overall</b>	
35. How well has the NomCom performed in each of the years (2003, 2004, 2005 & 2006) in which it has filled leadership positions?	II.2.4
36. What are the annual costs of the NomCom process?	See [9]
37. Has the NomCom had the resources necessary to accomplish its task?	II.2.3
38. Are there ways it could accomplish its task more cost-effectively?	III
39. What other general or specific measures can enhance the effectiveness of the NomCom?	III
40. What, if any, are the cost implications of such measures?	(none)

6.4.2 Public Comments on Independent  
Review Report  
<http://forum.icann.org/lists/nomcom-review>

ICANN

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### 6.4.3 Terms of Reference for Independent Review of the Nominating Committee

<http://www.icann.org/reviews/tor-review-nomcom-15mar07.htm>

## Terms of Reference for Independent Review of the Nominating Committee

15 March 2007

ICANN's Board has approved these Terms of Reference for the independent review ("Review") of ICANN's Nominating Committee ("NomCom"), based on a draft posted on 12 December 2006 and the public comments received thereafter. These Terms of Reference suggest general and specific questions that the Review should address. These questions are intended to be illustrative, rather than definitive or exhaustive. They are not intended to limit the Review, but to ensure that it addresses relevant aspects of two fundamental questions: (i) whether the NomCom has a continuing purpose in the ICANN structure; and (ii) if so, whether any change in structure or operations is desirable to improve its effectiveness. The purpose of the Review is to help determine the best way forward, but such analysis depends in the first instance upon a solid assessment of how the NomCom has performed to date.

### Background

The NomCom is responsible for the selection of 8 members of ICANN's Board of Directors; 3 members of the Country Code Names Supporting Organization (ccNSO); 3 members of the Generic Names Supporting Organization (GNSO); and 5 members of the Interim At-Large Advisory Committee (ALAC). Because the terms of these positions are typically longer than a year, the selection process for them is staggered. As a result, the NomCom that is formed anew each year fills just some of these 19 positions.

Each NomCom is composed of 23 persons as follows: a Chair (non-voting); the previous year's Chair as an Advisor (non-voting); 3 liaisons (non-voting) from the Root Server System Advisory Committee (RSSAC), the Security and Stability Advisory Committee (SSAC) and the Governmental Advisory Committee (GAC); 5 voting delegates selected by the ALAC; 2 voting delegates representing small business users and large business users, respectively; 1 voting delegate each from the Registry Constituency, the Registrars Constituency, the ccNSO, the ISP Constituency, the IP Constituency, the Address Supporting Organization (ASO), an entity representing academic and similar organizations; the Non-Commercial Users Constituency, the IETF and the Technical Liaison Group (TLG). In addition, the Chair may designate a (non-voting) Associate Chair to assist in carrying out the duties of the Chair, which results in a total of 23 members.

The members of the NomCom must meet several criteria, including being:

- Accomplished persons of integrity, objectivity, and intelligence, with reputations for sound judgment and open minds, and with experience and competence with collegial large group decision-making;
- Persons who are neutral and objective, without any fixed personal commitments to particular individuals, organizations, or commercial objectives in carrying out their responsibilities; and
- Persons with an understanding of ICANN's mission and the potential impact of ICANN's activities on the broader Internet community who are willing to serve as volunteers, without compensation other than the reimbursement of certain expenses.

Pursuant to Article VII (6), ICANN is to provide "administrative and technical support necessary for the Nomination Committee to carry out its responsibilities."

The NomCom procedures are publicly available and may be found at <http://nomcom.icann.org/procedures-2007.html#A5>. NomCom deliberations, and the names of unsuccessful candidates, however, are not public information. The ICANN Nomination Committee Procedures 2007 provide that "NomCom members will not disclose outside of the Committee any of the discussions, deliberations, communications, records and notes, about the candidates. Further, NomCom members will not disclose outside of the Committee the identities of the candidates under consideration by NomCom, unless NomCom as a whole has decided to do so and the explicit consent of the candidate(s) in question has been obtained."

On 12 December 2006, at the direction of ICANN's Board, draft Terms of Reference (<http://www.icann.org/announcements/announcement-12dec06.htm>) were posted for public review and comment. Three comments were received through 29 January 2007 and may be viewed at <http://forum.icann.org/lists/nomcom-review-tor/>. All of these comments have been taken into account in preparation of these final Terms of Reference. As a result, several of the proposed questions have been clarified, many have been reordered, a few questions have been added, and a few have been omitted.

### Terms of Reference

This Review of the NomCom will be conducted in an objective way by an entity or entities independent of the Committee, as specified in Article IV, Section 4 of the ICANN Bylaws. Guidance will be provided by the Board Governance Committee through the Terms of Reference that it approves, and by establishment of a "NomCom Review Advisory Committee" that it will appoint. The results of the Review shall be posted for public review and comment, and shall be considered by the Board not later than its second scheduled meeting after being posted for 30 days. As provided in the Bylaws, consideration by the Board includes the ability to revise the structure or operation of the Nominating Committee by a two-thirds vote of all members.

There are several important questions that the Review should address, which are listed below. This list is not intended to be exhaustive, particularly as the initial results of the Review may suggest related questions that should also be answered.

#### A. Scope of Review

In accordance with Article IV(4)(1) of the ICANN Bylaws, the Review of the Nominating Committee (NomCom) shall be to determine:

- Whether that body has a continuing purpose in the ICANN structure; and
- If so, whether any change in structure or operations is desirable to improve its effectiveness.

Both of these questions encompass various elements and are important to answer as comprehensively as possible. The broad question whether the NomCom has a continuing purpose to play in ICANN includes consideration of the role that it was intended to play, whether it has met its objectives, and whether there are other ways to achieve the same goals. An assessment of whether changes in the NomCom's structure or operations are needed depends upon how well it has performed its function during its four selection periods to date (2003-2006), and whether there are general or specific ways to enhance its effectiveness in the future. Several questions pertain to the composition of the NomCom, its internal procedures (including transparency), the selection process it utilizes and the extent of its outreach.

There have been four NomComs since this type of selection process was adopted by the Board as part of ICANN's restructuring in 2002. Each of these NomComs should be examined as part of the Review.

#### B. Rationale for the NomCom

The role of the NomCom in filling several of ICANN's leadership positions has been described by the 2007 Nominating Committee's Agreement to Adhere to the Code of Ethics as follows:

"The central rationale for using a nominating committee to select a portion of the ICANN leadership bodies is to balance those who can represent particular areas of knowledge and interests with those who place the broad public interest of the global Internet community ahead of any particular interests. NomCom's role is to select individuals of the highest integrity and capability who place the broad public interest of the global Internet community ahead of any particular interests, and who are nevertheless knowledgeable about ICANN's mission and environment.

To achieve this broad public-interest orientation, the members of NomCom are drawn from across the ICANN and global Internet communities. They are expected to act only on behalf of the interests of the global Internet community within the scope of the ICANN mission and the responsibilities assigned to NomCom by ICANN Bylaws. They are expected to act as individuals and are not beholden to their appointing constituencies as they work by consensus to derive the NomCom slates of Selected Nominees for these leadership bodies.

The NomCom functions independently from the ICANN Board, Supporting Organizations, and Advisory Committees. The NomCom selections are final . . ." (see <http://nomcom.icann.org/ethics-2007.html>).

It is crucial that ICANN has its leadership positions filled with the most qualified and talented people who can be identified and are available, and ensuring this occurs is a major responsibility.

#### C. Questions to Address

**PART I. Does the NomCom have a continuing purpose in the ICANN structure?**

1. What is the current purpose of the NomCom?
2. To what extent has the NomCom process been able to select persons who place the broad public interest of the global Internet community ahead of any particular interests?
3. Should this goal remain the primary goal in filling positions, or are there other elements that are also important to consider?
4. Of those persons selected by the NomCom process since 2003, do any particular qualifications predominate?
5. Do people selected by the NomCom appear to play a greater, comparable or lesser role in decision-making within their respective bodies, in comparison to those persons selected by other means?
6. What should be the purpose of the NomCom going forward?
7. What other methods of selection for leadership positions might be considered?
8. What are the benefits, drawbacks and costs of such options?

**PART II. Is there any change in structure or operations that could improve the NomCom's effectiveness?**

## NomCom Composition

9. Do the members of the NomCom reflect adequately the different parts of the ICANN community?
10. Are any parts of the ICANN community over-represented or under-represented in the NomCom?
11. Should the NomCom include representatives from outside the ICANN community and, if so, how should they be selected?
12. What should be the relationship, if any, between the NomCom and the bodies for which it is filling positions?
13. What is the optimal size of the NomCom for it to be most effective?
14. Have members selected for the NomCom had the skills needed to conduct their work most effectively?
15. Should there continue to be a distinction between voting and non-voting members of the NomCom?

## Internal Procedures

16. Are there elements of the NomCom's work that should be more transparent? If so, how would such transparency be balanced against the protection of personally sensitive information?
17. To what extent is there, or should there be, continuity of internal information from year to year?
18. Have NomCom decisions been made in accordance with the published procedures?
19. How have any actual or potential conflicts of interest between NomCom members and candidates under consideration for leadership positions been resolved?
20. Are the safeguards in place to deal with potential or actual conflicts of interest between NomCom members and candidates adequate?
21. What kind of support has ICANN provided for the NomCom? What kind of support should ICANN provide?

## Selection Process

22. Are the selection criteria set forth in the bylaws for each position the NomCom fills the right ones (see also Question 4)? For example, do the criteria enable the NomCom to examine the skills set of the current members of each body before selecting its candidates? Are they flexible enough to allow for evolution of ICANN bodies pursuant to their periodic reviews? Should the implications of increased emphasis on corporate governance, as symbolized by the Sarbanes-Oxley Act in the United States and the Higgs Report in the United Kingdom, affect the criteria used for selecting new members for the Board?
23. Does the Statement of Interest (SOI) required of each candidate provide the NomCom with adequate information to make its decisions?
24. How does the reference-checking process work?
25. To what extent does the NomCom communicate directly with candidates?
26. What procedures and working methods have the different NomComs used to identify top candidates, and then to make the final selections?
27. How effectively has due diligence at the end of the selection process worked?

## Outreach

28. What is the aim of outreach?
29. What kind of outreach has occurred each year?
30. How effective has outreach been to identify potential candidates? For example, what percentage of new candidates submit SOIs each year? Has the distribution of geographic representation of candidates changed?
31. How effective have NomCom members been at outreach? For example, how many candidates each year are encouraged to apply by members of the NomCom? Are these candidates more likely to be successful than other candidates?
32. Does any particular constituency suggest more NomCom candidates than others?
33. Should ICANN or the NomCom seek to generate additional candidate interest and, if so, how?
34. Have any issues arisen regarding the requirement that SOIs be submitted in English?

#### Overall

35. How well has the NomCom performed in each of the years (2003, 2004, 2005 & 2006) in which it has filled leadership positions?
36. What are the annual costs of the NomCom process?
37. Has the NomCom had the resources necessary to accomplish its task?
38. Are there ways it could accomplish its task more cost-effectively?
39. What other general or specific measures can enhance the effectiveness of the NomCom?
40. What, if any, are the cost implications of such measures?

6.4.4 2008 ICANN Nominating Committee  
<http://nomcom.icann.org/>



## 2008 ICANN Nominating Committee

Updated 7 November 2007

### [Invitation for Statements of Interest and Suggestions for Candidates](#)

2008 Nom Com will select:

- Two members of the ICANN Board of Directors
- One member of the Council of the Generic Names Supporting Organization (GNSO)
- One member of the Council of the Country-Code Names Supporting Organization (ccNSO)
- Two members of the At Large Advisory Committee (ALAC) (European and North American regions)

The invitation to submit a Statement of Interest to serve in ICANN leadership positions will be published in the near future. Please check back on this webpage for further information.

- [Committee's Charge](#)
- [Code of Ethics](#)
- [Committee Documents](#)
- [Committee and Related Announcements](#)
- [Timeline Nominating Committee 2008](#)
- [Frequently Asked Questions](#)
- [Background](#)
- [Bylaws](#)
- [Archives](#)
- [Members](#)

### Committee's Charge

NomCom is responsible for the selection of all ICANN Directors except the President and those selected by ICANN's Supporting Organizations, and for such other selections as are set forth in the Bylaws. [[Bylaws Article VII, Section 1](#)]

The NomCom is charged with populating a portion of the ICANN Board as noted above, as well as the Council of the GNSO, the Interim ALAC, and the Council of the ccNSO. The NomCom complements the other means for filling a portion of key ICANN leadership positions achieved within the Supporting Organizations.

The Bylaws also state that the Nominating Committee shall adopt such operating procedures as it deems necessary, which shall be published on the Website.

The Nominating Committee is designed to function independently from the Board, the Supporting Organizations, and Advisory Committees. Nominating Committee members act only on behalf of the interests of the global Internet community and within the scope of the ICANN mission and responsibilities assigned to it by the ICANN Bylaws.

Members contribute to the Nominating Committee both their understanding of the broad interests of the Internet as a whole and their knowledge and experience of the concerns and interests of the Internet constituencies which have appointed them. The challenge for the Nominating Committee is to integrate these perspectives and derive consensus in its selections. Although appointed by Supporting Organizations and other ICANN entities, individual Nominating Committee members are not accountable to their appointing constituencies. Members are, of course, accountable for adherence to the Bylaws and for compliance with the rules and procedures established by the Nominating Committee.

### Code of Ethics

[Code of Ethics agreed to by the 2008 ICANN Nominating Committee.](#)

### Committee Documents

- [Nominating Committee Procedures](#)
- [Statement of Interest](#)



[Nominating Committee 2008 Flyer](#)  
[PDF, 429K]

[2008 Flyer - Arabic](#)  
[PDF, 837K]

[2008 Flyer - French](#)  
[PDF, 425K]

[2008 Flyer - Chinese](#)  
[PDF, 1,050K]

[2008 Flyer - Russian](#)  
[PDF, 685K]

[2008 Flyer - Portuguese](#)  
[PDF, 457K]

[2008 Flyer - Spanish](#)  
[PDF, 417K]

[2008 Flyer - Swahili](#)  
[PDF, 681K]

- [Leadership Positions](#)
- [Conflict of Interest Policy](#)

### Committee and Related Announcements

- 14 December 2007 - 2008 ICANN Nominating Committee Issues Invitation for Statements of Interest in ICANN Leadership Positions, <http://www.icann.org/announcements/announcement-14dec07.htm>
- 4 December 2007 – Nominating Committee Call for Expressions of Interest in Assessment Team, <http://www.icann.org/announcements/announcement-04dec07.htm>
- 6 November 2007 – 2008 ICANN Nominating Committee Convenes in Los Angeles, <http://www.icann.org/announcements/announcement-07nov07.htm>.
- 11 September 2007 – Hagen Hultzsch appointed Chair of ICANN Nominating Committee, <http://www.icann.org/minutes/minutes-11sep07.htm>.

### Timeline Nominating Committee 2008

- Announcement of Formal Call—15 December 2007
- Deadline of Formal Call for Full Consideration—15 April 2008
- Review and Evaluation—mid-April to end June
- Face-to-Face Meeting and Selection—27-29 June 2008 in Paris
- Results Announced to ICANN Secretary—mid September 2008
- Selected candidates take their positions as the conclusion of the ICANN Annual General Meeting 2008, 7 November 2008

### FAQs

The Nominating Committee's posted [responses to Frequently Asked Questions](#) addresses questions regarding the formation of the committee. Additional updates and supplements will be posted from time to time as the committee's work progresses.

### Background (TBA)

#### Relevant Bylaws

[Click here](#) for a page collecting the provisions of the ICANN Bylaws relating to the Nominating Committee.

#### Archives

[Click here](#) to access the 2003 Nominating Committee's web page.

[Click here](#) to access the 2004 Nominating Committee's web page.

[Click here](#) to access the 2005 Nominating Committee's web page.

[Click here](#) to access the 2006 Nominating Committee's web page.

[Click here](#) to access the 2007 Nominating Committee's web page.

#### Members

The members of the 2008 Nominating Committee are: Hagen Hultzsch (Chair), Wolfgang Kleinwaechter (Associate Chair), George Sadowsky (Advisor to the Chair), Karen Banks, Phil Davidson, Ute Decker, Grant Forsyth, Matias Altamira Gigena, Hartmut Glaser, Caroline Greer, Ole Jacobsen, Khaled Koubaa, Bill Manning, Desiree Miloshevic, Ram Mohan, Ross Rader, Jose Luis Ribeiro Filho, Greg Ruth, Waudu Siganga, Paul Stahura, Karaitiana Taiuru, Christopher To

[Click here](#) for background information on the Nominating Committee members.

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## 6.6.1 ICANN Meeting Fellowships Program Information

<http://www.icann.org/fellowships/>

## ICANN Meeting Fellowships

### What is an ICANN fellowship and who are the fellowships for?

An ICANN fellowship is a one-time grant of support which is awarded to enable individuals from stakeholder groups around the world to attend ICANN meetings. **This is a means tested program. Applicants must be citizens of economically eligible countries. We use [the World Bank classification](#) of low, lower-middle, and upper-middle economies.** The fellowship covers the cost of airfare, hotel and basic expenses. Recipients are expected to actively contribute to ICANN processes and be a part of the next generation of ICANN leadership.

ICANN Government advisory committee representatives and ccNSO members from eligible countries will be prioritised but anyone (apart from participants in the ICANN At-Large advisory committee, which has its own programme) is welcome to apply.

### How are the fellowships awarded?

Fellowships are awarded by an independent selection committee based on a mix of criteria including applicant experience and references, geographic proximity to meeting, receipt of past fellowships, etc. [Terms and Conditions](#)

Due to financial limitations ICANN may not be able to provide fellowships for all applicants. In the case of a dispute or similar applications final decisions will be made by the [fellowships committee](#).

### Who may apply for and be awarded a fellowship?

- Applications are targeted to individuals from government, the ccTLD community, and non-profits not involved in or associated with the at-large advisory committee.
- To be eligible applicants must be citizens of a low, lower-middle, or upper-middle income economy according to [the World Bank country groups classification](#).
- Successful applicants will have demonstrated:
  - Ability to utilize the experiences gained from the fellowship to become a part of the next generation of ICANN leadership
  - A role or interest in the Internet space
  - An interest in contributing to:
    - ICANN policy development processes.
    - The ICANN fellowship alumni network.
    - A leadership role in stimulating local interest in ICANN.
    - An ICANN supporting organization or advisory committee.

### Note to applicants for the 32nd ICANN meeting in Paris, France June 2008:

Applications are closed and evaluations are underway. Candidates will be announced via email by February 8, 2008. Thank you for your interest.

### Upcoming Rounds:

33rd International Public ICANN meeting in TBD site Africa

November 2-7, 2008

Application round open: April 2008

Application round close: May 2008

[Online Application Form](#)

### Documentation

[Terms and Conditions](#)

### Fellowship Committee

[Fellowships Committee](#)

### Questions/Comments?

Email: [fellowships@icann.org](mailto:fellowships@icann.org)

## Overview

## **What is ICANN?**

The Internet Corporation for Assigned Names and Numbers (ICANN) is responsible for the global coordination of the Internet's system of unique identifiers. These include domain names (like .org or .museum, and country codes like .UK), as well as the addresses used in a variety of Internet protocols. Computers use these identifiers to reach each other over the Internet. Careful management of these resources is vital to the Internet's operation. ICANN's global stakeholders meet regularly to develop policies that ensure the Internet's ongoing security and stability.

The domain name system (DNS) and Internet Protocol (IP) addressing systems rely on global input and perspectives in order to ensure they continue to function in a stable and secure fashion. ICANN's fellowships program helps ensure that voices from all regions of the world have the opportunity to provide that input.

## **Overview of fellowship procedures**

The fellowship agreement with ICANN includes several clauses that relate directly to travel and related expenses. Please note that all ICANN supported air travel will be by economy class and use the most direct and economical routing. See ICANN Fellowship [Terms and Conditions](#).

For ICANN meetings a stipend not to exceed US \$300.00 will be provided to offset reasonable individual expenses (such as meals, ground transport, related expenses, etc.). Stipends will be provided to fellows by wire transfer, following successful completion of the fellowship program at the ICANN meeting attended.

During the fellowship fellows are responsible for their own personal health and safety. Fellows should consult travel and health advisories in advance of the fellowship.

Following the completion of the fellowship, all fellows will be invited to join a network of ICANN fellowship alumni. This global network will provide instant connections with peers worldwide who share a common interest in ICANN related issues.

Please note that consideration for future fellowships will depend on active contribution to ICANN policy development processes. Completion of post-fellowship reports and feedback forms is a critical part of gauging the level of contribution made by each fellow.

## **Frequently Asked Questions**

### **How will my travel be covered?**

Travel will be covered by ICANN directly.

### **How will my hotel be covered?**

Hotels will be booked and covered by ICANN directly. All additional hotel charges beyond the room are the responsibility of the fellow.

### **How will the stipend work?**

All fellows receive a flat stipend not to exceed US \$300.00. Stipends will be provided to fellows by wire transfer, following successful completion of the fellowship program at the ICANN meeting attended.

### **Do I need insurance?**

Acquiring and paying for any and all insurance, including but not limited to travel insurance is the sole and exclusive responsibility of the fellow.

### **I would like to add personal or other business segments to my travel. What do I do?**

This is not possible.

### **What travel documents are needed?**

- A valid passport.
- Travel documents as required by your country of origin.
- Visa may be required by country hosting the ICANN meeting. It is very IMPORTANT that you check with your local consulate agency.
- Transit visa may be required to connect in certain cities or countries. Please check with your local consulate agency.
- Always carry with you a proof of health insurance. This is NOT supplied by ICANN.

**\*\*All travel documents must be consistent with the name on your valid passport\*\***

## **Fellowship Alumni**

- [Los Angeles Meeting Fellowship Participants](#)
- [San Juan Meeting Fellowship Participants](#)

## 6.6.2 Los Angeles Meeting Fellowship Participants (Oct 2007)

<http://www.icann.org/fellowships/los-angeles-attendees-oct07.htm>

## Overview of the 30th ICANN Los Angeles Meeting Fellows



ICANN Fellows from Los Angeles meeting, 2007 (click photo for full-size image)

The following are the names from left to right seated:

Janice Douma Lange, Jorge Raul Cabanas Acevedo, Atef Loukil, Jessica Calvo, Edna Samudio, Tatiana Chirev, Gao Mosweu, Harbert Tom

Left to right standing:

Marvin Castaneda, Khalil Rakhmanov, Antonio Godinho, Luis Roberto Furlan Collver, Carthney Laukon, Michel Stephane Bruno, Abdoulaye Diakite, Faig Farmanov, Timur Hasanov, Ahmed Al-Qaifi, Alireza Saleh, Haidar Fraihat, Rayman Khan, Vladimir Aleksic, Denzil West, David Main

### 6.6.3 San Juan Meeting Fellowship Participants (June 2007)

<http://www.icann.org/fellowships/san-juan-attendees-jun07.htm>

## Overview of the 29th ICANN Meeting Fellows

A key feature of the 29th ICANN meeting in San Juan Puerto Rico was the first round of the ICANN Fellowships program.

Thirty-three fellows were selected from 125 applications received. 65% of the fellows and 68% of applicants had never attended an ICANN meeting. There were nine fellowship participants who were approved but decided to postpone taking part until the Los Angeles meeting.



ICANN Fellows from San Juan meeting, 2007 (click photo for full-size image)

Below is a list of fellows arranged by region along with some select background information on them and why they chose to apply for the program.

### Africa

#### **Bakurally Abdoos Samad, Republic of Mauritius**

Secretary ISOC MRU Chapter

Being the secretary of the ISOC MRU chapter, I have been organising several events related to the internet namely access to internet in different rural areas specially for less favoured group, participating in the national IT strategic plan for the country. My main objective was to know more about ICANN. I am particularly interested in ICANN at large and IDN policy discussion as issue concerns directly Africa as in our continent we have a vast number of different spoken languages which need to be recognised and forming part of this IDN policy of ICANN.

I also manage different IT companies in the indian ocean namely in Mauritius, Madagascar and Comoros Islands where we offer domain registration, consultancy in IT, training services and IT hardware distributor.

#### **Atef Loukil , Tunisia**

Tunisian Internet Agency (ATI) Head of NIC and LIR Department

Participating in ICANN meeting means a good occasion to discuss more in depth experiences; to set up technical cooperation between my company and others; and to be up to date when it comes to dealing with current Internet Issues.

#### **Gaongalelwe G. Mosweu. Botswana**

Botswana Information Technology Society (BITS)

The appreciation of ICT in Botswana is still somewhat at infancy stage. Even the ICT Policy was formulated fairly recently. As a result there is a need to increase the uptake of ICT amongst the people Botswana. The Internet holds the key to many aspects of the ICT debate; and there needs to be education to this effect. Also; there is need for capacity building; not only within government; but even in civil society and communities. This will empower people to deal with issues pertaining to ICT; and in particular to the Internet.

I believe that my participation at this meeting or any other ICANN meeting will help towards this end. I will be able to plough back what I have learnt at the meeting in the society and engage in discussions with the relevant bodies to impart what I have come back with.

### **Jean Robert Hountomey, Togo**

ISERVICES CEO

To have more free time to continue playing a role in the community I choose to resign from my Job in 2002 and to be self employed. ISERVICES Sarl - My company; provides network related services; Training services and security solutions to help enterprises build a strong; secure and resilient network. In the community; I am Afnog instructor and I participate as volunteer in network and Internet related training in the continent helping Enterprises; ISP to build their networks; set up Internet exchange points. Teaching routing; DNS; Security practices; Linux and FreeBSD. I am also serving as ASO member for the AFRINIC REGION

It is not only important to participate to ICANN meeting but also in ICANN activities to play a key role in the local community to keep the Internet interoperable. I am already playing a key role in the local community (AFRICA) in all Internet related field. I am serving in the ASO AC; as AFNOG instructor and as volunteer for all internet related field; going to other African countries to help set up strong; secure networks; providing training; and helping in policy development process. I am also at this time helping to re-start the local ISOC chapter in TOGO

### **Paulos Nyirenda , Malawi**

SDNP Coordinator

As the manager for .mw ccTLD and national coordinator for Malawi SDNP; I am already playing a significant leadership role on the local Internet community in Malawi. I need to enhance this role. It is my expectation that this will be further enhanced by my participation at this ICANN meeting.

I also plan to attend the ccNSO Council meeting at this meeting and continue to constructively contribute to IDN issues at TLD level; represent the Africa region on the upcoming issue papers on ICANN regions; participate in the GAC/ccNSO liaison working group and in the meetings among the various ICANN recognised regional organisations where I am in the executive committee of AFTLD

### **Caribbean**

#### **Albert Daniels, St. Lucia**

Director ISIS World (CTSL)

Understanding of TLD issues and contribution to efficient operations of the .LC domain. I contributed to the introduction of Internet to St. Lucia through the CUNet Project with dial up to UPR. This led to the full establishment of IP by the local provider after the creation of a critical mass of store and forward users. I started a program to encourage the use of Internet in the educational; scientific and development sectors. I will continue this leadership into the full utilization of the .LC domain across all sectors in Saint Lucia through automation and efficient administration.

#### **Andrew Mancey, Guyana**

Project Officer DevNet

To represent a small developing country. To continue working on promoting awareness of 'net' issues locally.

#### **Bevil Wooding, Trinidad and Tobago**

Chief Knowledge Officer, Caribbean Telecommunications Union

To better understand the ICANN process and play a greater role in relevant discussions and issues. As Special Advisor to the CTU I will be responsible for designing and managing the implementation of appropriate strategic initiatives for the Caribbean Region - these include the facilitating wider stakeholder participation; broadening awareness and crafting relevant training and educational for the region. For the civil society group that I represent I expect to be better able to represent issues and strategies to meet ongoing social and community development needs.

**Charles Glasgow, Trinidad and Tobago**

Manager e-Commerce, Ministry of Public Administration and Information

We hope to use this opportunity to share experiences in order to develop strategies in line with current international best practices.

The mandate of the ICT Division is to implement fast-forward; Trinidad and Tobago's National ICT plan; aimed at bringing ICTs and their related benefits to the local community at large. Internet service delivery is one such initiative; and the Trinidad and Tobago Network Registry (TTNRC) and is being created to amongst other things; administer the country code Top Level Domain; promote standards; structure and the stability of the Internet through Internet governance best practices and promote the increase in Internet penetration; and local ICT development and economic growth.

**Christian Chu Fook, Grenada**

Managing Director/Chief Systems Engineer, ModOne

To assist in the commercialization of the .GD ccTLD and to understand the benefits in full of said. ModOne is the leading Web Design and Development firm in Grenada. With this level of popularity; we can successfully sell .GD domains to any local business or person interested and provide ICANN with feedback relating to the comments and opinions of the .GD customer base which will in turn allow ICANN to make more informed decisions on a more regional and international level.

**Deirdre Williams, St. Lucia**

Lecturer, Sir Arthur Lewis Community College

I have considerable experience in using ICT to create human networks; within the Caribbean and beyond. I think this may be of some use to you. What ICANN is doing is of fundamental importance to what I am interested in. An opportunity for synergy and symbiosis.

My function is as a catalyst rather than as a leader. I am committed; professionally and personally; to information sharing. Therefore I can see myself playing a part in relaying information; which appears to me to be one of ICANN's more urgent needs at the moment; particularly in the (Anglophone) Caribbean.

**Denzil West, Montserrat**

IT Manager, MNI Networks Ltd.

To try and give small jurisdictions such as ours a voice in shaping the future of ICANN and by extension the use of the Internet. I hope to be able to promote the use of the .MS domain as a useful local resource to raise Montserrat's profile on the Internet/World-Wide-Web. After being exposed to various issues at the ICANN level; I would like to be in a position to make valuable input on the ccTLD organisation.

**Dwight Horsford, Grenada**

Coordinator (Ag)

National Telecommunications Regulatory Commission (NTRC)

To collect information and participate in general discussion. Report back to .gd Management Group

**Jeremy Whyte, Jamaica**

Manager; ICT Infrastructure & Dot-JM ccTLD

## The University of the West Indies

To present and represent all issues related to the Internet and its system of global identifiers specifically relevant to developing Caribbean States.

Inform Caribbean regional users of ICANN's role; policy development initiatives and strategies to ensure the security; stability and sustainability of the Internet and to provide ICANN insight on the issues related to Internet development and Internet governance in the Caribbean region.

### **Max Larson Henry, Haiti**

Tech Contact NIC .ht

CCTLD Organization should have a key role in ICANN present and future. Have a better understanding of ICANN role and spread the information to the Haitian local Internet Community.

### **Rayman Khan, Guyana**

Manager; Computer Services, University of Guyana

To keep up to date with issues relating to managing a ccTLD. 1. Promote ICANN activities with local stakeholders 2. Play an active role in Internet and related issues. I am a member of the Government Internet Oversight Committee. 3. Participate in Government and Caricom ICT activities. I am presently the University of Guyana representative on the Caricom ICT Steering committee.

### **Rudolph Daniel, St. Vincent and the Grenadines**

Consultant e Business Development, Private Sector Organisation

Because there is little representation from Caribbean region Act as a focal point of contact for Private and public sectors in the development of IG development and its issues.

### **Shivase Singh , Guyana**

Chief Information Officer, Netcom Computer City

Domain management and operation. I plan to dedicate 5 years in a leadership capacity after the fellowship.

### **Stéphane Bruno , Haiti**

IT Consultant, Consortium FDS/RDDH (.ht Manager)

To have the small ccTLD voices heard; to learn from other experiences; to share our own experiences. I wish to be more involved in ICANN by having the .ht ccTLD representing the Caribbean ccTLDs and to play a more proactive role in the ccNSO.

### **Ronald Straker, Grenada**

National Telecommunications Regulatory Commission

To collect information and participate in general discussions. Report back to .gd Management Group.

## **Europe**

### **Tatiana Chirev, Moldova**

ccTLD.md Monitoring Service

The importance is to continue to develop informational society in Moldova. As a ccTLD .md Administrator we will help our customers to learn more about Domain Name and Internet Protocol addressing systems and will support ICANN in developing new policies which will increase stability in this field.

## **Latin America**

**Antonio Quirarte, Mexico**

My company is the second largest hosting service provider and second in domain registrations in Mexico (since 1995). I am member of the Nic-Mexico's Advisory Board (since 2001) I conduct a popular weekly pod cast about business and technology for Hispano-American listeners (since November 2005). I'm very involved with Domains issues and all related with Internet diffusion and business.

I wish to learn the protocol and begin to be an ICANN active member and to participate in the decisions that could affect in Latino America. I'll use of my pod cast; blog; conferences that I give and of the newsletters that we send to our thousands of clients to make aware of the importance of being involved in the ICANN subjects for the region and the important functions of the organization.

**Enrique Arrieta-Noguera, Colombia**

The Internet Society Colombian Chapter

Currently I am the president of the Internet Society; Colombian Chapter; and for the past 8 years I have participated in many events related to internet governance and accessibility; workshops; seminars and meetings with the goal of facilitating every body's access to the internet; specially less favored groups. From my position as president of the Internet Society; Colombian chapter; I have the possibility to teach many people about ICANN's internet role; and influence processes that would lead to a better understanding and receptiveness of ICANN in my country.

Because I will get to know ICANN's leaders and fellows in my region; to network with them and help them to accomplish global and local goals in my country. I will also gain a better understanding ICANN's global and local goals; and leaders; and with my knowledge and influence of the key Internet people in my country I can serve as a facilitator and make ICANN's role easier and more effective.

**Leopoldo Brandt Graterol, Venezuela; RB**

Coordinating Partner, New Tech; IP and Telecom. Department

The ICANN meeting will discuss key issues that will affect general policies on the region and countries like Venezuela will continue with the task being developed by the Venezuelan Computer Law Association. Currently plan is to develop an interactive Internet Portal to place information related to computer law in order to share basic contents in topics like policy; laws; domains; web sites; legal compliance within the law professionals in Venezuela.

**Olga Cavalla, Argentina**

Ministry of Foreign Affairs of Argentina

I am interested in the developing of new policies for the Internet. In my role as advisor of the Argentina Government and as a university professor I am always in contact with the civil society; companies and the academy. Most of these meetings are related with the evolution of the rules of the Internet space. Participating actively in all the ICANN meetings is relevant for this multistakeholder work.

**Ricardo Vaz Monteiro, Brazil**

Director, Nomer.com

I am director of a small Registrar in Brazil; as a matter of fact the 1st ICANN accredited Registrar in Latin America. I would like to participate in ICANN; in special; in a Registrar constituency.

I think is important to keep up with new Registrar policies and discuss and vote for new policies. I write articles in some websites in Brazil. As a matter of fact I wrote already articles about: ICANN; Registerfly; domain tasting; Whois; and IPV6.

**Rodrigo De la Parra, Mexico**

Comision Federal de Telecomunicaciones Licenciado en Relaciones Internacionales

To follow up the subjects currently discussed in the GAC - Define a long term position and participation of

Cofetel in the GAC and other constituencies

### **Virginia Paque, Venezuela**

Diplo Foundation, Internet Governance Capacity Building Program tutor

I am a group tutor for the Bilingual English Spanish group for the Internet Governance Capacity Building Program of Diplo Foundation ([www.diplomacy.edu](http://www.diplomacy.edu)). Any knowledge I can gather enriches the class discussions and helps me direct the knowledge building of the participants in my groups. As ICANN is central to Internet Governance policy; it is indispensable that I improve my comprehension in this area.

I have lived in Venezuela for over 30 years; and worked actively with the United Nations Association of Venezuela for 5 years. I work with online and in-person educational programs; and am the Venezuelan member of the World Federation of United Nations Associations Task Force on WSIS. My involvement in Internet Governance processes is immediately multiplied within the educational communities with which I interact.

## **Stans**

### **Khalil Rakhmanov , Tajikistan**

TJ ccTLD Technical Contact

I think it'll be useful for me in our current activity of serving tj domain. Experience obtained from participating in the program will influence our priorities in our policy and activity.

## **Asia/Pacific**

### **Basanta Krishna Shrestha, Nepal**

Madan Puraskar Pustakalaya ( MPP); PAN L10n Project Senior Developer

Worked as a Senior Developer for the development of NepaLinux; - a localized GNU/Linux operating system comprising of [openoffice.org](http://openoffice.org); [mozilla](http://mozilla.org); Nepal input systems; Nepal spellchecker; gnome and kde. Currently working for the release of the 3rd version of NepaLinux2.0. ([www.nepalinux.org](http://www.nepalinux.org)[www.panl10n.net2](http://www.panl10n.net2).)

Set up office network and set up NIS; Samba PDC; CVS repositories for co-coordinating the translation work. In the upcoming phase of this l10n project; we will be working on Internationalized Domain Name (IDN) and Country Code Top Level Domain (CCTLD). Hence; I will need ideas/training on Internationalizing Domain Names. During our upcoming phase of PAN l10n project; we will be working on Domain Name Localization.

Madan Puraskar Pustakalaya; MPP; is the prime organization in Nepal that is involved in various activities of language computing. MPP collaborates with various educational institutes and works jointly. Localized OSS Distribution; Text to Speech; Machine Translation; Nepali Online Dictionary are the works MPP has been working on. Visit [mpp.org.np](http://mpp.org.np) MPP has taken initiative to build up Local FOSS community and currently hosts FOSS/Linux talks on regular basis. [www.fossnepal.org](http://www.fossnepal.org) MPP and MPP premises has become a center for community gathering and community talks. Experience and knowledge gained during the ICANN seminar will definitely reach the local community through MPP.

### **Lynnold Misifea Wini, Solomon Islands**

Solomon Telekom Company Limited Assistant Engineer - Webmaster

I work primarily as a web developer for the Solomon Telekom Company Ltd. In this role; I plan and develop our local intranet and corporate websites. However; the lack of resources and a severe shortage of qualified IT professionals in the Solomon Islands have resulted in the development of multi-skilled employees whose areas of responsibilities cover a broader range of areas than what is specified.

One of the crucial elements of my responsibility is to "continuously monitor industry trends; technologies; and standards and be able to research; recommend; and apply new technologies as they emerge." The responsibilities this entails is broad covering web development; server platforms; web applications; web standards; close collaboration with other members of our team on DNS issues; hardware requirements and maintenance. This role requires a better understanding of the Internet and its related technologies.

**Simon Greaves, Fiji**

Manager; Systems & Networks, The University of the South Pacific

As the manager of systems & networks at USP; I am responsible for one of the largest computer networks in the region; supporting over 20 thousand students and 1500 staff in 12 Pacific Island countries. I am also the manager of the .FJ ccTLD; and have recently succeeded in a bid to host an F-root nameserver. I am particularly interested in the development of the Internet within the region; especially within the educational sector. From my ccTLD work; I am also interested in governance issues; policy and privacy of information.

To investigate what assistance is available to a small-scale ccTLD registry; including possible expansion models; to network with peer ccTLD registries and attend ccNSO; and to increase and enhance my knowledge of what is happening within ICANN

Part of my function at USP is in mentoring my own staff and disseminating information to them. I also act as a reference for other staff and students; especially within the Computing Science department as well as for the local computing community as a whole. As the manager of the .FJ ccTLD I will use the information and experience gained at ICANN to review and update the ccTLD registry website and policies and procedures. USP is one of the organisations involved in an on-going review of the use and growth of ICT within the region and for its future development; I would be well placed to advise others within that forum also.

**Tapugao Falefou , Tuvalu**

Permanent Secretary, Government Of Tuvalu

I am currently the Permanent Secretary of the Ministry of Communication & Transport. Being the CEO of this ministry; which is responsible for our Tuvalu ccTLD ".tv"; it is my primary responsibility that I oversee the smooth running of .tv. Since .tv is currently administered by VeriSign under a contract; it is imperative that I attend this ICANN gathering so that I could be able to learn and study more about this potential source of income to our country.

#### 6.6.4 Fellowships Committee

<http://www.icann.org/fellowships/fellowship-committee.htm>

## Fellowships Committee

The Fellowships Committee (FC) will be responsible for selecting which applicants will receive fellowships to the ICANN International public meetings, utilizing the vetted applications garnered through the online application system. The Committee will also advise ICANN staff on how the programme could be improved.

### Terms of Reference

#### 1. Objectives

The objectives of the FC are:

- a. To select fellows from among the applicants based on their conformity with the criteria outlined in the application and the evaluation process outlined in this document.
- b. To act as a resource to the ICANN Board and staff by providing information and feedback on the planning, implementation and evaluation of the fellowships programme.
- c. To conduct outreach in support of the fellowships program and to create a pool of potential future members of the selection committee.

#### 2. Membership

- a. The FC shall be made up of no less than 4 and no more than five (5) representatives of the public with a strong history of experience with technical Internet issues, developing countries and/or Internet related development work, fellowships programmes and/or non profit experience.
- b. Membership shall strive to include representatives from each of the ICANN regions.
- c. In the event that the FC determines that its membership or terms of reference are not appropriate it shall have the power to recommend to ICANN staff amendments to these Terms of Reference.
- d. Membership is at the invitation of ICANN staff.
- e. An ICANN staff member will act as the FC committee Secretariat.

#### 3. Terms of Service

- a. Members will serve for a minimum of three ICANN meetings and for a maximum of three years.
- b. Members may resign at any time.
- c. Members will transition off of the committee by one member at a time.

#### 4. Administration

- a. The FC may ask ICANN staff to investigate specific issues and to report back to the Committee.

#### 5. Reporting

- a. At the close of each ICANN International public meeting, the FC Secretariat will provide a summary report containing statistical information on its activities to the Fellowship Selection committee for their review. Once approved by the committee, this report will be provided to the Board and ICANN staff, as well as being posted on the ICANN website.

#### 6. Quorum

- a. A quorum for the meetings of the FC consists of a majority (50% plus 1 of all members).
- b. If any members of the FC cannot attend a meeting or conference call, they will be provided the notes for the Secretariat to provide additional input and approval.

#### 7. Process

- a. Meetings of the FC shall be held via conference call during the evaluation period of the fellowships application process.
- b. An agenda for each meeting shall be sent to the FC prior to the meeting.
- c. Minutes will be kept by ICANN staff and submitted for approval following each meeting of the FC.
- d. The FC will meet in person at an ICANN meeting once per year, preferably at the second meeting of each calendar year.
- e. Members of the FC will be encouraged to contribute to the agenda.
- f. The FC will be required to rank applicants within regions in order of preference. The number of

fellowships available will vary dependant on the location of meeting, region of applicant and budgetary constraints.

## 8. Application Assessment and Decision Making Process

### Round One – First Order Decision Making

Each FC member reviews the dossiers of each applicant against the questions set out in the application form:

- Why they want to attend
- Why they feel participation in ICANN is important
- Interest in participation in the Fellowship programme
- Knowledge of field
- Previous attendance: priority given to those who have not attended a meeting before or have only attended once
- Willingness to complete feedback materials
- Willingness to actively participate in ICANN meetings and the fellowship alumni network
- In addition, beginning with ICANN meeting #31, ICANN Regional Managers comments will be available to the committee.

FC members will individually review each dossier and assign a grade of either 3 (definite yes) 2 (maybe) or 1 (definite no). They will then send that individual scoring information to ICANN, which is summarized within the application database.

If there are four voting FC members, the highest ranked applications will get a 12, the lowest a 4, and everyone will fall somewhere on the scale between 12 and 4.

If there are five voting FC members, the highest ranked applications will get a 15, the lowest a 5 and everyone will fall some where on the scale between 15 and 5.

The staff will then fill the slots from each region with the highest ranking applications according to the scores from the FC membership. If there are more admitted applicants with the same score than there are slots available for a region (i.e. "ties") then the FC must go to a second order of decision making.

### Round Two – Second Order Decision Making

In the event of ties – too many applicants with the same score from the same region that exceeds the number of fellowships available for that region there will be a discussion about whether to have multiple attendees from a single country or to spread the slots out over many countries in a region. Questions that will be asked include:

- Has this country ever been represented at ICANN meetings before?
- Has the applicant ever been to a meeting before?
- Is the applicant in a position to influence or teach others at home about ICANN?
- Is the applicant from a department that makes it possible for them to influence Internet policy at home or in their region?

The FC will make a determination on how to prioritise individuals and countries based on their experience and then convey that determination to staff.

This file was last modified 20-Nov-2007

## 6.7.1 ICANN University Outreach

### **6.7.1 ICANN University Outreach**

In order to broaden understanding and encourage participation in ICANN, outreach events have been conducted with a number of universities. Successful events were conducted during the last three ICANN meetings: at the University of Lisbon during the March 2007 ICANN meeting, and at the University of Puerto Rico during the June 2007 ICANN meeting. Additional university outreach events are being planned in advance of the ICANN meeting in Los Angeles (although a university event is not planned during the week of the meeting).

#### **27 September 2007**

10:30-12:00 at University of Southern California ISI - ICANN's .test IDN evaluation plan

4:00-5:30 at University of Southern California Viterbi School of Engineering - ICANN's .test IDN evaluation plan

Tina Dam was key speaker at both events

#### **4 October 2007**

Loyola Law School, Los Angeles on ICANN, registries & registrars, contractual compliance & upcoming the LA meeting

Patrick Jones & Stacy Burnette spoke

#### **29 March 2007**

University of Lisbon (Faculdade de Ciencias da Universidade de Lisboa)

- Introduction by Pedro Veiga of FCCN

- Vint Cerf on his experiences in the development of the Internet

- Patrick Jones on changes in the Internet from 1996 to the present

- Tina Dam on ICANN's IDN program

- Kieren McCarthy on participation in ICANN

- moderated by Giovanni Seppia (thanks go to Giovanni for coordinating with the University of Lisbon and to Pedro Veiga)

#### **28 June 2007 - University of Puerto Rico Law School Rio Piedras**

"Greeks & Geeks: A Dialogue on Technology, Policy and the Internet"

- Introduction by Assistant Dean of U. of Puerto Rico & Hiram Melendez Juarbe

- Vint Cerf on future of network technology

- Paul Twomey on future of network policy

- Open discussion with Paul Twomey, Vint Cerf and Steve Crocker

6.8.1 Screen grab of OECD blog for event: 'OECD-Canada Technology Foresight Forum on the Participative Web; Strategies and Policies for the Future'. ICANN's General Manager of Public Participation was invited to blog on the event.

## 6.8.1 Screen grab of OECD blog for event: 'OECD-Canada Technology Foresight Forum on the Participative Web; Strategies and Policies for the Future'. ICANN's General Manager of Public Participation was invited to blog on the event.



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### Content: it's like rock n' roll

Wednesday, October 03, 2007 3:13 PM

The first session of the afternoon (stream A) covered the issue of user-created content i.e. what people stick up on the Internet. What became clear was that this subject – like music – produces a generational split.

On the one side, you have the younger generation: excited about the new possibilities, dismissing concerns as people not "getting it" but with a dramatic tendency to over-emphasise its importance. And on the other side: the older, wiser generation, but one that also struggles to understand exactly why people are so excited about it and so is overly cautious and occasionally dismissive.

What everyone can be sure of is that modern technology has allowed people to produce words and videos at an easier and faster rate than ever before, and the Internet has enabled people to share that publicly with as many people as never before. Or, most concisely, user-created content is here to stay.

#### So what?

The chair Michael LeBlanc kicked off the session with an interesting anecdote – he received dreadful service from a company, so he called to complain and nothing happened. He emailed and they were unhelpful. He tried to find a way of posting a complaint on their website – but there wasn't a forum.

So he posted his complaint – in strong words – on his own blog. And now that post is extremely visible through Google whereas if he had just posted on the company's website, it would have been subsumed by other comments. The upshot was that the company called him up a long time later to ask how they could help him and if he would remove the content.

In this context, it's not hard to see the impact of the user-created content.

#### My generation

This discussion thread was dropped however when the next few panellists – the younger generation – gave presentations not on the impact that this content has, but on how terrific it was and what they were doing with it on their terrific websites.

The generational gap was then further highlighted when the last panellist took issue with even the term "user-create content" – which by now had inevitably been reduced to down to

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Archives

6.8.2 Screen grab of OECD event above, showing the invitation from the OECD to the technical community, as OECD moves to include a broader cross-section of non-government stakeholders in its forum in preparation for the OECD 2008 Ministerial.

**6.8.2 Screen grab of OECD event above, showing the invitation from the OECD to the technical community, as OECD moves to include a broader cross-section of non-government stakeholders in its forum in preparation for the OECD 2008 Ministerial.**

The screenshot shows the OECD-Canada Technology Foresight Forum website. At the top left is the OECD logo with the text "ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT". To the right is a search bar and a "Français" link. A purple banner at the top contains the text "OECD-Canada Technology Foresight Forum on the Participative Web: Strategies and Policies for the Future". On the left is a navigation menu with items like "Forum organisers", "Context and objective", "Participate on line!", "Programme", "Overview of the Forum", "Speakers", "Demonstrations of Participative Web Projects and Technologies", "Civil Society Participation", "Background reading and links", "Contact us", and "Conference venue and Hotel information". The main content area features the heading "Civil society participation" and a paragraph stating: "The OECD's ICCP Committee is developing a process to enable relevant organisations, other than governments, to become meaningful participants and contributors in the preparation of the Meeting at Ministerial level on the Internet scheduled for June 2008 in Seoul. To meet this aim, the October 2007 Technology Foresight Forum on the Participative Web is organised to include a broader cross-section of non-government stakeholders (e.g. civil society and the technical community). The forum will thus be used as a mechanism for getting civil society inputs to the Ministerial. More information on the civil society participation in the run-up to the Ministerial can be found at the [Future Internet Ministerial page](#). Related links: [Public Voice and the OECD](#)". Below this is a section "Also available:" with a link "Participation de la société civile (French)". On the right side, there are three boxes: "Don't miss" with links to "Participative Web and User-Created Content: Web 2.0, Wikis and Social Networking" and "The Future of the Internet Economy - OECD Ministerial Meeting - Seoul, Korea, 17-18 June 2008"; "Forum co-organised by" with the "Industry Canada" logo and a link "» Industry Canada".

6.11.1 Meeting White Paper, 6 November  
2006, Susan Crawford

<http://icann.org/meetings/white-paper.htm>

## Meeting White Paper

6 November 2006

Susan Crawford

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Comments can be made to [meeting-comments@icann.org](mailto:meeting-comments@icann.org) and reviewed at <http://forum.icann.org/lists/meeting-comments>.

Fill out and submit the [questionnaire](#).

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### Introduction

ICANN's approach to meetings must be determined by core organizational goals and principles. What are these meetings for? How can ICANN's meetings attract more constructive and effective engagement by members of the community? How can they be conducted more efficiently, at lower cost in time and money? How can they enhance the legitimacy of ICANN's actions?

This paper represents a first cut at working through these issues. It attempts to assess the operational goals of ICANN's meetings, address criticisms of these sessions, and present proposed solutions for consideration by the community. It is designed to be circulated in advance of the Sao Paulo meeting to facilitate a public workshop during that meeting that I will run.

This paper stems from my interest in improving the quality of ICANN's meetings. Some of the issues it covers are also touched on by the GNSO review report prepared by the LSE, and this paper is intended to complement that effort.

The paper is divided into three parts. Part I describes the goals of ICANN meetings and provides some factual background on these meetings. Part II lists criticisms and concerns about ICANN meetings. Part III deals with proposed solutions and alternatives designed to deal with the criticisms and concerns that have been raised.

This paper makes the following recommendations:

- 1. There should be a public forum at the beginning of each Large Meeting. (By "Large Meeting," I mean the three public ICANN meetings currently held per year.)**
- 2. If ICANN continues to use local hosts for Large Meetings, the relationship should impose far fewer obligations on these local hosts.**
- 3. ICANN should develop an online docket that shows clearly at all times the status of all decisions to be made by the Board and supporting organizations.**
- 4. Agendas should be required to be posted online well in advance of meetings.**
- 5. Agendas should clearly focus on the purpose of a presentation or activity, so that people know whether they need to participate. Then these agendas can tie directly to the results of the meeting.**
- 6. All meetings should generate detailed minutes together with a summary of important actions or next steps. Everyone should be able to see clearly what arguments were advanced by particular people and how decisions were made.**
- 7. As a default, ICANN meetings of all descriptions should be public. Those few that are private should be subject to clear guidelines about what can be said publicly about those meetings. ICANN should develop these guidelines promptly and advise all meeting attendees of them. For example, it would be good to make clear to all public meeting attendees that meetings will be recorded.**
- 8. All correspondence to ICANN from any outside source, on substantive issues, should be publicized on the ICANN web site absent an express decision by the Board to authorize confidential treatment, in which case the existence and rationale of such a decision should be disclosed.**
- 9. For 2008-10, ICANN should consider choosing in advance at least one hub city for one of the three Large Meetings, such as Vancouver, Frankfurt, Singapore, Paris, Hong Kong, or Los Angeles.**

## 10. The number of Large Meetings should remain at three for the coming years.

The paper also raises questions about how the public forums, Board meetings, and scheduling assumptions behind Large Meetings could be improved, but makes no specific recommendations along these lines.

### I. Background and Core Goals

#### A. Large Meetings

ICANN's function is to coordinate policy regarding domain names and IP addresses. Because the ICANN community is international, ICANN has had a practice of meeting in different regions of the world (and different cities in those regions) three or four times a year since 1999:

1999: Los Angeles, California, USA; Santiago, Chile; Berlin, Germany; Singapore

2000: Marina del Rey, California, USA; Yokohama, Japan; Cairo, Egypt

2001: Marina del Rey, California, USA; Montevideo, Uruguay; Stockholm, Sweden; Melbourne, Australia

2002: Amsterdam, Netherlands; Shanghai, China; Bucharest, Romania; Accra, Ghana

2003: Carthage, Tunisia; Montreal, Canada; Rio de Janeiro, Brazil

2004: Cape Town, South Africa; Kuala Lumpur, Malaysia; Rome, Italy;

2005: Vancouver, Canada; Luxembourg City, Luxembourg; Mar del Plata, Argentina

2006: São Paulo, Brazil; Marrakech, Morocco; Wellington, New Zealand

2007: [Asia Pacific region]; San Juan, Puerto Rico; Lisbon, Portugal

Each of these meetings costs between US \$600,000 and \$700,000 in total to hold. At the moment, **local hosts** cover expenses relating to venue costs, registration, audiovisual equipment, security, internet access, insurance, signage, coffee breaks, a gala reception, and other miscellaneous items. Local hosts bid to run ICANN meetings, and typically find sponsors to cover many of the expenses associated with each meeting. (ICANN's RFP for local hosts, which sets out the requirements ICANN has for meetings, can be seen at <http://www.icann.org/meetings/rfp/rfp-2006.htm>.)

It is fair to say that local hosts find the burden of hosting a meeting to be substantial. The meetings have grown quite a bit over the years (currently about 800 people attend each meeting), and professional assistance is often needed by the local host to tie everything together. Local hosts need to arrange for large meeting rooms and hundreds of hotel rooms to be available. Equipment costs sometimes turn out to be high (printer/copiers, microphones, projectors). ICANN brings the webcasting equipment, but local hosts are responsible for the rest of what is needed to project a meeting. Local hosts often end up spending a good deal of money on the web site for the meeting and on registration services. Last-minute changes in the schedule of the meetings frequently are needed by members of the community, which makes life difficult for local hosts. ICANN meetings have bandwidth needs that are extreme, and the size of the meeting dictates that a major conference center with hotel rooms be secured. Most local hosts underestimate how much effort and money will be needed to make all of these arrangements.

ICANN, for its part, covers the travel and hotel expenses of Board, staff, and many community members to these meetings, and pays for meals for the Board and staff (and some members of the community). ICANN's 2006-07 budget for all meetings (including regional outreach meetings, which are separate from these three large meetings) is \$5.9 million (of a total budget of approximately \$30 million).<sup>1</sup> No one on ICANN's staff works fulltime on meeting arrangements. There are two ICANN employees who spend at least half their time on meetings and one who spends a piece of his time on technical/security arrangements for meetings. ICANN has also retained an independent contractor who spends 70% of his time on ICANN meetings. For shorthand purposes, we will call the current set of three large meetings Large Meetings.

The core goals of the Large Meetings, each of which lasts a week and currently attracts approximately 800 participants, are (at least):

**1. Work on policy development in face-to-face meetings.** Indeed, a central purpose of meetings is to reach and demonstrate the kind of consensus needed to adopt binding rules -- and/or to determine that that is not possible and thus to make clear that the issues on which consensus cannot be reached will be dealt with by decentralized decisionmaking and local laws. ICANN is supposed to be a forum for the discussion of policy, and these meetings provide opportunities to advance those discussions.

**2. Inform Board and Staff and members of the community regarding key domain name policy issues.** (As a practical matter, addressing policy is not made at ICANN meetings.)

**3. Hold Board meetings.**

Large Meetings generally include several public workshops, meetings of various support organizations and advisory groups (some of which are public and some of which are not), and public forums. The Board meets to debate and take action as a Board in public. The GNSO meets to develop consensus policies. The CCNSO meets to educate and coordinate. The GAC meets to formulate advice to the Board. Other groups, such as the NRO, the Nominating Committee, SSAC, and various task forces use the occasion of ICANN meetings to consult with their members. There is no registration fee required for members of the public to attend Large Meetings.

*It would be worthwhile to discuss in Sao Paulo whether the goals listed in this paper for Large Meetings are the right ones, and whether they reflect reality. Should Large Meetings be more like trade shows? Should we encourage more businesses to attend that don't necessarily involve themselves in policymaking? Are they networking events or policy events or regional outreach events?*

## **B. Other Meetings**

Large Meetings are a substantial part of ICANN's operations. But there are many other kinds of ICANN meetings. For example, the Board has recently begun to hold weekend retreats (two per year), which are private. Additionally, there are task force meetings, constituency meetings, GNSO working session meetings, and other offline and online meetings.

In particular, ICANN has also begun to hold Regional Meetings. Following the installation of ICANN's regional liaison team in early 2006, outreach events for Latin American and for the Baltic region and Eastern Europe were held in October 2006. ICANN now has six regional liaisons who meet with various stakeholders in their region. They interact with registrars, registries, ccTLD managers, and others. Also, regional registrar meetings and ccTLD workshops have been participated in by ICANN. ICANN plans to have or participate in about two to three regional-related events per year per region.

I cannot tell how much all of this is non-Large Meeting activity is costing ICANN, but I wanted the community to be aware that not all ICANN activity happens at Large Meetings.

### **1. Latin America**

ICANN co-organized with UNAM, Universidad Nacional Autónoma de México, a video conferencing session aimed at providing information and participation opportunities to all stakeholders (including governments), with a special focus on developing countries in Latin America. The objectives of the session were to:

1. Bring greater understanding to stakeholders in Latin America of what ICANN is responsible for and how to participate in the GAC;
2. Through greater participation, awareness and capacity building, better response to specific issues of regional interest;
3. Identify means for addressing improved participation in ICANN from developing countries.

Participants came from eleven different countries and were in fifteen sessions that went on for six hours. From Argentina, for example, there was participation from ISPs, e-business/business, addressing community, gTLD interests, ALAC, and the government. The event was webcast. The meeting used an expensive infrastructure, the use of which was donated by several participants (Clara network – Latin America's Internet II).

<http://www.unam.mx/sociedadinformacion/>, and  
<http://www.icann.org/announcements/announcement-27sep06.htm>.

### **2. Eastern Europe**

A Baltic Region and Eastern Europe International Seminar, "The Internet and the Post-WSIS Environment: Enhancing Dialogue Among the Stakeholders," took place in Riga, Latvia, on 4 October 2006. This event was co-organized by the Secretariat of Special Assignments Minister for Electronic Government Affairs of Latvia and ICANN, with partners including Finland's EU Presidency. The event was attended by over 100 participants from the region, ranging from Russia, Georgia, Moldova, Lithuania, Finland, Sweden, and Kazakhstan. Panel sessions addressed issues ranging from global Internet governance and regional developments to specific issues such as ccTLDs, IDNs, and security. ICANN contributed approximately US \$4,000 to help with the conference room and facilities. Local hosts and sponsors paid for regional travel, participation, food, etc. See <http://www.icann.org/announcements/announcement-04oct06.htm>.

### 3. Regional Registrar Meetings

In May 2006, ICANN hosted a meeting focused on topics of interest to registrars in the European region. Some registries also attended, and there were approximately 50 people there in total. There have been requests for more meetings like this one.

### 4. ALAC Meetings

ICANN's regional liaison network has helped to organize several At Large RALO formation events, including two in Europe and one in Latin America. The event in Latin America, which attracted about 36 people, was held prior to the CITELE meeting in Argentina. The events in Europe were in Berlin and Frankfurt – each attracted about 20 people.

### 5. ccTLD Regional Meetings

ICANN has been organizing or participating in various workshops for ccTLD registries around the world since early 2004. ISOC and ICANN have worked together on these seminars. (see <http://www.isoc.org/educpillar/cctld/>)

The purpose of these workshops is to provide local operators with technical training so that they can contribute to maintain stable, reliable and secure services for their respective communities. The workshops also touch on registry policies and management procedures.

Workshops organized by ISOC have also provided a hands-on clinic in a lab environment for ccTLD technical staff to learn about existing tools and software for registry operations. This includes demonstrations with the toolset developers so participants can determine how to best format their data to register domains for their ccTLDs, set up name-service, exchange secondaries, create WHOIS data, etc. Users get expert advice on how to automate and scale up their current operations, and pointers on how to structure their existing data for use with open source toolsets.

ccTLD managers attending the seminars have the chance to meet with their regional peers, to share best practices and to learn from past experiences.

ccTLD workshop in Sofia, Bulgaria, October 24-26  
(focus: Balkan area registries plus Eastern Europe registries)

ccTLD workshop in Dubai, United Arab Emirates, November 20-21  
(in parallel to GITEX 2006 in Dubai)

Other ccTLD workshops ICANN has participated/sent staff to:

Pacific Region ccTLD Workshop  
20th - 24th June 2006  
Apia, Samoa

Atelier ccTLD Dakar  
7th - 10th December 2005  
Dakar, Senegal

Nairobi ccTLD Workshop  
12th - 15th September 2005  
Silver Spring Hotel, Nairobi Kenya

Atelier DNS AfTLD

Administration technique des noms de domaine internet nationaux  
17th - 21st December 2004  
Yaoundé (Cameroun)

Bangkok ccTLD Workshop  
7th - 12th October 2004  
Bangkok, Thailand

Amsterdam ccTLD Workshop  
19th - 22nd June 2004  
Amsterdam, The Netherlands

*Question for discussion: Should there be GAC regional meetings? Should these meetings be tied to ccTLD workshops?*

## II. Criticisms

Criticisms of ICANN's Large Meetings can be divided, roughly, into physical, organizational, and policymaking categories.

On the physical side, they have been criticized for being too time consuming for everyone involved. It is very difficult in this fast-paced world for anyone to take a week for a single meeting. Sometimes they have been in locations that are one or two hops away from main airline hubs, and there have been some criticisms of this practice. The physical setup for Large Meetings can vary wildly – at times the meetings and the hotel rooms are in the same place, and at times they are not. ICANN's constant travel schedule, always to different locations (in combination with the length of the meetings), has given rise to suggestions that ICANN "insiders" are on boondoggles.<sup>2</sup>

Organizationally, Large Meetings have been criticized for being repetitive, non-inclusive, and non-transparent. A few of the sub-meetings inside ICANN Large Meetings are not public, and most are not made available online in any form. Proposals and information are often not circulated in a timely manner in advance of meetings. At times, the same reports are repeated over and over again in different submeetings.

ICANN does not have a set protocol for what may be reported about "private" meetings, which has also caused difficulties from time to time. Nor does ICANN have a set protocol for what must be reported about "public" meetings, which makes those meetings difficult for outsiders and remote participants to follow.

As to policymaking, it is not always clear whether decisions actually get made as a result of Large Meetings, although face to face contact does seem important to policymaking generally. There does not seem to be enough interactive conversation among constituencies, although this is changing over time. Not all issues are well formulated, and in general it is very difficult for "outsiders" to understand what is going on. The status of decisions is hard to ascertain. Registrants and the public don't have much access to what happens at Large Meetings. The Board meeting is heavily scripted, although public, and doesn't prompt much interest or real discussion. As a whole, the meetings seem to have a traditional rhythm of their own that is not necessarily tied to any set of principles.

The LSE's recent review of GNSO policymaking raised several of these points. It is available here: <http://icann.org/announcements/gns0-review-report-sep06.pdf>. The LSE has suggested that GNSO take over decision-making regarding its own procedures and operations.

There is also support within the ICANN "community" for the Large Meetings. Some face to face contact is extremely helpful for reaching consensus on policy issues. Having Large Meetings three times a year allows members of different parts of the community to see each other regularly and collaborate. There is a sense that outreach to different "local internet communities" around the world is important to ICANN's continued mission and credibility. Intersessional (between meeting) progress is difficult for some groups to make, and the meetings provide a prompt for work to continue. Many groups feel it is important to have time with the Board, and that is only possible at these meetings. The number of ICANN subgroups and the complexity of their interactions sometimes seems to make the great number of days needed for these meetings necessary.

*Key questions that should be discussed in Sao Paulo include:*

1. [How can Large Meetings be run better?](#)
2. [How can the results of meetings be made more transparent?](#)

3. [Are new Regional Meetings fulfilling some of the outreach interests associated with Large Meetings in the past? What are the benefits and burdens of switching to hub locations for at least some of the 2008 Large Meetings?](#)
4. [Are we holding the right number of Large Meetings?](#)

The following section sets forth initial responses to these questions. It is intended to serve as a guide to discussion.

### III. Solutions and Questions

#### 1. How can Large Meetings be run better?

In Sao Paulo, we are trying out a new meeting format that is intended to reduce the number of days per Large Meeting and increase the quality of the public forum discussion. It is also aimed at having breaks be uniform so that members of different groups can mingle more easily.

The meeting will run Monday through Friday. We will start with a public forum on Monday morning (this is a change from prior practice), and there will be workshops on Tuesday and Wednesday morning. Thursday will be a second public forum (all day), and Friday morning will be (as is traditional) the Board meeting. Monday, Tuesday, and Wednesday afternoons will be devoted to internal constituency and supporting organization meetings (GAC, ccNSO, GNSO, ALAC).

The idea is that starting with a public forum will allow different groups to report on what they have accomplished during the period between meetings. This kind of level-setting is now absent from the meetings, and it may help with letting "outsiders" know what has happened before the meeting and will happen during the meeting. This first public forum can provide a kind of agenda-setting for the week.

We hope that meetings between the Board and all participants in the ICANN process taking place at the beginning of Large Meetings (and guided by a detailed agenda) will provide ample opportunity for iterative conversations between the Board and the public.

#### A. Suggestions for Public Forums

It might be good to have public forum sessions that are not aimed at reporting to, or replying to, the Board. It seems that cross-constituency dialogue on focused issues would be more helpful to ICANN's mission. One proposal that has been raised is to have public forums devoted to particular issues that some member of the community, or someone on ICANN's staff, is prepared to raise in some detail. Board members would simply be members of the discussion group, and would not be up on an elevated stage. This would allow for sustained conversation on serial topics. Some of this already happens in the public forum, but the format to date has been one of "talking up" to the Board.

ICANN should get away from the idea that the only communications that are needed are to the Board. The Board, as a whole, shouldn't be the target of a communication until and unless someone is claiming the existence of consensus (or proposing a Board resolution or decision of some type). Much of the needed communication is among constituencies -- attempting to see if there is a need for a rule and a prospect for broad agreement on a particular proposed rule. That kind of communication can be more or less continuous, especially if the progress of the discussions can be accurately reflected in a docket (as discussed elsewhere in this paper).

Should the last public forum be *after* the public Board meeting, so that the Board can respond to questions about what it has done?

Clearly we need translation services for the public forums. What is the plan for making these work, and how much will it cost?

#### B. Suggestions for Constituency Meetings

It has been suggested that ICANN have clear protocols for what it means to have a "public" meeting within a Large Meeting and what it means to have a "private" meeting. The default setting should be public, which means meetings can be transcribed and reported on in any format. What it means to have a "private" meeting needs to be defined. If the expectation is that only authorized members of the particular constituency or group (and what it means to be authorized) may attend, then that should be clearly stated in advance. If the expectation is that no record may be published of the meeting, that should be stated as well. IETF does this in advance of its meetings.

In particular, it would be good to make clear in advance that public meetings may be recorded in a variety of ways.

### **C. Schedule Suggestions**

It may be desirable to have as many of ICANN's constituencies/SOs as possible meeting in the same place and at the same time. To that end, does the five-day schedule proposed for Sao Paulo help? Or, would it be better to let each constituency/SO decide where and when to meet, without attempting to coordinate under the umbrella of a Large Meeting? What changes to the schedule would best serve ICANN's core goals of coordination, face to face policymaking, and information flow?

The Board meeting that closes the week is heavily criticized and thinly attended. How could Board meetings be improved? Are they still necessary components of Large Meetings? Should the Board meet before the forums, instead of after, so that there can be feedback on the Board's actions?

### **D. Local Host Suggestions**

The current burden on local hosts of Large Meetings is great, and leads at times to some difficulties in carrying off ICANN meetings. These meetings are very large and very expensive. Sometimes local hosts use meeting planners to arrange for hotel rooms etc. (There is little incentive for conference organizers to sponsor meetings and provide their services for free.) Because those meeting planners are sometimes paid per room, room contracts may end up being highly centralized (i.e., meeting attendees can't make their own direct arrangements for rooms but have to go through a central planner), overpriced, and difficult to adjust.

If we continue using local hosts for Large Meetings (a question considered below), it might make sense to change the nature of the obligations imposed on local hosts.

RIPE,<sup>3</sup> for example, gets sponsorship directly for its meetings, with the RIPE Network Coordination Center providing almost all of the support.<sup>4</sup> The RIPE NCC has dedicated meeting staff and brings in a logistics and technical team. There is no local host.

The IETF Secretariat makes all arrangements for hotel rooms and meeting rooms itself, but has a tradition of having local hosts provide a "terminal room" and a social event at IETF meetings. "In return for hosting the terminal room/social event, the Host receives public acknowledgment by the IETF, and will be given the opportunity to make a technical presentation to the IETF."<sup>5</sup>

It might make sense to treat a local host as another sponsor of a Large Meeting. The host could provide a reception or other service that would promote them without obliging them to take care of all arrangements.

ICANN's needs for Large Meeting equipment currently provided by local hosts are complex. ICANN could provide this equipment for each region, but solving the power of getting power to seats and rooms will continue to pose a challenge. ICANN might need to work with an outside logistics company (which will be expensive). ICANN could provide a registration software package and use the local host's help to find people to work by the hour to register attendees. ICANN could provide the web page for each meeting instead of relying on the local host to do this, while local hosts could help with information about local attractions etc.

The local host relationship changes with each ICANN meeting. At times, it has been difficult for one or the other side of the relationship (or both). Whether or not we continue to hold meetings in different places each year, it may make sense to change the terms of this relationship for 2008.

## **2. How can the results of meetings be made more transparent?**

It seems that there are several things we could do to make the results of ICANN meetings more transparent.

ICANN should develop an online docket that shows clearly at all times the status of all decisions to be made by the Board and supporting organizations. This will greatly facilitate remote and online participation.

Agendas should clearly focus on the purpose of a presentation or activity, so that people know whether they need to participate. Then these agendas can tie directly to what the results of the meeting was. At the moment, agenda-practice varies across groups.

We clearly need to have all meetings generate detailed minutes together with a summary of important actions

or next steps. In particular, I recommend that ICANN Board meetings be recorded or summarized in detail, so that all participants can see clearly what arguments are advanced by particular Board members and how decisions are made. For meetings that are not "scribed," we should encourage volunteer taking of minutes and make those minutes available.

All correspondence to ICANN from any outside source, on substantive issues, should be publicized on the ICANN web site absent an express decision by the Board to authorize confidential treatment, in which case the existence and rationale of such a decision should be disclosed.

Remote participation remains a major problem for ICANN meetings. We should have

- 1) advance instructions that make it clear how to participate remotely (what software, what pages, where to send questions, etc.)
- 2) get presentations in advance via a standardized tool that uploads them to a shared space. In parallel, push to get all presentations available for archiving.
- 3) ensure that for remote participation, there is a low-bit rate audio channel available that is separate from video.
- 4) have a clear process for dealing with remote questions.
- 5) have Jabber room availability (information about where the rooms are)
- 6) have a proper archive of the meeting. This includes presentations, logs of jabber rooms (if there are any), archives of audio/video, minutes, etc.
- 7) work towards getting closed-captioning available to remote participants (recognizing that this may not be easy)
- 8) encourage volunteer minute-taking for meetings that aren't scribed
- 9) have detailed agendas, links to the archives, remote participation advice, etc. in a one-stop starting place

*At Sao Paulo, we should discuss whether these or other steps should be taken to increase transparency.*

### ***3. Are new Regional Meetings fulfilling some of the outreach interests associated with Large Meetings in the past? What are the benefits and burdens of switching to set locations for some of the 2008 Large Meetings?***

Given the increase in activity at the regional level and the number of Regional Meetings now going on, it may make sense to begin thinking of the Large Meetings as merely part of the overall package of ICANN activities rather than as the only important events.

Regional outreach activities and Regional Meetings are aimed at empowering new and old members of the ICANN community to participate more effectively in ICANN policy processes. These regional meetings can focus on helping ICANN learn about the technical, administrative and policy issues that affect particular local internet communities. Attendees can learn about how to influence the ICANN policy development process and how ICANN works, and ICANN can get feedback about its functions. It is not necessary to attend ICANN Large Meetings in person in order to influence policy, but those who attend Regional Meetings will certainly have a better understanding of what is going on at the Large Meetings.

It is clear that being a local host for an ICANN meeting is a mixed blessing. Hosts have a constant struggle with raising sponsorship support, finding adequate facilities, ensuring connectivity, and many other issues. On the other hand, for some local hosts having an ICANN meeting is a prestigious event that they can use to promote their goals. Often the local community participates heavily in the Large Meeting, and their participation is a great benefit to ICANN. And ICANN has no doubt benefited from its efforts to act as internationally as possible in its meetings arrangements.

As ICANN matures, and as the Regional Meetings become more significant, it may make sense to consider trying a new regime for 2008-2010 Large Meetings. (The experiment would need to last for more than one year for ICANN to gain any leverage in arranging for better terms for meetings facilities.) We could switch to a set of three or fewer set locations for these years that are centers for airline travel. In other words, we could move towards "all hub" meetings or to a hybrid approach that combines hubs with non-hubs. No meeting will

be equally convenient for everyone, but such an arrangement could be equally inconvenient for everyone.

Benefits of such an approach might include greater predictability of meetings arrangements, less “boondoggle” appearance, some ability (perhaps limited) to negotiate advantageous longterm financial arrangements for meetings, and easier visa arrangements.

Downsides of such an approach might include some loss of international variability (hub cities might be more homogenous) and possibly more expensive accommodations at times. The costs of having meetings in major airline hubs would likely be about the same as having meetings in smaller cities, given savings available for air fares in company with potentially higher costs for accommodations.

We could experiment in 2008-10 with having some meetings in cities in which our presence is not necessarily dependent on the help of a local host. For example, we could choose Vancouver, Frankfurt, Singapore, Paris, Hong Kong, or Los Angeles, in advance, as places for one or more meetings per year. (Los Angeles has the benefit of being home to many ICANN staff members, which would lower costs.)

We will need to make this decision promptly. The 08-09 budget will be finalized in May of 2007. Bids for the 2008 meetings would be due (if we do not change the system) in July 2007 at the latest.

#### **4. Are we holding the right number of Large Meetings?**

Since 2003, there have been three Large Meetings per year. Having two meetings a year instead of three might increase the quality of these meetings, because groups and constituencies would need to accomplish a good deal intersessionally. It might (arguably) be less easy to push issues off until the next meeting if there were fewer meetings.

On the other hand, it may be that some groups feel they can only accomplish work by meeting in person. In that case, two meetings would (arguably) be too few.

On balance, it seems for the moment that three Large Meetings is probably the right number.

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<sup>1</sup> The note in the budget on this amount reads: “This line item includes budget for ICANN meetings, Board travel and staff travel. Also included are ICANN attended or sponsored meetings as indicated in the operating plan. This year ICANN has also included a provision to provide some assistance to selected volunteer members of the ICANN community who could not otherwise attend task force or other ICANN meetings. Travel assistance will be provided on a case-by-case basis only after the trip request is evaluated and deemed to have a value-added component for ICANN and the community.”

<sup>2</sup> From Wikipedia : “ Boondoggle is also known in the business world, for trips taken to "exotic" or popular locations for a meeting. Usually, these meetings could have been either handled over the phone or not occurred all together.”

<sup>3</sup> RIPE (Réseaux IP Européens) is a collaborative forum open to all parties interested in wide area IP networks. The objective of RIPE is to ensure the administrative and technical co-ordination necessary to enable the operation of the Internet within the RIPE region.”

<sup>4</sup> A RIPE Meeting is a five-day event where Internet service providers, network operators and other interested parties from Europe and the surrounding regions gather.” <http://www.ripe.net/ripe/meetings/index.html>. RIPE charges a fee (EUR 400 for the week) to attend.

<sup>5</sup> <http://www3.ietf.org/meetings/ietf.hosting.html>

6.11.2 Update: ICANN Notes on Sao Paulo Meeting and Roadmap for Future, Susan Crawford, March 19, 2007

<http://icann.org/meetings/meetings-white-paper-20mar07.html>

## ICANN Notes on Sao Paulo Meeting and Roadmap for Future Susan Crawford

*March 19, 2007*

This note, prepared on behalf of the ICANN Board Meetings Committee, follows up on the Sao Paulo “meeting about meetings.” It is posted before ICANN’s Lisbon meeting to remind readers of the points raised at Sao Paolo, report on progress, and categorizes improvements and discussions yet to take place.

### **I. Communications:**

#### **Think about “communication for what?” what are we trying to communicate? To whom?**

At Sao Paulo, we discussed making goals of meetings much clearer. ICANN can and should do a much better job of promoting meeting goals before meetings take place. We hope to focus the Lisbon agenda in a way that will be useful for attendees (remote and in person). We will keep watching this issue. The Lisbon meeting has many and varied topics from discussion on the Whois Taskforce report, to updates on IDN work, to a very full Board agenda. We will continue our practice commenced at the last two meetings of outlining why each session is important and who should attend.

### **Web Site**

At the Sao Paulo meeting on meetings, comments were made about the need for a better FAQ on the ICANN web site, the importance of translation of key documents, the need for an online docket tracking developments, and a clear policy and practice about posting all substantive correspondence to and from ICANN.

ICANN has made progress on some of these fronts:

1. We will have an improved and more easily navigable web site which we will switch to at Lisbon;
2. All correspondence is now being posted as a matter of course.
3. A new remote site for participation by those not able to attend is already available.

There is still progress to be made. Translation is a major issue that poses expense and complications for ICANN. We want to develop and consult on a longer-term multilingual plan. This longer-term plan will not happen before Lisbon. But the Committee hopes to have for Lisbon a plan that says ‘this is what we will translate and into these languages for the foreseeable future until the longer term approach is developed.’

Improvement of the web site is a top ICANN priority. The changes so far to the website will be very apparent and visible at Lisbon. The meetings committee will continue to track these issues.

### **Before meeting**

At Sao Paulo, we discussed the need for better local communication about meetings, explaining acronyms and what ICANN does. We do have a strong local media connection at almost every meeting. This ranges from consultants and media people employed by local hosts and ICANN’s own connections (usually the Regional Liaison). ICANN plans to experiment with seeding information with local radio and TV programs that cover Internet issues (interviews and the like). Local papers cover the meetings but ICANN can increase this activity and will try to do so for Lisbon.

ICANN has recently hired a media adviser to help with this task.

ICANN does have a glossary of terms, which is being updated. It may not be available at Lisbon but we are working to produce it soon after if that timeframe isn’t possible.

At Sao Paulo, we also discussed the need for synthesis/preparation papers in advance describing what cross-cutting issues will be discussed. We have not made progress on this task and need to keep focusing on it.

At Sao Paulo, we also noted that communications before meetings tend to be constituency-based, which is hard to follow. This needs to be dealt with somehow, but so far we have not made progress on this.

We also have discussed setting up local meetings around the time of the Large Meetings. We have not made concrete progress on this point, but do plan to continue coordinating with existing activity in local areas.

### **During meeting**

At Sao Paulo (and at many other times), we have discussed the need to get webcast participation working much better and to have at least an audio stream available. We have also frequently discussed the need for greater remote participation opportunities – information comes out of the meeting well, but people in chat rooms etc. can't be heard inside meeting. We are considering projecting IRC screens. We have improved the remote site and it is up for use now. It was first trialled at Sao Paolo. It includes webcast capacity and better processes for taking question from those participating remotely.

We have discussed the video capture of scribing and hope to make a status report in Lisbon.

At Sao Paulo, we discussed the need for greater local participation opportunities (noting the NZ broad participation at NZ meeting), and we are focused on this for Lisbon as well.

The new Media Adviser will post a daily news service with highlights for the Lisbon meeting.

There will be broadcasting of the GNSO and ccNSO meetings. But we think that we need to broaden responsibility for taking notes, but we have not estanlished a process for this yet.

There is clearly a broad need to speak more slowly. Signs will be displayed throughout the Lisbon meeting.

For Lisbon, we'll have a big sign centrally located with information about what's going on where and an ICANN booth will be staffed as often as possible by and ICANN Staff member.

At Sao Paulo, a request was made to participate through telephone (not just internet). This is very hard and we will not be able to do it.

### **After meeting**

At Sao Paulo, we discussed the need to have each meeting should leave a "footprint" made up of people who join in and become involved. This would help justify the costs imposed by meeting in remote locations. We discussed the need to keep track of this and possibly set goals for number of new participants. We have not reached conclusions on this but there will be a presentation on the latter by our new general manager public participation, Kieren McCarthy.

At Sao Paulo, we discussed the facilitation of sustained participation by these new ICANN-interested people that we hope to attract. This is likely the job of ICANN's Regional Liaisons and the ALAC, as well as our general manager public participation, Kieren McCarthy and we will continue to report on this. We will have a meeting at Lisbon about this topic led by Kieren.

## **II. Meeting protocol:**

We discussed in Sao Paulo charging a small fee (perhaps voluntary) to participants, but we have decided to not do this based on barrier-to-entry and allocation concerns.

We discussed the need to make private meetings subject to clear guidelines re what can be recorded. We will formalize and publish these guidelines at or before the Lisbon meeting.

Agendas at Lisbon should be clear (in advance) as to whether meeting is public or private. We will do our best to tell people in advance as to the openness or closed-ness of any meeting. If a meeting is closed there will be a sign on the door making that clear.

At Sao Paulo, we discussed whether ICANN may be overdoing it on security. ICANN staff believes that security is an issue for these meetings and we will be continuing to require identification checks, but we will not fixate on this. There are risks associated with any event of this kind and we must assess them rationally and in a way that does not present barriers.

Local hosts have complained that there is no guidance about what information is required for name badges but cards are quite expensive. We are making changes to the registration process and whilst these will not be obvious in Lisbon they will be at our Peurto Rico.

### **III. Meeting structure**

At Sao Paulo, people commented that it would be good to see more interaction among board members in public. We agree and will work on that in Lisbon. We hope that the Board will be available in the evening for casual discussions more than it has been in the past. We also hope that they will be available to sit at the ICANN booth for allocated periods of time.

More cross-cutting, single-issue meetings were requested in Sao Paulo, but we have not to date made progress on this approach.

At Sao Paulo, it was noted that the initial meeting for newcomers is good – but then where do they go? We will work on having more help available to newcomers. At Lisbon, we will have a session where people can ask ‘dumb’ questions at the end of each day (agenda permitting).

Clearly, we need more time for dialogue (and less for reports). This is a long-term goal for ICANN, and we are continuing to work on getting things posted beforehand.

We need to structure meetings to be more open, with less talking up to the board. We hope you will see progress on this at Lisbon.

At Sao Paulo, the comment was made that the initial public forum is good, but it should be used to set up what will be discussed during the rest of the week. We will hope to do this in Lisbon with a more interactive and more substantive initial public forum.

### **IV. Meetings locations**

At Sao Paulo, we had a brief discussion about meetings locations. Having the third meeting always in the same place might make planning easier, and having a hub location for one or more of the meetings might make things more predictable (hybrid approach) and increase participation, particularly from business and government. On the other hand, outreach benefits of some meetings are substantial. We have not yet come to a conclusion about the benefits of hubs versus non-hub meetings, although we had been hoping to experiment with some incremental change in 2008.

It is very expensive to host a meeting for the local host, and we plan to make suggestions in the 2008 RFP for meetings that will modify the local host's obligations.

### **V. Number of meetings**

We will stick with three-times-yearly meetings for the moment.

There is also a large number of meetings that take place that are not ICANN meetings where ICANN issues are discussed. ICANN could do a much better job of advertising a calendar of events at each meeting and our Liaisons should be the focus in this regard. We plan to report in Puerto Rico about how non-Large Meetings and other meetings interact.

### 7.1.1 GAC Principles Regarding new gTLDs

[http://gac.icann.org/web/home/gTLD\\_principles.pdf](http://gac.icann.org/web/home/gTLD_principles.pdf)

# GAC PRINCIPLES REGARDING NEW gTLDs

Presented by the Governmental Advisory Committee  
March 28, 2007

## 1. Preamble

- 1.1 The purpose of this document is to identify a set of general public policy principles related to the introduction, delegation and operation of new generic top level domains (gTLDs). They are intended to inform the ICANN Board of the views of the GAC regarding public policy issues concerning new gTLDs and to respond to the provisions of the World Summit on the Information Society (WSIS) process, in particular “*the need for further development of, and strengthened cooperation among, stakeholders for public policies for generic top-level domains (gTLDs)*”<sup>1</sup> and those related to the management of Internet resources and enunciated in the Geneva and Tunis phases of the WSIS.
- 1.2 These principles shall not prejudice the application of the principle of national sovereignty. The GAC has previously adopted the general principle that the Internet naming system is a public resource in the sense that its functions must be administered in the public or common interest. The WSIS Declaration of December 2003 also states that “*policy authority for Internet-related public policy issues is the sovereign right of States. They have rights and responsibilities for international Internet-related public policy issues.*”<sup>2</sup>
- 1.3 A gTLD is a top level domain which is not based on the ISO 3166 two-letter country code list<sup>3</sup>. For the purposes and scope of this document, new gTLDs are defined as any gTLDs added to the Top Level Domain name space after the date of the adoption of these principles by the GAC.
- 1.4 In setting out the following principles, the GAC recalls ICANN’s stated core values as set out in its by-laws:

- a. *Preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet.*
- b. *Respecting the creativity, innovation, and flow of information made possible by the Internet by limiting ICANN's activities to those matters within ICANN's mission requiring or significantly benefiting from global coordination.*
- c. *To the extent feasible and appropriate, delegating coordination functions to or recognizing the policy role of other responsible entities that reflect the interests of affected parties.*

<sup>1</sup> See paragraph 64 of the WSIS Tunis Agenda, at <http://www.itu.int/wsis/docs2/tunis/off/6rev1.html>

<sup>2</sup> See paragraph 49.a) of the WSIS Geneva declaration at <http://www.itu.int/wsis/docs/geneva/official/dop.html>

<sup>3</sup> See: <http://www.icann.org/general/glossary.htm#G>

- d. Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.*
- e. Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment.*
- f. Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest.*
- g. Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.*
- h. Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.*
- i. Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected.*
- j. Remaining accountable to the Internet community through mechanisms that enhance ICANN's effectiveness.*
- k. While remaining rooted in the private sector, recognizing that governments and public authorities are responsible for public policy and duly taking into account governments' or public authorities' recommendations.*

## **2. Public Policy Aspects related to new gTLDs**

When considering the introduction, delegation and operation of new gTLDs, the following public policy principles need to be respected:

### *Introduction of new gTLDs*

#### 2.1 New gTLDs should respect:

a) The provisions of the Universal Declaration of Human Rights<sup>4</sup> which seek to affirm "*fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women*".

b) The sensitivities regarding terms with national, cultural, geographic and religious significance.

#### 2.2 ICANN should avoid country, territory or place names, and country, territory or regional language or people descriptions, unless in agreement with the relevant governments or public authorities.

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<sup>4</sup> See <http://www.un.org/Overview/rights.html>

- 2.3 The process for introducing new gTLDs must make proper allowance for prior third party rights, in particular trademark rights as well as rights in the names and acronyms of inter-governmental organizations (IGOs).
- 2.4 In the interests of consumer confidence and security, new gTLDs should not be confusingly similar to existing TLDs. To avoid confusion with country-code Top Level Domains no two letter gTLDs should be introduced.

#### *Delegation of new gTLDs*

- 2.5 The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the selection process.
- 2.6 It is important that the selection process for new gTLDs ensures the security, reliability, global interoperability and stability of the Domain Name System (DNS) and promotes competition, consumer choice, geographical and service-provider diversity.
- 2.7 Applicant registries for new gTLDs should pledge to:
  - a) Adopt, before the new gTLD is introduced, appropriate procedures for blocking, at no cost and upon demand of governments, public authorities or IGOs, names with national or geographic significance at the second level of any new gTLD.
  - b) Ensure procedures to allow governments, public authorities or IGOs to challenge abuses of names with national or geographic significance at the second level of any new gTLD.
- 2.8 Applicants should publicly document any support they claim to enjoy from specific communities.
- 2.9 Applicants should identify how they will limit the need for defensive registrations and minimise cyber-squatting that can result from bad-faith registrations and other abuses of the registration system

#### *Operation of new gTLDs*

- 2.10 A new gTLD operator/registry should undertake to implement practices that ensure an appropriate level of security and stability both for the TLD itself and for the DNS as a whole, including the development of best practices to ensure the accuracy, integrity and validity of registry information.
- 2.11 ICANN and a new gTLD operator/registry should establish clear continuity plans for maintaining the resolution of names in the DNS in the event of registry failure.

These plans should be established in coordination with any contingency measures adopted for ICANN as a whole.

- 2.12 ICANN should continue to ensure that registrants and registrars in new gTLDs have access to an independent appeals process in relation to registry decisions related to pricing changes, renewal procedures, service levels, or the unilateral and significant change of contract conditions.
- 2.13 ICANN should ensure that any material changes to the new gTLD operations, policies or contract obligations be made in an open and transparent manner allowing for adequate public comment.
- 2.14 The GAC WHOIS principles are relevant to new gTLDs.

### **3. Implementation of these Public Policy Principles**

- 3.1 The GAC recalls Article XI, section 2, no. 1 h) of the ICANN Bylaws, which state that the ICANN Board shall notify the Chair of the Governmental Advisory Committee in a timely manner of any proposal raising public policy issues. Insofar, therefore, as these principles provide guidance on GAC views on the implementation of new gTLDs, they are not intended to substitute for the normal requirement for the ICANN Board to notify the GAC of any proposals for new gTLDs which raise public policy issues.
- 3.2 ICANN should consult the GAC, as appropriate, regarding any questions pertaining to the interpretation of these principles.
- 3.3 If individual GAC members or other governments express formal concerns about any issues related to new gTLDs, the ICANN Board should fully consider those concerns and clearly explain how it will address them.
- 3.4 The evaluation procedures and criteria for introduction, delegation and operation of new TLDs should be developed and implemented with the participation of all stakeholders.

*N.B. The public policy priorities for GAC members in relation to the introduction of Internationalised Domain Name TLDs (IDN TLDs) will be addressed separately by the GAC.*

## 7.1.2 GAC Principles Regarding gTLD Whois Services

[http://gac.icann.org/web/home/WHOIS\\_principles.pdf](http://gac.icann.org/web/home/WHOIS_principles.pdf)

# **GAC PRINCIPLES REGARDING gTLD WHOIS SERVICES**

Presented by the Governmental Advisory  
Committee

March 28, 2007

1.1 The purpose of this document is to identify a set of general public policy issues and to propose principles related to generic top level domain (gTLD) WHOIS services, in line with the recommendations of the Tunis Agenda of the World Summit on the Information Society in November, 2005.

1.2 These principles are intended to guide the work within ICANN and to inform the ICANN Board of the consensus views of the GAC regarding the range of public policy issues associated with WHOIS services.

**Public Policy Aspects of WHOIS Data**

2.1 The GAC recognizes that the original function of the gTLD WHOIS service is to provide a look up service to Internet users. As the Internet has evolved, WHOIS data is now used in support of a number of other legitimate<sup>1</sup> activities, including:

1. Supporting the security and stability of the Internet by providing contact points for network operators and administrators, including ISPs, and certified computer incident response teams;
2. Allowing users to determine the availability of domain names;
3. Assisting law enforcement authorities in investigations, in enforcing national and international laws, including, for example, countering terrorism-related criminal offences and in supporting international cooperation procedures. In

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<sup>1</sup> Subject to applicable national law.

some countries, specialized non governmental entities may be involved in this work;

4. Assisting in combating against abusive uses of ICTs, such as illegal and other acts motivated by racism, racial discrimination, xenophobia, and related intolerance, hatred, violence, all forms of child abuse, including paedophilia and child pornography, and trafficking in, and exploitation of, human beings.
5. Facilitating enquiries and subsequent steps to conduct trademark clearances and to help counter intellectual property infringement, misuse and theft in accordance with applicable national laws and international treaties;
6. Contributing to user confidence in the Internet as a reliable and efficient means of information and communication and as an important tool for promoting digital inclusion, e-commerce and other

legitimate uses by helping users identify persons or entities responsible for content and services online; and

7. Assisting businesses, other organizations and users in combating fraud, complying with relevant laws, and safeguarding the interests of the public.

2.2 The GAC recognizes that there are also legitimate concerns about:

1. the misuse of WHOIS data, and

2. Conflicts with national laws and regulations, in particular applicable privacy and data protection laws.

### **Principles Applicable to WHOIS Services**

3.1 The definition, purpose, and operation of gTLD WHOIS services should reflect and respect the different interests and concerns outlined in Section 2 above.

3.2. gTLD WHOIS services must comply with applicable national laws and regulations.

3.3 gTLD WHOIS services should provide sufficient and accurate data about domain name registrations and registrants subject to national safeguards for individuals' privacy in a manner that:

1. Supports the stability, reliability, security, and global interoperability of the Internet, from both a technical and public trust perspective; and

2. Facilitates continuous, timely and world-wide access.

3.4 Ongoing collaboration among all relevant stakeholders who are users of, affected by, or responsible for, maintaining WHOIS data and services is essential to the effective implementation of these principles.

## **Recommendations for Action**

4.1 Consistent with the above principles, stakeholders should work to improve the accuracy of WHOIS data, and in particular, to reduce the incidence of deliberately false WHOIS data.

4.2 The ICANN community, working with other stakeholders, should gather information on gTLD domain name registrations and registrants and how WHOIS data is used and misused. This information should be publicized and used to inform future debate on this issue.

7.2.1 GAC Communique, Los Angeles,  
October 2007

<http://gac.icann.org/web/communiques/gac29com.pdf>



**GAC Communiqué – Los Angeles**

**October 2007**

## **I. INTRODUCTION**

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Los Angeles, during October 27-31, 2007.

40 members and 2 observers participated in the meeting.

The Governmental Advisory Committee expressed warm thanks to ICANN for hosting the annual meeting in Los Angeles.

## **II. IDNs**

The GAC welcomes ICANN's progress on the introduction of test IDNs in the root.

In Los Angeles, the GAC had a brainstorming session on possible answers to the joint ccNSO-GAC issues paper: *selection of IDN ccTLDs associated with the ISO 3166-1 two letter codes*. The discussion mainly identified basic principles of agreement and highlighted issues that need further consideration. Discussion will continue on the answers with the intention of producing a final document at the Paris meeting in June 2008 as input to the anticipated ccNSO Policy Development Process.

The GAC reaffirms support in principle to the possibility of a fast track approach and welcomes the proposal of the ccNSO Council to create an IDN working group. The GAC will actively engage in the process.

### **III. WHOIS issues**

The GAC welcomes the opportunity to respond to the “draft ICANN Procedure for Handling WHOIS Conflicts with National Privacy Laws”. Due to the complexity of this issue related to the diversity of national policies and procedures among GAC members the GAC does not believe a uniform process is workable and accordingly the interim solution from the GAC’s San Juan communiqué should be the basis of resolving any potential conflict:

... specific cases should be referred to the relevant national government for advice on the authority of the request for derogation from the ICANN gTLD WHOIS policy.

The GAC reiterates its recommendation outlined in the GAC WHOIS principles that a study on uses and misuses of WHOIS data should be undertaken by ICANN and is prepared to contribute to the elaboration of the terms of reference of such a study.

### **IV. Accountability principles and definition**

The GAC acknowledges ICANN’s commitment to make further progress on transparency and accountability. In response to an ICANN Board request in San Juan the GAC submits a paper on *Definitions of Accountability in the ICANN Environment* (Annex A) as an input to the ongoing consultations on the “Accountability and Transparency Frameworks and Principles”

### **V. IPv4 free pool depletion and the deployment of IPv6**

The GAC received a briefing from the NRO and appreciates ongoing work within ICANN in raising awareness about IPv4 and IPv6 issues. Specifically, the GAC noted the important need for the continued good management of the IPv4 address space in light of the depletion of the free pool and the urgent need for initiatives by all relevant stakeholders to ensure the acceleration of the deployment and use of IPv6 addresses. In this respect, the GAC noted the particular importance of such matters for developing countries.

## **VI. SSAC briefing**

The SSAC provided a briefing to a session of the GAC also attended by the ccTLD community which gave a useful opportunity for discussion of issues surrounding the deployment of DNSSEC and issues related to signing the root. The GAC will keep these issues under review.

## **VII. New gTLDs**

The GAC appreciates the work done by the GNSO regarding the proposal for principles, recommendations and implementation guidelines for new gTLDs. After initial analysis the GAC draws attention to the fact that the proposal does not properly take into account paragraph 2.2 in the *GAC principles regarding new gTLDs*, in particular on the avoidance of country names. In practice some countries would not be in a position to avail themselves of the proposed objection mechanism especially those not participating in ICANN activities. The GAC will monitor the implementation of the new gTLD policy and the new gTLD application round and will provide further input as necessary. GAC members also agree to reflect on the need to provide advice on the final report by the GNSO on the introduction of new generic top level domains.

## **VIII. Institutional issues**

The GAC welcomes the announcement by the United States Department of Commerce that the mid-term review of the Joint Project Agreement will be conducted as planned through March 2008. The GAC will consider contributing to this review process.

Having discussed possible ways and means of implementation of WSIS outcomes in relation to Internet governance relevant to ICANN mandate and suggesting to improve communication about ICANN's relevant activities, the GAC considers it useful for ICANN to include, where possible, in its annual reports information on steps taken by the organization and its constituencies in implementing relevant outcomes of the Tunis agenda.

## **IX. GAC working group reform and working methods**

Taking into account that all supporting organizations and advisory committees and the Board are undergoing review, the GAC revisited its current working methods.

Following its initial reflections, the GAC considers that translation of its deliberations and main documents into other languages would benefit the majority of GAC members, non-native English speakers.

## **X. Work Program 2008**

IDN deployment will be a major priority for the GAC in 2008. The GAC is committed to provide written input to the ccNSO/GAC list of issues by June 2008. Matters related to IPv4 and IPv6 addressing and the security and stability of the DNS are considered as matters of priority in 2008.

The work program is subject to review and will be adjusted as challenges arise.

## **XI. Elections and nominations**

Ms. Maimouna Diop Diagne from Senegal was reappointed to the position of Vice Chair of the GAC for 2008. Elections of two other Vice Chairs will take place in the New Delhi meeting.

The GAC thanks Frank March from New Zealand and Bill Graham from Canada for their service in capacity as Vice Chairs and their outstanding contribution to the work of the GAC.

The following members have been designated to serve as GAC representatives to the Emergency Numbers and Addresses Committee (ENAC) for 2008:

Ms. Suzanne Sene (USA)

Mr. Sune Jin Christensen (Denmark)

Ms. Manal Ismail (Egypt)

Ms. Olga Cavalli (Argentina)

Mr. Brenton Thomas (Australia)

The GAC will provide advice concerning the role of the GAC Liaison to the Nominating Committee in the course of the Nominating Committee Review. In the interim, the GAC will defer the appointment of a GAC Liaison to the new Nominating Committee.

## **XII. Tribute to Vint Cerf**

The GAC acknowledges the outstanding contribution of the Chairman of the ICANN Board, Vint Cerf, and expresses its heartfelt gratitude for his commitment to ICANN and development of the Internet in general. Particularly, the GAC acknowledges his efforts in promoting accessibility of the Internet in the developing world.

\* \* \* \*

The GAC warmly thanks all those among the ICANN community who have contributed to the dialogue with GAC in Los Angeles.

The next GAC meeting will be during the period of the ICANN meeting in New Delhi, India, 9<sup>th</sup> -15<sup>th</sup> February 2008.

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Los Angeles, 31st October 2007

## DEFINITIONS OF ACCOUNTABILITY IN THE ICANN ENVIRONMENT

There are several ways to look at the definition of accountability. Each has its own implications when applied to ICANN. This paper represents current GAC thinking on the issue, and is offered for consideration by the ICANN Board and the ICANN community more widely:

### **Accountability in the public sphere**

In the public sphere (i.e., governmental), GAC members collectively have a wealth of experience. Our experience is relevant to the extent that ICANN performs a public trust function -- which seems to be an assumption consistent with the nature of the Corporation as defined in particular by Article 3 of the "Articles of Incorporation". But it would not be reasonable to suggest holding ICANN to the same standards of accountability that would apply to government officials, who in democratic societies are held to quite a high standard of accountability to the political level, and through them to the population. On the other hand, governments' definitions of accountability might prove useful for our consideration of this topic, and in that light GAC offers the following definition:

*Accountability is the obligation to demonstrate and take responsibility for performance in light of commitments and expected outcomes.*

Governments often have mechanisms in place to assure the public that they have behaved responsibly, including mechanisms for reconsideration of decisions. This can take the form of an audit or evaluation, usually performed by an independent officer, such as an auditor general, inspector general. Others use outside auditors. These are integral to a system of checks and balances. As outlined in the Draft Management Operating Principles, ICANN does have review mechanisms (Board Reconsideration Committee, Independent Review Panel, Ombudsman), but these are somewhat circular in that they all return back to the Board for a final decision. The ultimate external accountability mechanism is succinctly stated: ICANN can be taken to court. While this is true, the cost of undertaking a court action against ICANN is prohibitively expensive in both cost and time.

Another aspect of accountability in the government realm can be referred to as a culture of accountability. For example, it is possible for an organization to have a good definition for accountability and good bylaws, but the culture of accountability can determine to a large degree how these are implemented. It is useful to think about how ICANN interprets and implements its existing mechanisms. Good policies can fail if appropriate enforcement is not provided, as recent experience has shown. More can be done in that respect. The definition of Internet governance in the Tunis Agenda refers to "the development and application ... of shared principles, norms, rules, decision-making procedures, and programs that shape the evolution and use of the Internet." The "application" part covers both implementation and enforcement.

The GAC also considered the importance of the role of the ICANN Ombudsman in the broad accountability regime. The Ombudsman's role is to help assure ICANN stakeholders their problems will be addressed. That he cannot overturn decisions, and can be fired by the Board, serve as a check on his powers. A quick look at the 26 October 2007 Ombudsman's report shows that some recommendations were and some were not acted upon. In at least one country with an Ombudsman similar limitations exist, but there the government has very rarely not complied with Ombudsman recommendations (and has never dismissed an

Ombudsman). ICANN might consider what it can do to strengthen the visibility of the Ombudsman as it seeks to improve the organization's accountability. This could be accomplished by responding more vigorously to the Ombudsman's recommendations where possible, as a way of demonstrating its commitment to accountability. In cases where the ICANN Board determines it would be inappropriate to comply with a recommendation from the Ombudsman, as a general principle the Board should publicly state its reasoning, understanding always that in exceptional cases confidentiality may be deemed essential. Finally, when selecting a new Ombudsman, ICANN must employ a clear and transparent mechanism to ensure the appointee will have the respect and support of the full range of stakeholders. This is important to diminish the risk of the ICANN Board's having to dismiss the Ombudsman, an action which would not be well regarded by either stakeholders or the world at large..

### **Accountability in membership organizations**

In the realm of membership organizations, accountability is to the members. That is usually thought of in two ways. First is fiduciary accountability ensuring the appropriate and responsible handling of funds. Second is political accountability whereby the members have an expectation that the executive perform functions in line with the wishes of the membership. The first is usually affirmed by auditors. The second is usually accomplished through elections (whose results can be affected by what is said by auditors). This is difficult in the ICANN context, where there is no membership, but there are "stakeholders," "participants" and "affected communities," some of whom have expressed a desire to see political accountability mechanisms in place, in addition to the fiduciary mechanisms. But in a context where there is no defined membership, it is more challenging to find an appropriate mechanism for political accountability. The GAC is not 100% persuaded by the argument that one difficult election experience rules out the possibility of any type of election mechanism being more successful, but I recognize more work is needed. A PDP or other open process may be the appropriate mechanism to ask stakeholders of all types to state precisely what they believe is missing from ICANN's political accountability. The GAC notes that the current reviews of the Board and of the NomCom are likely to attract useful comments on these topics.

### **Accountability in non-membership organizations**

In the realm of non-membership organizations – there should normally be accountability to an incorporating body. Thinking in terms of NGOs and not-for-profit entities, these are usually incorporated in some jurisdiction. Accountability is usually of the fiduciary type -- ensuring that funds flowing into and out of the organization are handled in a manner appropriate to the charter, mission and aims of the organization – and there can be broader accountabilities governing responsible behaviour by the entity. ICANN is obviously this type of organization, and it has a fairly conventional mechanism for ensuring these types of accountability. Like most non-membership organizations, ICANN also holds Annual General Meetings and issues a public Annual Report. The issues and debates around accountability seem to me to be framed by the expectations of some participating individuals and "communities" (see membership organizations above). The issue for ICANN's Board seems to me to be whether or not to attempt to find new ways to address the demands/desires of those individuals and communities.

### **Other considerations about accountability**

Business entities also have accountability mechanisms, often a mix of those mentioned above. With regard to fiduciary accountability, there is almost always a requirement that finances be managed in a manner appropriate both for the proprietors or investors and for the

state (which has usually got expectations related to taxation, compliance with laws, and in some senses with ethical norms of behaviour). Sometimes a political mechanism is used to ensure fiduciary responsibility (shareholders' meetings; Board elections), sometimes a more administrative approach (appointed Boards, Annual Meetings, Annual Reports, etc.). The market also imposes its own kind of accountability: investors/shareholders/consumers "vote" by providing or withdrawing resources. This environment should perhaps be examined to see if any models can be found that would have lessons for ICANN, but the fundamental difference between the imperatives of for-profit businesses and not-for-profit organizations may muddy the waters. The fact that ICANN's responsibilities for naming and numbering have significant economic import for business entities suggest to me at least that some consideration should be given to accountability mechanisms in a business environment. In this respect, ICANN needs to be accountable to the community, and to anyone materially affected by its decisions.

The point of looking at these different models is to provide a framework for GAC to use in looking at "accountability and transparency" of ICANN. From the perspective of the GAC, ICANN has been making good progress on transparency issues. Nonetheless, the GAC believes a few issues remain to be dealt with: making information more easily/readily available is just one part of the process. Other important elements involve making certain the information is succinct, usable, and placed in context. The purpose of particular postings or deliberative processes must be made clear, and sufficient time has to be allowed for the submission of comments. Once comments have been submitted and reviewed, the results of the review need to be written up and explained, to facilitate a clear understanding of the premise and scope of whatever decision is taken by the board.

GAC members are aware that the ICANN Board sometimes deals with sensitive issues, such as cases concerning delegation and re-delegation, where it is not appropriate to publish all of the information considered in the decision making process. However, even in those circumstances, when the ICANN Board publishes its agendas and minutes it should identify which topics are regarded as sensitive, and offer an explanation of why they are considered sufficiently sensitive to justify keeping related information confidential.

After thinking through the framework above, it is clear that the issue of "accountability" for ICANN is difficult. By many measures, ICANN seems to have a reasonable set of mechanisms in place to assure accountability in a non-member organization, recognizing that improvement is always possible. The question the GAC would like to pose in this paper is whether ICANN's Board is satisfied that the organization is doing as well as possible not only to meet the requirements of its Articles of Incorporation and related official requirements, but also to answer the needs vocally being expressed by individuals and communities interested in the organization?

These questions will no doubt be addressed through the mechanism of the upcoming 2007 Review of the ICANN Board, for which the terms of reference were posted, with comments due October 11. The draft terms of reference clearly open the door to consideration of the issues outlined above. Similarly, concerns around accountability in how the Board is selected will be the subject of ongoing deliberations, through the review of the Nominating Committee. The review report will be submitted to the Board and posted for public review and comment.

Looking at accountability in these three different environments, it is possible to draw out some points that are common to all of them which can extend this discussion as it moves forward. For example, no matter how defined, accountability can be assessed and measured in terms of:

- processes by which decisions that affect the broader community are developed and adopted;
- mechanisms by which the inputs and rationales for such decisions are explained (this includes explanations of what inputs are used in a process and why inputs received via a public consultation process have been rejected); and
- processes by which stakeholders can raise concerns and seek redress.

The GAC also wants to point out that in some sense, ICANN's mandate puts it in a situation of having specific responsibilities to the entire global community. An Annual Report is a useful mechanism to report on its stewardship, but the organization should take care to show its sensitivity to the interests of the whole international community. The GAC's message to ICANN is that they may need to look for mechanisms to increase political accountability. This should be a consideration in the work of the President's Strategy Committee, including considerations of expanded internationalization.

In conclusion, the GAC believes that ICANN has made progress in its efforts to improve its transparency and accountability. But the GAC also believes that this must be an ongoing process. As government representatives, we are committed to continuing to work with ICANN and its communities in their ongoing work.

31 October 2007

7.4.1 Final Version of Draft Issues Paper -  
Selection of IDN ccTLDs Associated with  
the ISO 3166-1 Two Letter Codes, 26 June  
2007

<http://ccnso.icann.org/workinggroups/final-draft-issues-idn-cctlds-iso-26jun07.pdf>

## ccNSO-GAC IDN Working Group DRAFT FOR DISCUSSION Version 2.1

This draft, version 2, is based on the first draft as discussed extensively at the ICANN meeting in Lisbon, and then circulated among ccTLD managers and GAC members for comments. The comments received are incorporated into this document. An overview of the comments per issue identified in the first draft can be found in Annex 1 to this document. The full text of the comments is included in Annex 2, and the first version of the draft can be found in Annex 3.

### ISSUES PAPER Selection of IDN ccTLDs associated with the ISO 3166-1 two letter codes

**Background:** In the DNS, a ccTLD string (like .jp, .uk) has been defined to represent the name of a country, territory or area of geographical interest, and its subdivisions (hereinafter referred to as 'territory' or 'territories') as identified in ISO 3166<sup>1</sup>, and is represented by 2 US-ASCII characters. This method of identification was adopted for use in the Internet through RFC 920, dated October 1984, and reaffirmed through RFC 1591, dated March 1994. All ccTLDs in use today are taken directly from the ISO 3166-1 list<sup>2</sup> or from the list of exceptionally reserved code elements defined by the ISO 3166 Maintenance Agency. There are two sources used by ISO to develop the 3166 list; the United Nations Terminology Bulletin *Country Names* or the *Country and Region Codes for Statistical Use* Of the UN Statistics Division.

The implementation of Internationalized Domain Name (IDN) ccTLDs introduces the (apparent) use of symbols outside the US-ASCII character set (for example characters in Cyrillic, Chinese, Arabic, and other scripts) for domain name strings. It has been generally accepted that the implementation of such proposed IDN ccTLDs must be in compliance with the IDNA protocol standards, RFC 3454, 3490, 3491, and 3492<sup>3</sup>. For more information on these standards see <http://www.icann.org/general/idnguidelines-22feb06.htm> and the references therein to RFCs 3454, 3490, 3491, and 3492.

To help clarify the issues related to the use of IDNs in the ccTLD space, the ICANN Board has asked the ccNSO and the GAC to produce an issues paper relating to the introduction and selection of IDN ccTLDs associated with the ISO 3166-1 two letter codes<sup>4</sup>.

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<sup>1</sup> <http://www.iso.org/iso/en/prods-services/iso3166ma/04background-on-iso-3166/what-is-iso3166.html>

<sup>2</sup> <http://www.iso.org/iso/en/prods-services/iso3166ma/02iso-3166-code-lists/list-en1.html>

<sup>3</sup> The IDNA protocol is currently undergoing revision, as such the mentioned RFC's may be updated accordingly

<sup>4</sup> ICANN Board resolution of 8 December 2006 at [http://www.icann.org/minutes/resolutions-08dec06.htm#\\_Toc27198296](http://www.icann.org/minutes/resolutions-08dec06.htm#_Toc27198296)

In response the ccNSO and the GAC have formed a joint working group and have considered a non-exhaustive list of questions detailed below. Note that a number of the issues below are interrelated and the answer to one may potentially be dependant on the outcome of another.

To facilitate understanding and further discussion, the different questions are grouped in four clusters: 1) General, 2) Introduction, 3) Delegation and 4) Operation.

## **1. General issues regarding IDN ccTLDs**

### **Which 'territories' are eligible for a IDN ccTLD?**

The existence of IDNs as ccTLDs assumes a direct relationship between an IDN TLD string and a 'territory' as in ASCII ccTLDs.

- a) Should this relationship be maintained?
- b) If so, should the 'territories' which are potentially eligible for IDN ccTLDs be exactly the same as the 'territories', that are listed in the ISO-3166-1 list?
- c) If not, should another list be used or should another mechanism be developed?
- d) Should anything be done about ccTLDs already being used as gTLDs?

### **Should an IDN ccTLD string be "meaningful"?**

An ASCII ccTLD string 'represents' the name of a 'territory' based on its entry into the ISO 3166-1 list.

- a) Is there an obligation to make the IDN ccTLD string 'meaningful' in its representation of the name of a 'territory'? For example, whereas .uk is 'meaningful' because it is a commonly used abbreviation for United Kingdom, .au is not 'meaningful' because the commonly used abbreviations for Australia are Oz or Aus.
- b) If so, how is "meaningful" determined and by whom?

### **How many IDN ccTLDs per script per 'territory'?**

Apart from some exceptions, there is one single ASCII ccTLD per listed 'territory'.

- a) Should there similarly be only a single IDN ccTLDs for a given script for each
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'territory' or can there be multiple IDN ccTLD strings? For example, should there be only one equivalent of .cn in Chinese script for China or .ru in Cyrillic for Russia?

b) Could there be several IDN strings for a 'territory' in a script? If so, who would determine the number and what are the criteria?

c) If an IDN ccTLD string is not applied for, for whatever reason, should a IDN ccTLD string that could be associated with a particular 'territory', be reserved or protected in some way?

### **How many scripts per 'territory'?**

a) Can a 'territory' apply for more than one IDN ccTLD string in different scripts if in that 'territory' more than one script is used to represent languages spoken in that location? For example in Japan more than one script is used to represent the Japanese language. In other words, should there be a limit on the number of strings per territory can apply for?

b) In what circumstances would it be appropriate to seek to introduce a limit on the number of scripts a territory may choose to introduce for a ccTLD or any TLD with national connection?

c) Can a 'territory' apply for an IDN ccTLD string even if the script is not used in a language with any 'official status' in that 'territory'? For example, if the Kanji script is accepted under the IDNA protocol, can Australia apply for a representation of Australia in that script even though neither the script nor any language deriving from it has any 'official' status in Australia?

d) If 'official status' is required who will define it and who will determine it in each case?

### **Number of characters in the string?**

Currently, ccTLD strings are limited to 2 US-ASCII characters and gTLDs to 3 or more. It is understood that abbreviations can be problematic for internationalized TLDs as abbreviations used in US-ASCII are not used on a global basis in all scripts. The underlying nature of IDN makes the actual string inserted in the DNS always longer than two characters when expressed in Unicode (due to the IDNA requirement to prefix internationalized labels with 'xn—'). However, it is how the string appears in its non US-ASCII character set that is important. In this context:

a) Should all IDN ccTLD strings be of a fixed length, for example by retaining the two-character limitation that applies to ASCII ccTLD labels, or can they be of variable length? If a variable string length is introduced for IDN ccTLDs, should it also be introduced for ASCII ccTLDs?

b) Does moving outside the current 2 symbol limitation create any security, stability or integrity issues?

c) Who determines the appropriate label used to represent a new IDN ccTLD string, and how are the set of characters used to represent this label selected?

### **Are there any 'rights' attached to a given script?**

In purely technical terms, a script is a collection of symbols. However, each of those collections of symbols when put together in particular ways produce the 'languages' of groups of people sometimes defined by borders, although very often not. These groups are often referred to as language communities.

a) Should such groups (or their governments) have special rights regarding those scripts? For example, should the Korean language community be entitled to restrict the use of the Hangul script? If special rights exist what is the procedure to exert these rights and resolve conflicts?

b) Can anyone get acceptance of a script under the IDNA protocol or are there restrictions? For example, can a gTLD registry get the Kanji script accepted under the IDNA protocol? Should that use be vetted/approved by Japan? If yes, would the same requirement apply if a script is used in more than one 'territory'?

c) Should it be possible to adopt two or more 'versions' of a script with only minor differences for use under the IDNA protocol and are there issues or concerns should this occur?

## **2. Introduction of IDN ccTLDs**

### **Should a list of IDN ccTLD strings be mandated?**

In the US-ASCII case, ccTLD strings are currently primarily based on the ISO 3166-1 Alpha 2 list. If a similar mechanism were adopted for IDN ccTLDs, this could mean that every ISO 3166 entry would have an equivalent IDN ccTLD string(s) to represent it.

a) Is such a list necessary?

b) Who would develop such a list?

c) Should such a list be mandated?

d) If yes, by whom?

e) Who would develop the criteria and relevant policies for identifying IDN ccTLDs?

f) Under what policy or authority would the list be created?

g) If additional criteria and or policies are required, who is responsible for formulating that policy?

## **What precedence should be given to ccTLDs in the IDN implementation process?**

### **Who selects the IDN ccTLD string in the absence of a mandated list?**

If IDN ccTLD strings are not going to come from a mandated list then, how does an IDN ccTLD string become designated as the string for a particular 'territory'?

- a) What are the criteria and policies to determine who can submit a request for the designation of an IDN ccTLD?
- b) Who will develop the criteria and policies for determining the designation of an IDN ccTLD?
- c) How will such issues as competing requests (both domestic and international) be dealt with?
- d) What will happen if 2 'territories' are eligible for the same or confusingly similar strings for IDN ccTLD?

### **What coordination should exist between the different actors?**

The deployment of IDN ccTLDs will require coordination among various actors, within territories and ICANN constituencies. Irrespective of the methodology employed, some coordination questions must be addressed, such as:

- a) Who are the appropriate actors?
- b) What are their roles?
- c) Do the GAC ccTLD principles need to be revised in the light of the introduction of IDN ccTLDs?

## **3. Delegation of IDN ccTLDs**

Do existing ccTLD delegation policies apply to the delegation of IDN ccTLDs? If not:

- a) Who can apply to have the IDN ccTLD delegated or to be the delegate for that ccTLD?
- b) Who decides on the delegation and in particular:
  - Are there specific reasons for deviating from the standard practice/guidelines that a zone should only be delegated with the support of the local internet community, which includes the government?

- Is consent/involvement/knowledge of government required?
- Is consent/involvement/knowledge of incumbent ccTLD manager required?
- Is there any presumptive right of the ASCII ccTLD manager over a corresponding IDN ccTLD?

c) Who will formulate the policy for these processes?

d) Do existing US-ASCII ccTLD delegation policies for dealing with multiple applications, objections to applications or disputes apply to the same issues in the delegation of IDN ccTLDs? If not who will formulate the policies for these issues?

e) Taking into account all experiences ICANN has acquired - should there be an agreement between ICANN and the IDN ccTLD operator on the operation of the IDN ccTLD string?

#### **4. Operation of IDN ccTLDs**

Is the operation and management of an IDN ccTLD different to that of an existing US-ASCII ccTLD such that there are specific global technical requirements, in addition to the general IDN standards, needed for the operation of an IDN ccTLD? If so, how are those requirements developed and who would develop them?

## 7.5.1 ICANN Board and ICANN Governmental Advisory Committee Working Group

<http://www.icann.org/committees/board-gac/>

## ICANN Board and ICANN Governmental Advisory Committee Working Group

### Background

At its [December 2005 meeting](#), the ICANN Board adopted the following [resolution](#) creating **ICANN Board and ICANN Governmental Advisory Committee Working Group** :

### ICANN Board and ICANN Governmental Advisory Committee Working Group

Whereas, ICANN is an organization which involves all relevant stakeholders in a meaningful and effective participation, with a limited mission to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems.

Whereas, the ICANN bylaws require regular reviews of its structure and procedures, and supports the view of continuous evolution and improvements to its structure and the participation of all stakeholders;

Whereas, ICANN recognizes the importance of the role of governments in the processes and procedures of the ICANN multi-stakeholder structure;

Whereas, ICANN has held previously two major cycles of dialog with governments; the first one during the process which gave rise to the formation of ICANN, and the second in 2002 during ICANN's Reform process;

Whereas, in its meeting in Carthage, Tunisia, in October 2003, the GAC started to consider the question of its future structure, organization, and financing;

Whereas, the World Summit on the Information Society (WSIS) noted the role of governments in the issues surrounding the information society within a multi-stakeholder context, but not involved in the day-to-day operations of the Internet;

Whereas, on 8 November 2005, ICANN's Chairman communicated to the Chair of ICANN's Governmental Advisory Committee (GAC) proposing a meeting of the GAC and the Board during the ICANN meeting in Vancouver to discuss what measures need to be taken to make cooperation more effective, including ensuring the participation of developing countries;

Whereas, the ICANN Board recognizes that discussions on improving existing mechanisms will occur in the context of the meaningful, transparent and bottom-up participation of all stakeholders;

Whereas, the ICANN Board and the GAC had a fruitful meeting on 29 November 2005 and the GAC in its 30 November 2005 Communiqué accepted the Board's proposal to set up a joint Working Group to effectively improve the communication links and collaboration processes between the GAC and the ICANN Board and the relevant ICANN constituencies;

Resolved, (05.\_\_), the ICANN Board Chair and Vice-Chair will identify the participants who will work with the representation designated by the GAC, and with the GAC build on existing discussions and report on progress at the ICANN meeting in Wellington, New Zealand.

Resolved, (05.\_\_), the ICANN Board Chair and Vice-Chair designate the following participants: Raimundo Beca, Mouhamet Diop, Veni Markovski, Thomas Niles, Alejandro Pisanty, Vanda Scartzini, Peter Dengate Thrush, and Paul Twomey.

8.1 November 2007 Announcement:  
ICANN and NRO Reach Agreement on  
Formalization of Relationships (including  
draft letters)

<http://www.icann.org/announcements/announcement-09nov07.htm>

## ICANN and NRO Reach Agreement on Formalization of Relationships

9 November 2007

ICANN is opening a public comment period on the formalization of its relationship with the Number Resource Organisation (NRO) and the Regional Internet Registries (RIRs) through an exchange of letters. At the ICANN meeting in Los Angeles, the negotiating teams reached agreement on the documentation of their relations and commitments under the exchange of letters, and agreed to seek approval of the arrangement from their respective Boards in accordance with the approval process of each of the parties.

Comments on the proposed letters may be submitted to [nro-letters@icann.org](mailto:nro-letters@icann.org) until 23.59 UTC on 7 December 2007, and may be viewed at <http://forum.icann.org/lists/nro-letters/>.

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### Proposed Draft Letter From NRO to ICANN

This letter is conveyed to you by the Number Resource Organization (NRO), on behalf of the five Regional Internet Registries (RIRs), AfriNIC, APNIC, ARIN, LACNIC and RIPE NCC.

The NRO reaffirms the commitment of the RIRs to the long and mutually beneficial relationship with ICANN which we view as essential to the stability, security and interoperability of the Internet's addressing system and in particular to the continuing uninterrupted operation of the Internet number resource allocation mechanisms. In writing this letter we demonstrate our commitment to these principles.

To this end, we commit to:

- Continue to support the activities of ICANN by means of an annual voluntary contribution. Payments shall be made quarterly in arrears; the receipt of payments will be documented by ICANN.
- Conduct regular reviews with ICANN to mutually determine the level of future financial contributions appropriate to support ICANN's mission and its services to the RIRs. These reviews shall be carried out annually or as frequently as both ICANN and the RIRs agree is necessary.

We seek ICANN's acknowledgement that:

- The Number Resource Organization performs the function of the Address Supporting Organization as stated in the ASO MoU and will direct all matters concerning the ASO to the Chair of the Executive Council of the NRO with the exception of those matters specifically designated to be performed by the Address Council which ICANN will direct to the Chair of the Address Council.
- Numbering Resources are to be managed for the use and benefit of present and future operators and users of the Internet.
- Each of the recognized RIRs is the entity responsible for allocation and assignment of Numbering Resources as well as facilitating development of policies for their geographical area of responsibility.
- The recognized RIRs derive their authority from their members and other stakeholders in their geographical area of responsibility. As of 4 June 2001 the process to recognize new RIRs is documented in ICANN's Internet Coordination Policy - 2 available at <http://www.icann.org/icp/icp-2.htm>.

We seek ICANN's continuing commitment to:

- Exercise its responsibilities in an open and transparent manner, in accordance with the provisions of the ICANN Bylaws.
- Recognize, support and observe in its entirety the RIR system for management of Internet number resources, as defined by the ASO MoU, by adopted Global Address Policies, and by the adopted policies and procedures of each of the recognized RIRs.

Furthermore, we look forward to regularly review with you the results and consequences of the administrative processes and associated service levels of the IANA or other ICANN entities to the RIRs.

This letter is a step in formalizing our relationship with ICANN. We wish and will seek to establish a more appropriate formal relationship with ICANN within one (1) year from the date of this letter.

We may terminate our commitments to you by giving you notice in writing and if we do so, all our obligations under this letter shall cease.

For avoidance of doubt, nothing contained in this letter shall give rise to any liability, monetary or otherwise.

We look forward to continuing to work together in a co-operative and mutually beneficial relationship, in the interest of all our stakeholders.

Yours sincerely,

<NRO Chairman>

<RIR CEOs>

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### **Proposed Draft Letter From ICANN to NRO**

This letter is sent to you as chair of the Number Resource Organization to be conveyed to the five Regional Internet Registries (RIRs), AfriNIC, APNIC, ARIN, LACNIC and RIPE NCC.

The mission of ICANN according to its bylaws, available at <http://www.icann.org/general/bylaws.htm>, is, amongst others, to coordinate the allocation and assignment of Internet protocol ("IP") addresses and autonomous system ("AS") numbers (hereafter: Internet Number Resources).

ICANN's reaffirms its commitment to the RIRs to maintain and enhance the stability, security and interoperability of the Internet's addressing system, and, in particular, the management of Internet Number Resources for the use and benefit of present and future operators and users of the Internet.

To these ends ICANN commits to:

1. Allocate Internet Number Resources to the RIRs in accordance with the applicable global policies as defined by the ICANN Address Supporting Organization (ASO) MoU, available at <http://www.icann.org/aso/aso-mou-29oct04.htm>, including revisions of those policies proposed through the ASO Address Council and adopted by the ICANN Board.
2. Invite you to work with us to document and regularly review administrative procedures for the allocation of Internet Number Resources to an RIR . These procedures are the processes for allocation of Internet Number Resources, and service levels associated with those administrative processes.
3. Perform the allocation of Internet Number Resources to an RIR compliant with these agreed administrative procedures.

ICANN reaffirms its commitment to exercise its responsibilities in an open and transparent manner, in accordance with the provisions of the ICANN Bylaws. ICANN reaffirms and re-acknowledges the roles and responsibilities of the ASO, NRO, Address Council and other entities as described in the ASO MoU.

We welcome the voluntary contributions and as requested will document the receipt of payments. We look forward to review with you the level of future financial contributions.

ICANN acknowledges that the recognized RIRs derive their authority from their members and other stakeholders in their geographical area of responsibility. As of 4 June 2001 the process to recognize new RIRs is documented in ICANN's Internet Coordination Policy-2 available at <http://www.icann.org/icp/icp-2.htm>. Each recognized RIR is the entity responsible for allocation and assignment of Internet Number Resources as well as facilitating development of policies for its geographical area of responsibility.

We seek to further enhance our relationship for the mutual benefit of our organizations and respective communities. For that matter we wish and will seek to establish an appropriate legal arrangement within one (1) year from the date of this letter.

We may terminate our commitments to you by giving you notice in writing and if we do, all our obligations to you under this letter shall cease. In the event of termination of our commitments we acknowledge that we are to continue our duties regarding the allocation of Internet Number Resources to the extent this is in our powers and can be reasonably expected under the circumstances in order to maintain the stability and interoperability of the Internet's addressing system, and in particular the continued and uninterrupted functioning of the allocation and assignment mechanisms for Internet Number Resources .

For avoidance of doubt nothing contained in this letter shall give rise to any liability, monetary or otherwise.

We look forward to continue to work together and hope for a long and mutually beneficial relationship with you.

Yours sincerely,

President and CEO

ICANN

## 8.2.1 Global Policy for Allocation of IPv6 Address Space

<http://aso.icann.org/docs/aso-global-ipv6.pdf>

# Global Policy for Allocation of IPv6 Address Space

7 September 2006

## Policy statement

This document describes the policy governing the allocation of IPv6 address space from the IANA to the Regional Internet Registries (RIRs). This document does not stipulate performance requirements in the provision of services by IANA to an RIR in accordance with this policy. Such requirements will be specified by appropriate agreements between ICANN and the NRO.

### 1. Allocation Principles

The unit of IPv6 allocation (and therefore the minimum IPv6 allocation) from IANA to an RIR is a /12

The IANA will allocate sufficient IPv6 address space to the RIRs to support their registration needs for at least an 18 month period.

The IANA will allow for the RIRs to apply their own respective chosen allocation and reservation strategies in order to ensure the efficiency and efficacy of their work.

### 2. Initial Allocations

On inception of this policy, each current RIR with less than a /12 unallocated address space, shall receive an IPv6 allocation from IANA

Any new RIR shall, on recognition by ICANN receive an IPv6 allocation from the IANA

### 3. Additional Allocations

A RIR is eligible to receive additional IPv6 address space from the IANA when either of the following conditions are met.

The RIR's AVAILABLE SPACE of IPv6 addresses is less than 50% of a /12.

The RIR's AVAILABLE SPACE of IPv6 addresses is less than its established NECESSARY SPACE for the following 9 months.

In either case, IANA shall make a single IPv6 allocation, sufficient to satisfy the established NECESSARY SPACE of the RIR for an 18 month period.

#### 3.1 Calculation of AVAILABLE SPACE

The AVAILABLE SPACE of IPv6 addresses of a RIR shall be determined as follows:

AVAILABLE SPACE = CURRENTLY FREE ADDRESSES + RESERVATIONS EXPIRING DURING THE FOLLOWING 3 MONTHS - FRAGMENTED SPACE

FRAGMENTED SPACE is determined as the total amount of available blocks smaller than the RIR's minimum allocation size within the RIR's currently available stock.

### 3.2 Calculation of NECESSARY SPACE

If the applying Regional Internet Registry does not establish any special needs for the period concerned, NECESSARY SPACE shall be determined as follows:

NECESSARY SPACE = AVERAGE NUMBER OF ADDRESSES ALLOCATED MONTHLY DURING THE PAST 6 MONTHS \* LENGTH OF PERIOD IN MONTHS

If the applying RIR anticipates that due to certain special needs the rate of allocation for the period concerned will be different from the previous 6 months, it may determine its NECESSARY SPACE as follows:

Calculate NECESSARY SPACE as its total needs for that period according to its projection and based on the special facts that justify these needs.

Submit a clear and detailed justification of the above mentioned projection (Item A).

If the justification is based on the allocation tendency prepared by the Regional Internet Registry, data explaining said tendency must be enclosed.

If the justification is based on the application of one or more of the Regional Internet Registry's new allocation policies, an impact analysis of the new policy/policies must be enclosed.

If the justification is based on external factors such as new infrastructure, new services within the region, technological advances or legal issues, the corresponding analysis must be enclosed together with references to information sources that will allow verification of the data.

If IANA does not have elements that clearly question the Regional Internet Registry's projection, the special needs projected for the following 18 months, indicated in Item A above, shall be considered valid.

### 4. Announcement of IANA Allocations

The IANA, the NRO, and the RIRs will make announcements and update their respective web sites regarding an allocation made by the IANA to an RIR. ICANN and the NRO will establish administrative procedures to manage this process.

8.3.1 Global Policy Proposal for  
Autonomous System Numbers –  
Background Report, 29 November 2007  
<http://www.icann.org/announcements/proposal-asn-report-29nov07.htm>

## Global Policy Proposal for Autonomous System Numbers — Background Report, 10 January 2008 WIP Version

29 November 2007  
(Updated 10 January 2008)

### Introduction

The development of Global Internet Number Resource Policies is the subject of an MoU between ASO/NRO and ICANN. There are also specific ICANN Board Procedures for handling global policy proposals in this context.

The Board procedures also state that the Board can request ICANN staff to undertake an “early awareness” tracking of proposals for global policies under development in the addressing community. At its meeting on 20 November 2007, the Board resolved to request such tracking of the development of a global policy proposal for allocation of Autonomous System Numbers, or ASNs, that is already well advanced towards adoption in the Regional Internet Registries, or RIRs. The status overview presented below is compiled in response to this request and will be timely updated as developments proceed, for information to ICANN entities and the wider community

### Status Overview

The table below indicates the current status within each RIR for the proposed Global Policy for ASNs. Hyperlinks are included for easy access.

The proposal was originally presented at the RIPE-54 meeting in March 2007, inter alia to formalize the transition from 2-byte (16 bits) to 4-byte (32 bits) ASNs. The proposal has since been introduced in all RIRs, following their respective policy development processes.

Once adopted by all RIRs, the proposal will subsequently be handled by the NRO EC and the ASO AC according to their procedures before being submitted to the ICANN Board for ratification.

The proposal has been formally recognized by the ASO AC as a global policy proposal in the sense of the ASO MoU, i.e. focusing on address allocation from IANA to the RIRs.

RIR	AfriNIC	APNIC	ARIN	LACNIC	RIPE
Topic Introduced	20 Aug 2007 <a href="#">afpol-asn200708</a>	23 July 2007 <a href="#">prop-049-v001</a>	28 Aug 2007 <a href="#">prop 2007-19</a>	15 May 2007 <a href="#">LAC-2007-08</a>	1 May 2007 <a href="#">prop 2007-4</a>
Discussion list	<a href="#">Resource Policy Discussion List</a>	<a href="#">SIG-Policy</a>	<a href="#">Public Policy Mailing List</a>	<a href="#">Politiclas – Policy Mailing List</a>	<a href="#">Address Policy WG</a>

Public Forum	<a href="#">AfrINIC 7</a> <a href="#">23 - 28 Sept 2007</a> - <a href="#">Slides</a>	<a href="#">APNIC 24 29 Aug - 7 Sept 2007</a> - <a href="#">Slides</a>	<a href="#">ARIN XX</a> <a href="#">17-19 Oct 2007</a> - <a href="#">Slides</a>	<a href="#">LACNIC X</a> <a href="#">22-25 May 2007</a> - <a href="#">Slides</a>	<a href="#">RIPE 54</a> <a href="#">7-11 May 2007</a> - <a href="#">Slides</a>
Final Call for Comments	<a href="#">2 - 17 Oct 2007</a>	<a href="#">25 Sept - 23 Nov 2007</a>	<a href="#">23 Oct - 6 Nov 2007</a>	<a href="#">13 June - 28 July 2007</a>	<a href="#">17 July - 14 August 2007</a>
Next Public Forum (N/A - this stage is passed for all)					
RIR Board Endorsement	Awaiting adoption by the Board	<a href="#">Endorsed by APNIC Executive Council on 13 Dec 2007</a>	<a href="#">Adopted by ARIN Board of Trustees on 11 Dec 2007</a>	<a href="#">Ratified by LACNIC Board on 5 Dec 2007</a>	<a href="#">Final adoption by consensus on 5 September 2007.</a>
Link to document	<a href="#">Proposal afpol-asn200708</a>	<a href="#">Proposal-049-v001</a>	<a href="#">Policy proposal 2007-19</a>	- <a href="#">In English</a> - <a href="#">In Spanish</a> - <a href="#">In Portuguese</a>	<a href="#">Policy document RIPE-416</a>
Link to Policy Development Process	<a href="#">Policy Development Process</a>	<a href="#">Policy Development Process</a>	<a href="#">Internet Resource Policy Evaluation Process</a>	<a href="#">Policy Development Process</a>	<a href="#">Policy Development Process</a>
Status	Awaiting adoption.	Adopted.	Adopted.	Adopted.	Adopted.

8.3.2 Global Policy Proposal for Remaining IPv4 Address Space – Background Report, 29 November 2007

<http://www.icann.org/announcements/proposal-ipv4-report-29nov07.htm>

## Global Policy Proposal for Remaining IPv4 Address Space – Background Report

29 November 2007  
(Updated 10 January 2008)

### Introduction

The development of Global Internet Number Resource Policies is the subject of an [MoU between ASO/NRO and ICANN](#). There are also specific [ICANN Board Procedures](#) for handling global policy proposals in this context.

The Board procedures also state that the Board can request ICANN staff to undertake an “early awareness” tracking of proposals for global policies under development in the addressing community. At its meeting on 20 November 2007, the Board resolved to request such tracking of the development of a global policy proposal for allocation of remaining IPv4 address space, currently being discussed in the Regional Internet Registries, or RIRs. The status overview presented below is compiled in response to this request and will be timely updated as developments proceed, for information to ICANN entities and the wider community.

### Status Overview

The table below indicates the current status within each RIR for the foreseen Global Policy for remaining IPv4 address space. Hyperlinks are included for easy access.

There are two concurrent versions of the Global Policy Proposal for Allocation of the Remaining IPv4 Address Space in the Regional Internet Registry System:

- A version (1) “Global Policy for the Allocation of the Remaining IPv4 Address Space”, first presented at LACNIC X in May 2007
- A version (2) “End Policy for IANA IPv4 allocations to RIRs”, first presented at APNIC 24 in September 2007

Both versions feature the same approach and propose to distribute an equal number N of /8 IPv4 address blocks to each RIR when the IANA pool is approaching exhaustion, but differ in the proposed value of N, notably 2 or 1, respectively (although originally with N proposed as 5 in the first version). Due to their similarity, both versions are being discussed in parallel in the RIRs and are regarded essentially as one proposal, with a view to converging on a value for N.

The proposal will subsequently be handled by the NRO EC and the ASO AC according to their procedures before being submitted to the ICANN Board.

It should be noted that other proposals have been put forward and are being discussed regarding IPv4 address space exhaustion, although only the two mentioned above have been scoped as global policy proposals in the sense of the ASO MoU, i.e. focusing on address allocation from IANA to the RIRs, and formally recognized by the ASO AC as global policy proposals in that meaning.

RIR	AfriNIC	APNIC	ARIN	LACNIC	RIPE
Topic Introduced	9 July 2007 <a href="#">afpol-v4qp200707</a> (1)  29 Aug 2007 <a href="#">afpol-v4ep200708</a> (2)	26 July 2007 <a href="#">prop-051-v001</a> (1)  8 August 2007 <a href="#">prop-046-v002</a> (2)	28 Aug 2007 <a href="#">prop 2007-18</a> (1)  28 Aug 2007 <a href="#">prop 2007-23</a> (2)	23 April 2007 <a href="#">LAC-2007-07</a> (1)	30 July 2007 <a href="#">prop 2007-06</a> (1)  15 Oct 2007  <a href="#">prop 2007-07</a> (2)

Discussion list	<a href="#">Resource Policy Discussion List</a>	<a href="#">SIG-Policy</a>	<a href="#">Public Policy Mailing List</a>	<a href="#">Políticas – Policy Mailing List</a>	<a href="#">Address Policy WG</a>
Public Forum	<a href="#">AfriNIC 7</a> <a href="#">23 - 28 Sept 2007</a> - <a href="#">Slides (1)</a> - <a href="#">Slides (2)</a>	<a href="#">APNIC 24 29 Aug – 7 Sept 2007</a> - <a href="#">Slides (1)</a> - <a href="#">Slides (2)</a>	<a href="#">ARIN XX</a> <a href="#">17-19 Oct 2007</a> - <a href="#">Slides (1)</a> - <a href="#">Slides (2)</a>	<a href="#">LACNIC X</a> <a href="#">22-25 May 2007</a> - <a href="#">Slides (1)</a>	<a href="#">RIPE 55</a> <a href="#">22 - 26 Oct 2007</a> - <a href="#">Podcast (1+2)</a>
Final Call for Comments	<a href="#">2 Oct - 17 Oct 2007</a>			<a href="#">13 June - 28 July 2007</a>	
Next Public Forum	<a href="#">AfriNIC 8</a> <a href="#">24 May - 6 June 2008</a>	<a href="#">APNIC 25</a> <a href="#">25 - 29 Feb 2008</a>	<a href="#">ARIN XXI</a> <a href="#">6 - 9 April 2008</a>	<a href="#">LACNIC XI</a> <a href="#">to be announced</a>	<a href="#">RIPE 56</a> <a href="#">5 - 9 May 2008</a>
RIR Board Endorsement				<a href="#">Ratified by LACNIC Board on 5 Dec 2007</a>	
Link to document	<a href="#">afpol-v4gp200707</a> (1) <a href="#">afpol-v4ep200708</a> (2)	<a href="#">Proposal-051-v001</a> (1) <a href="#">Proposal-046-v002</a> (2)	<a href="#">Policy proposal 2007-18</a> (1) <a href="#">2007-23</a> (2)	- <a href="#">English</a> (1) - <a href="#">Spanish</a> (1) - <a href="#">Portuguese</a> (1)	<a href="#">Policy proposal 2007-06</a> (1) <a href="#">2007-07</a> (2)
Link to Policy Development	<a href="#">Policy Development</a>	<a href="#">Policy Development</a>	<a href="#">Internet Resource</a>	<a href="#">Policy Development</a>	<a href="#">Policy Development</a>

Process	<a href="#">Process</a>	<a href="#">Process</a>	<a href="#">Policy Evaluation Process</a>	<a href="#">Process</a>	<a href="#">Process</a>
Status	In discussion	In discussion	In discussion	Adopted	In discussion

9.1.1 Introduction to Draft ICANN Operating Plan for Fiscal Year 2007-2008 (description of ICANN project management methodology and business initiative planning)  
<http://www.icann.org/planning/ops-plan-intro-fy07-08.pdf>

## **Introduction to the Draft ICANN Operating Plan For Fiscal Year 2007-2008**

This draft version of the ICANN 2007-2008 Operating Plan is being submitted for community input and feedback. Ultimately, this plan and an approved ICANN budget will guide ICANN's work and deliverables for the 2007-2008 fiscal year.

In accordance with ICANN's planning cycle, ICANN has developed its Strategic Plan during the first half of the present 2006-2007 fiscal year (July – December). After community consultation, the current Strategic Plan (see: <http://www.icann.org/strategic-plan/consultation-process-2006-07/>) was adopted in Sao Paulo in December, 2006. During the second half of the fiscal year, ICANN points its planning activities toward the annual Operating Plan and Budgeting, i.e., the one-year plan that works to accomplish the objectives set out in the three-year Strategic Plan.

A key element of the Operating Plan for 2006-2007 was a focus on projects. A key benefit of that approach was to better identify tasks, resources and deliverables of plan elements, as well as providing a proven management methodology for implementing them. In developing an Operating Plan this fiscal year, it was found that the sum of ICANN work could be better described by:

- Including "business as usual" activities. Most of ICANN work is included in these activities that are not project-related. Projects can't exist outside of the demands of this other work.
- Projects are undertaken to improve an existing activity or establish a new activity. Therefore each project is associated with an ICANN activity so that the benefits of the project can be quantified by improvements in performance.
- Identifying fewer undertakings as "projects." The formal project management methodology will then be applied only to the most resource intensive projects where those methods will improve efficiency. Other continuous improvement efforts are identified in the plan as an aspect of ongoing work.

The 2007-2008 Operating Plan, continues the project management approach, while explicitly identifying ongoing business activities of interest to the community. This plan identifies:

**Activities:** Specific deliverables or service elements provided by a functional area. (Example: IANA processing root zone change requests).

Standard/Metric: What the measure of success should be for that activity. (Example: Days to completion of a change request.) Due to the nature of the work, this standard or metric is often a qualitative statement of what ICANN intends to measure. ICANN will continue to identify quantitative measures for many of these activities over time.

Existing Work: Identifying specific initiatives under way that improve or add to an activity. (Example: significant formalisation of the contractual compliance processes.)

New Work: Identifying initiatives in the new fiscal year that will improve or add to an activity. (Example: IANA work to coordinate delegation request reporting.)

Projects: Work and tasks that rise to the level of a project to address a particular activity area. (Example: Implementation of the anticipated consensus policy for designation of new top-level domains.)

The complete plan is presented twice, organized from two different perspectives:

1. The first plan presentation is organized by ICANN functional area. This presentation aids understanding of how various activities are interrelated. Further, the interests of a particular constituency might fall within the domain of a specific ICANN function.
2. The second plan presentation is organized by strategic objective, mapped directly from ICANN's strategic plan. This presentation shows how ICANN activities support ICANN's strategic imperatives.

This plan will be updated and revised based on community feedback received during and after the ICANN meeting in Lisbon. The plan will then be costed to develop the annual expense budget that will be submitted for approval at the ICANN meeting in San Juan. Obviously, there will be some iteration between the Operating Plan set of activities and projects and the ICANN Budget – projects and activities will be amended/dropped/tailored to ensure the work provide an adequate return on investment and is adequately funded.

This Operating Plan intends to clearly describe: the totality of ICANN work in terms of business as usual and new projects, start to explicitly identify metrics, and enable better resource planning and budgeting. In preparing the 2008-2009 Operating Plan, it will be useful to review this approach, in order to provide for continual improvement of the planning process.

9.2.1 November 2007 Announcement: New  
Chairman of ICANN Elected Unanimously  
<http://www.icann.org/announcements/announcement-3-02nov07.htm>

## New Chairman of ICANN Elected Unanimously

Handover represents organization's move from foundation to steady performance

*2 November 2007*

**LOS ANGELES** : Peter Dengate Thrush, a New Zealand lawyer, has been elected unanimously as the new Chairman of the Board of the Internet Corporation for Assigned Names and Numbers.

"I am delighted that my colleagues have placed their confidence in me for this challenging and important role," Dengate Thrush said.

Peter practices civil litigation, specializing in intellectual property, competition, and Internet law. He has been involved in ICANN since its inception. As a member of the Boston Working Group, he provided comment in 1998 on the early drafts of the ICANN bylaws, and he co-chaired one of the pre-formation meetings of the Intellectual Property Constituency in Wellington, New Zealand.

He has been President of InternetNZ, a leader of the country code Top Level Domain (ccTLD) community in the formation of the ccNSO, and was selected as a board member after an international vote of ccTLD managers in the ccNSO in December 2004. He is currently on the President's Strategy, Board Finance, Board Governance, and Executive committees.



[Large](#) | [Extra Large](#)

[Large](#) | [Extra Large](#)

Retiring Chair Dr Vint Cerf sees Dengate Thrush's appointment as a clear signal that ICANN has matured.

"ICANN has moved from a foundation state to a steady state. Peter understands that and the Board's role and is a great choice to keep the organization strong and focused," Dr Cerf said.

Dr Paul Twomey, ICANN's President and CEO, also welcomed the appointment.

"This is great news. Peter's long involvement in ICANN since before its incorporation means he knows the history as well as the current players and issues," Dr Twomey said. "His legal training gives him a strong understanding of contracts as a key mechanism in ICANN, and his networks within industry, particularly the ccTLD community helps ICANN with its global responsibilities."

Speaking after the vote, Dengate Thrush gave some perspectives on the organization and its future.

"ICANN is a unique model supporting a global community. The model works because it stands for one global Internet that is coordinated not controlled," Dengate Thrush said.

"After nine years ICANN is well placed to face the challenges of the future. The fact that it is so well positioned is a tribute to Vint and of course the staff led by Paul Twomey who have taken us out of foundation mode to become the right organization to meet future challenges," Dengate Thrush added.

"I think our biggest challenges are about serving the global audience. At a technical level there is the challenge of introducing international scripts at the top level for both gTLDs and ccTLDs, as well as new processes for introducing what may be a large number of generic top level domains," Dengate Thrush said.

"At the organizational level we need to expand our global activity and constantly increase international involvement, as well work on the completion of the Joint Project Agreement with the United States

Government," Dengate Thrush added.

The Board also unanimously re-elected Roberto Gaetano as Deputy Chair. Gaetano was selected by the 2006 Nominating Committee to serve as a Board Member

"I look forward to supporting the Board and the community in this exciting period for ICANN," Gaetano said. "The Internet is constantly evolving and that means ICANN's responsibility to ensure one stable foundation is all the more important."

Gaetano has a degree in Mathematics and an MBA. He has more than 30 years of experience in telecommunications and information technology, acquired working for different organizations in different countries and works for the International Atomic Energy Agency (IAEA) . He is fluent in five languages.

He has been an active participant in the Internet and the ICANN policy-making process since 1997. As a representative of ETSI (European Telecommunication Standards Institute), he played important roles in the formation of CORE (Council of Internet Registrars), the policy discussions around the U.S. Government's White Paper.

#### **About ICANN:**

ICANN is responsible for the global coordination of the Internet's system of unique identifiers like domain names (like .org, .museum and country codes like .uk) and the addresses used in a variety of Internet protocols that help computers reach each other over the Internet. Careful management of these resources is vital to the Internet's operation, so ICANN's global stakeholders meet regularly to develop policies that ensure the Internet's ongoing security and stability. ICANN is an internationally organized, public benefit non-profit company. For more information please visit: [www.icann.org](http://www.icann.org).

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Edelman (London)  
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E: [andrew.robertson@edelman.com](mailto:andrew.robertson@edelman.com)

## 9.2.2 ICANN Board of Directors

<http://www.icann.org/general/board.html>

## Board of Directors



Chair

**Peter  
Dengate  
Thrush**

Selected by:  
[ccNSO](#)  
[\[biography\]](#)  
(Jan 2005 - May  
2008)

[Executive  
Committee](#) (ex  
officio)  
[Finance Committee](#)



Vice Chair

**Roberto  
Gaetano**

Selected by:  
[Nominating  
Committee](#)  
[\[biography\]](#)  
(Dec 2006 -  
Oct 2009)

[Executive  
Committee](#) (ex  
officio)  
[Board  
Governance  
Committee](#)  
(chair)



**Harald Tveit  
Alvestrand**

Selected by:  
[Nominating  
Committee](#)  
[\[biography\]](#)  
(Nov 2007 - Oct  
2010)

[Board Governance  
Committee](#)  
[Conflicts Committee](#)



**Raimundo  
Beca**

Selected by:  
[ASO](#)  
[\[biography\]](#)  
(May 2004 -  
Apr 2010)

[Audit Committee](#)  
[Executive  
Committee](#)  
[Finance  
Committee](#)  
(chair)



**Susan P.  
Crawford**

Selected by:  
[Nominating  
Committee](#)  
[\[biography\]](#)  
(Dec 2005 - Nov  
2008)

[Board Governance  
Committee](#)  
[Reconsideration  
Committee](#)



**Steve  
Crocker**

[SSAC liaison](#)  
[\[biography\]](#)



**Demi Getschko**

Selected by:  
[ccNSO](#)  
[\[biography\]](#)  
(Dec 2005 - May 2009)

[Conflicts Committee](#)  
(chair)  
[Reconsideration Committee](#)



**Steve Goldstein**

Selected by:  
[Nominating Committee](#)  
[\[biography\]](#)  
(Dec 2006 - Oct 2009)

[Board Governance Committee](#)  
[Conflicts Committee](#)  
[Finance Committee](#)



**Dennis Jennings**

Selected by:  
[Nominating Committee](#)  
[\[biography\]](#)  
(Nov 2007 - Oct 2010)

[Audit Committee](#)  
[Reconsideration Committee](#)  
[Finance Committee](#)



**Janis Karklins**

[GAC liaison](#)  
[\[biography\]](#)



**Thomas Narten**

[IETF liaison](#)  
[\[biography\]](#)



**Rajasekhar Ramaraj**

Selected by:  
[Nominating Committee](#)  
[\[biography\]](#)  
(Dec 2006 - Oct 2009)

[Board Governance Committee](#)  
[Finance Committee](#)



**Njeri Rionge**

Selected by:  
[Nominating Committee](#)  
[\[biography\]](#)  
(Jun 2003 - Nov 2008)

[Audit Committee](#)  
(chair)  
[Conflicts Committee](#)



**Rita Rodin**

Selected by:  
[GNSO](#)  
[\[biography\]](#)  
(Jun 2006 - May 2008)

[Audit Committee Board Governance Committee Reconsideration Committee](#)  
(chair)  
[Executive Committee](#)



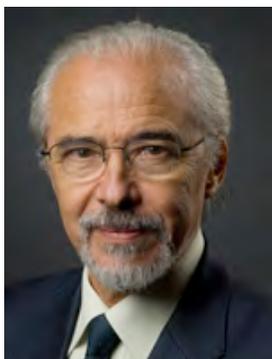
**Reinhard Scholl**

TLG liaison  
[\[biography\]](#)



**Wendy Seltzer**

[ALAC](#) liaison



**Jean-Jacques Subrenat**

Selected by:  
[Nominating Committee](#)  
[\[biography\]](#)  
(Nov 2007 - Oct 2010)

[Board Governance Committee Reconsideration Committee](#)



**Bruce Tonkin**

Selected by:  
[GNSO](#)  
[\[biography\]](#)  
(Jun 2007 - Apr 2010)

[Finance Committee](#)  
(observer)



President and  
CEO

## Paul Twomey

[\[biography\]](#)

[Executive  
Committee](#) (ex  
officio)



## David L. Wodelet

Selected by:  
[ASO](#)  
[\[biography\]](#)  
(Jun 2006 -  
May 2009)

[Conflicts  
Committee](#)



## Suzanne Woolf

[RSSAC](#) liaison

### Board Committees

[Audit Committee](#) | [Board Governance Committee](#) | [Committee on Conflicts of Interest](#) | [Committee on Reconsideration](#) | [Compensation Committee](#) | [Executive Committee](#) | [Finance Committee](#) | [Meetings Committee](#)

Note: ending dates for current Board terms are approximate; actual terms conclude either at or six months after the conclusion of ICANN's annual meetings. Please refer to ICANN Bylaws Article VI, Section 8 <http://www.icann.org/general/bylaws.htm#VI-8> for complete details.

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### Former Directors

- [Jean-François Abramic](#) (October 1999 — 30 September 2000)
- [Amadeu Abril i Abril](#) (November 1999 — 26 June 2003)
- [Karl Auerbach](#) (until 26 June 2003)
- [Vittorio Bertola](#) (ALAC Liaison, until 2 November 2007)
- [Robert Blokzijl](#) (October 1999 — 15 December 2002)
- [Ivan Moura Campos](#) (until 5 December 2004)
- [Geraldine Capdeboscq](#) (October 1998 — 16 November 2000)
- [Vint G. Cerf](#) (November 1999 — November 2007; Chair November 2000 — November 2007)
- [Lyman Chapin](#) (October 2001 — May 2004)
- [Jonathan Cohen](#) (November 1999 — 26 June 2003)
- [George Conrades](#) (October 1998 — 16 November 2000)
- [Greg Crew](#) (October 1998 — 16 November 2000)
- [Daniel Dardailier](#), TLG Liaison, 2006
- [Philip Davidson](#) (October 1999 — 2 April 2002)
- [Mouhamet Diop](#) (until June 2006)
- [Tricia Drakes](#) (26 June 2003 — 5 December 2004)
- [Esther Dyson](#) (October 1998 — Chairman until 16 November 2000)
- [Frank Fitzsimmons](#) (October 1998 — 15 December 2002)
- [Ken Fockler](#) (October 1999 — 30 September 2001)

- [Hagen Hultzs](#) (until December 2006)
- [Joichi Ito](#) (December 2004 - November 2007)
- [Masanobu Katoh](#) (November 2000 — 31 October 2003)
- [John Klensin](#), IETF Liaison (until June 2005)
- [Hans Kraaijenbrink](#) (October 1998 — 26 June 2003)
- [Sang-Hyon Kyong](#) (until 26 June 2003)
- [M. Stuart Lynn](#) President/CEO, 13 March 2001 — 27 March 2003
- [Veni Markovski](#) (June 2003 — December 2006)
- [Andy Mueller-Maguhn](#) (November 2000 — 26 June 2003)
- [Jun Murai](#) (October 1998 — 26 June 2003)
- [Thomas Niles](#) (June 2003 — December 2005)
- [Michael D. Palage](#) (April 2003 — 3 April 2006)
- [Alejandro Pisanty](#) (until June 2007)
- [Hualin Qian](#) (June 2003 — December 2006)
- [Nii Quaynor](#) (October 2000 — 26 June 2003)
- [Michael Roberts](#) President/CEO, October 1998 — 13 March 2001
- [Vanda Scartezini](#) (December 2004 - November 2007)
- [Helmut Schink](#) (until 26 June 2003)
- [Francisco A. Jesus Silva](#), (until 26 June 2003; as TLG Liaison until February 2005; as TLG Liaison, 2007)
- [Mohamed Sharil Tarmizi](#), Governmental Advisory Committee Liaison, December 2004 — 29 March 2007
- [Richard Thwaites](#), TLG Liaison, 2005
- [Eugenio Triana](#) (October 1998 — 16 November 2000)
- [Linda S. Wilson](#) (October 1998 — 26 June 2003)
- [Pindar Wong](#) (until 30 September 2000)

9.2.3 January 2007 Announcement of  
Appointment of New Chief Operating Officer  
<http://www.icann.org/announcements/announcement-08jan07.htm>

## **Appointment of Chief Operating Officer**

*8 January 2007*

ICANN is pleased to advise that after an extensive executive search, Doug Brent has been appointed to the new position of Chief Operating Officer. This position is key to continuing to improve ICANN's operational effectiveness.

Doug will be responsible for finance, human resources, IANA, administration, conferences, and compliance as well as policy. He will be based in the Marina Del Rey office.

Doug Brent has a twenty-five year record of management and leadership in high technology companies in Silicon Valley. Most recently, Doug was CEO of Packet Design Inc., an innovator of network routing and traffic analysis solutions. Doug led Packet Design from its inception through commercial deployment of its products in some of the largest carrier and enterprise networks in the world. Prior to that, he was Chief Operating Officer of Packet Design's research company predecessor. Before Packet Design, Doug was vice president of engineering and acting as CEO at Andes Networks, and vice president of engineering at Whistle Communications. When IBM acquired Whistle, he joined IBM as general manager for small business services, Global Small Business Division. Doug has also held executive and engineering management positions at Taligent (an Apple/IBM/HP joint venture) and Apple Computer. He has a B.A. in economics from University of California at Santa Cruz and an M.B.A. from the University of Southern California.

ICANN welcomes Doug and wishes him every success in assisting the organisation achieve operational excellence.

9.2.4 January 2007 Announcement of ICANN Appointments, General Manager of Public Participation and Director of Compliance:

<http://www.icann.org/announcements/announcement-17jan07.htm>

## ICANN Announces New Staff Appointments

17 January 2007

### **Regional Liaison - Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyz Republic, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan**

Veni Markovski has been appointed to join ICANN's Regional Liaison team. Veni is well known to the ICANN community as a former Board member (his term expiring in December 2006). Veni has strong language skills and contacts in this region. He has been working on Internet issues since 1990 and was one of Bulgaria's first Internet entrepreneurs. He was co-founder of BOL.BG, and co-founder and Chairman of the Internet Society of Bulgaria. He was an early adopter of the Internet having been a system operator of a Bulletin Board System from 1990 – 1993. Veni has also worked in different United Nations Development Programs and European Union funded projects. He has advised governments, businesses and non-profits on a number of Internet-related issues. As well as the ICANN Board of Directors he has also served on Computer Professionals for Social Responsibility and on the Internet Society Board of Trustees.

Veni will report to the Vice President Global and Strategic Partnerships, Theresa Swinehart, and will work closely with the existing Regional Liaisons.

### **General Manager, Public Participation**

Kieren McCarthy has been appointed to the role of General Manager, Public Participation. The position reports to the Executive Officer and Vice President Corporate Affairs, Paul Levins. The primary responsibility of this role is to ensure active participation in ICANN processes by Internet stakeholders, including end users.

Kieren is well known to many members of the ICANN community through his work as a journalist. He has been a participant in the field of international media and communications for over 10 years and has written for most media outlets in the United Kingdom that cover Internet issues, from national newspapers to small technical journals. He has been a reporter and sub-editor for The Register, PC Week, PC Dealer as well as The Times and The Independent amongst others. He has also been engaged as a media trainer by a number of global IT companies. In that time he has interviewed and written about key Internet, government and business leaders. He has a strong interest in the use of interactive media tools to encourage participation in Internet debates. He recently built and ran a remote participation web site for ICANN's São Paulo Meeting held in December 2006. He has a Masters degree in Mechanical Engineering from Nottingham University.

### **Director, Contractual Compliance**

Stacy K. Burnette has been appointed as Director, Contractual Compliance. She will collaboratively develop the compliance function at ICANN including staffing the compliance function and implementing the auditing of gTLD registry, registrar and other contracts to ensure compliance by all parties to the agreements.

Stacy is a telecommunications attorney and manager with approximately ten years of contract negotiation, administration and enforcement experience. She has published in the National Association of Telecommunications Officers and Advisors Quarterly Journal on Telecommunications and she has been a frequent speaker at telecommunications seminars and conferences.

Prior to joining ICANN, Stacy worked as a Telecommunications Regulatory Officer and Manager for the City of Los Angeles, Information Technology Agency where she managed a staff of professionals who were responsible for the negotiation, administration and enforcement of the City's numerous multi-million dollar cable television franchise agreements.

Before joining the City of Los Angeles, Stacy was the General Counsel for the District of Columbia Office of Cable Television and Telecommunications, managing a team of attorneys who assisted in all aspects of cable regulation, contract enforcement and cable communications policy development. She also served as a civil trial attorney for the District of Columbia Government for approximately seven years.

Stacy holds a Bachelor of Business Administration degree in Accounting and a Juris Doctorate from Howard University in Washington D.C.

### **Director, Project Office**

Carole Cornell recently joined ICANN as the Director, Project Office. In this new role, she will: provide oversight for all projects; maintain responsibility for data integration and reporting for all projects and programs within the organization; create and maintain a uniform approach to project management; and serve as a change agent for continuous improvement through improved/enhanced methodologies.

Carole brings over 25 years of diversified, multi-national and global experience in project management. Most recently Carole served as Vice President, Operations and in Business Development at WET Design (a company which designs and installs custom water features world wide).

Prior to that, Carole was with Walt Disney Imagineering (WDI) as Executive Director, Project Technical Services and Integrated Business Applications. Her responsibilities there included Project Controls Group, Estimating, Planning and Scheduling, as well as Project Coordination. Some of her key accomplishments were implementing the "Seven Steps to Controlling a Project" resulting in greater productivity and efficiency; integrating standard management reports between SAP, Primavera and other management information packages. She also implemented processes and procedures such as change management, risk assessment and earned value.

Carole's experience also includes the Los Angeles Olympics Organizing Committee (LAOOC) where she was a Project Manager.

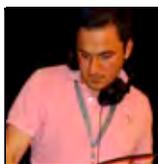
Carole holds a Bachelor of Science degree from Michigan State University in Hotel and Restaurant Institutions.

We welcome Veni, Kieren, Stacy and Carole to these roles and wish them every success.

## 9.2.5 ICANN Staff

<http://www.icann.org/general/staff.html>

## ICANN Staff



**[Mehmet Akcin](#)** - Chief Engineer, IT Operations ([PGP Key](#))

Mehmet Akcin has been appointed to Chief Engineer of IT Operations for ICANN. He was hired by ICANN as Network Engineer in early June, 2006. Mehmet attended previous ICANN meetings in Canada and New Zealand. He also attended and presented at different meetings such as NANOG, RIPE, and CIF.



**[Steve Antonoff](#)** - Director of Human Resources

Steve Antonoff joined ICANN as Director of Human Resources in March 2007. In this capacity Steve is responsible for the global human capital activities of the organization with a particular emphasis on performance management, sourcing qualified individuals to join the ICANN team, and developing efficiencies in process and procedure.



**[Nick Ashton-Hart](#)** - Director for At-Large

Nick Ashton-Hart is Director of At-Large for ICANN, where he is responsible for assisting and supporting the community of Individual Internet Users engaged in ICANN represent their views and in providing the staff and technical infrastructure to help them do so.



**[Donna Austin](#)** - Manager - Governmental Relations

Donna joined ICANN in February 2005, in the ccNSO Policy Support role which she held until April 2007. She has more recently taken on the role of Manager — Governmental Relations which includes being the GAC Liaison. She has also supported the Nominating Committee in 2005, 2006 and again in 2007, and is the project manager for Accountability Framework discussions with ccTLD managers.

**Amanda Baber** - IANA Project Assistant

**Bridgett Benmosche** - Sr. Human Resources Representative

**Bart Boswinkel** - Senior Policy Advisor, ccNSO

**Doug Brent** - Chief Operating Officer

**Connie Brown** - Compliance Program Specialist

**[Stacy Burnette](#)** - Director, Contractual Compliance

**Mandy Carver** - Deputy General Manager, Global Partnerships

**Michael Cashin** - Accountant, Accounts Payable

Michael joined ICANN in August of 2006. A native of Los Angeles, he holds a degree in Business Economics from University of California, Santa Barbara.



**[Tim Cole](#)** - Chief Registrar Liaison

Tim works in conjunction with the Director of Contract Compliance to review the operations of the gTLD domain name registrars. This involves promoting their compliance with ICANN agreements and policies and partnering with them to assure smooth operations. He oversees the registrar new and renewal accreditation process. Tim also provides oversight for the ICANN approved dispute resolution service providers who administer UDRP and other domain name dispute services.

**[David Conrad](#)** - Vice President of Research and IANA Strategy

David Conrad works for ICANN as Vice President of Research and IANA Strategy. A long time participant in Internet technical circles, David first began working with Internet technologies in 1983 leading teams developing Internet-related products and services.



**[Carole Cornell](#)** - Director, Project Office

Carole Cornell joined ICANN in November 2006 as the Director, Project Office. Her role is to create and maintain a uniform approach to project management; provide oversight for all projects, and serve as a change agent for continuous improvement through improved/enhanced methodologies. Carole brings over 25 years of diversified, multi-national and global experience in project management. Most recently Carole served as Vice President, Operations and in Business Development at WET Design. Prior to that, Carole was with Walt Disney Imagineering (WDI) as Executive Director, Project Technical Services and Integrated Business Applications.

**Steve Conte** - Chief Security Officer ([PGP Key](#))

**Michelle S. Cotton** - Manager, IETF Relations ([PGP Key](#))



**John Crain** - Chief Technical Officer ([PGP Key](#))

John is currently the Chief Technical Officer at ICANN. Prior to his time at ICANN, John worked as part of the executive management team at the RIPE NCC in Amsterdam (<http://www.ripe.net>). The RIPE NCC is the Regional Internet Registry (RIR) that provides Internet resource allocations for Europe and surrounding areas.

**Kent Crispin** - Technical Systems Manager ([PGP Key](#))



**Tina Dam** - IDN Program Director

Tina joined ICANN in 2003 as Chief gTLD Registry Liaison, where she was responsible for developing ICANN's gTLD Registry functions including defining and managing processes in accordance with consensus policies and ICANN agreements for servicing the gTLD registries. In January 2006 Tina was appointed Director for ICANN's IDN Program. In this capacity she develops and manages all IDN related projects at ICANN focused at the deployment of internationalized top level domains.



**Kim Davies** - Manager, Root Zone Services

Kim Davies joined ICANN as IANA Technical Liaison. His primary responsibilities are for DNS root zone management, and other domain name related aspects of IANA's work.

**Josephine De Los Reyes** - Executive Assistant to the Executive Officer and Vice President - Corporate Affairs



**Glen de Saint Géry** - GNSO Secretariat

**Aba Diakite** - Financial Analyst



**Baher Esmat** - Manager, Regional Relations – Middle East

Baher Esmat is part of ICANN Global Partnerships. He joined ICANN in February 2006 from the Egyptian Ministry of Communications and Information Technology (MCIT), where he had served since 2002, most recently as Telecom Planning Manager, where his responsibilities included projects relating to communications infrastructure and service development within the framework of building Egypt's Information Society.

**Juan Espinoza** - End User Support

**Michael Evans** - Meeting Coordinator



**Maria Farrell** - Director, Information Coordination Unit, ICANN Corporate Affairs

Maria Farrell is an Irish national and studied History and Politics at University College Dublin (1990–1994) and worked in film and television production in Ireland and the UK for four years. She received an MA in Interactive Media from the Dublin Institute of Technology in 1999 and an MSc in Government from the London School of Economics in 2000. Maria joined ICANN in February 2005. While working as ICANN's GNSO Policy Officer, Maria earned an MBA part-time at the Vlerick Leuven Gent Management School

in Belgium.



**Frank Fowlie** - Ombudsman

Frank is the inaugural ICANN Ombudsman. He has been the Ombudsman since November 2004.



**Marc Friedman** - Executive Assistant, Global Partnerships



**[Liz Gasster](#)** - Senior Policy Counselor, ICANN Policy Support

Liz Gasster joined ICANN as Senior Policy Counselor in October 2007. In this role, Liz is responsible for supporting the Generic Names Supporting Organization (GNSO), which includes working with the GNSO to develop global policies that advance ICANN's mission of preserving the security, stability and interoperability of the Internet.



**[Daniel E. Halloran](#)** - Deputy General Counsel ([PGP Key](#))

Dan Halloran joined ICANN in May 2000. As Deputy General Counsel, Dan works alongside John Jeffrey on all ICANN-related legal matters. Dan is a 1999 graduate of Loyola Law School and a member of the State Bar of California. He has studied at the Universidad Nacional Autónoma de México and the University of Chicago (AB 1990). Dan speaks and writes Spanish fluently, is familiar with Portuguese and has studied Mandarin Chinese.



**[Pablo Hinojosa](#)** - ICANN Global Partnership - Latin American Liaison

Previous to joining ICANN, Pablo was Director for Multilateral Affairs in the Mexican Federal Telecommunications Commission (COFETEL). As a government official, he was the Representative from Mexico at ICANN's Governmental Advisory Committee (GAC), where he held the positions of Vice- Chair and Convener of the Working Group on ccTLDs. He has attended numerous ICANN meetings since 2001.



**Stacy Hoffberg** - Meeting Planner

**Maggie Hudson** - Executive Assistant to the President and CEO

**[Anne-Rachel Inné](#)** - Regional Liaison for Africa



Anne-Rachel is part of the Global Partnership department at ICANN that has a network of seven regional liaisons so far. It was established in response to Internet community demand and in implementation of ICANN's publicly agreed strategic plan. Her responsibilities include outreach, support to and engagement with respective regions and stakeholders, civil society, business and governments; partnering with respective organizations; delivering against an action plan consistent with ICANN's operations and strategic plans.

**[John Jeffrey](#)** - General Counsel

John brings 18 years of legal and business experience in the technology and entertainment industries to this position and has provided services to individuals, non-profits/trusts, and companies (from startups to Fortune 500 companies) as a dealmaker, litigator, corporate and intellectual property lawyer, and business executive.



**[Patrick Jones](#)** - Registry Liaison Manager

**[Sue Jonklaas](#)** - Regional Business Advisor - Asia-Pacific, Office of the General Counsel

**[Jason Keenan](#)** - Media Adviser

Jason brings 15 years experience in media relations, writing, editing, and graphic design. Immediately before joining ICANN he was the Senior Writer and Legislative Support Officer with the Premier of British Columbia. He also worked in issues management, and communications with the Government of B.C. and a Canadian Member of Parliament.



**Salman Khan** - Technology Project Manager

**Tanzanica S. King** - Communications and Publications Manager



**[Alexander Kulik](#)** - System Administrator ([PGP Key](#))

**[Janice Douma Lange](#)** - Project Coordinator





Disney Parks

Janice Douma Lange joined ICANN as the Coordinator, Project Office in February 2007. Janice brings over 10 years of coordination experience in design, production, and implementation for domestic and international projects, as well as 10 years of Operations knowledge and management. Most recently Janice worked as a design coordinator with several California based Architectural Design Firms on projects in Hong Kong, China and the Museum of Science and Industry in Chicago. Prior to that, Janice was with Walt Disney Parks in Florida from 1985-1995 and Walt Disney Imagineering (WDI) from 1995-2005.

[Karen Lentz](#) - gTLD Registry Liaison

**Karen Lettner** - Administrative Support Manager



[Paul Levins](#) - Executive Officer and Vice President - Corporate Affairs

Paul has over 25 years experience at the most senior levels of the government, business and non-government sectors. At ICANN he is responsible for communications (which encompasses media relations and public participation), meetings, and website development.

[Pearl Liang](#) - IANA Project Specialist



[Veni Markovski](#) - Global Partnership, Regional Liaison for Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan

Veni chairs the Bulgarian President's IT Advisory Committee and served on the Boards of ICANN, the Internet Society, and CPSR. Veni supports the work of the Bulgarian governmental Agency for Information Technologies and Communications by advising its chairman. He has chaired the ICANN Membership Implementation Task Force. He has also been expert to several Bulgarian Parliaments, and is among the contributors to different laws, among them the Telecommunications Act, the Penal Code (computer crimes chapter), the Electronic Document and Digital Signature Law, the Copyright Law, and others.

**Robby Markowicz** - Executive Assistant, Legal



**Kieren McCarthy** - General Manager of Public Participation

Kieren is responsible for increasing participation in ICANN by the global Internet community. He has a Masters in Mechanical Engineering from Nottingham University, UK, and worked as a journalist for publications including *The Guardian*, *The Times*, *The Register* and *Techworld* for 10 years prior to joining ICANN in January 2007.

Skype: kierenmccarthy

Email: kieren [dot] mccarthy [at] icann.org

**Denise Michel** - Vice President, Policy Development

**Eric Nelson** - DNS Engineer



[Olof Nordling](#) - Manager, Policy Development Coordination

Olof is a Swedish national and holds an MSc and was for many years Head of the TeliaSonera, the Swedish/Finnish Telecommunications group's Brussels office, where he was responsible for relations to the EU institutions for Telecommunications policy matters. In the past Olof was Counsellor and Head of the Science and Technology office at the Swedish Embassy in Paris. Prior to this he was Deputy Trade Commissioner for Sweden, based in Los Angeles. In his earlier career Olof was a Systems Analyst for Honeywell Bull in Paris.

**Roman Pelikh** - Director of IT

[Dave Piscitello](#) - Senior Security Technologist

Dave is a recognized expert in the fields of Internet routing, broadband access and security. He served as an IESG area director of the IESG and authored several RFCs. Dave started a private consulting firm in 1993, and served as a technical advisor to a number of successful Internet startups. An enthusiastic freelance writer, Dave has published articles with the *Business Communications Review*, *Wall Street Ticker*, *ENISA Journal*, *Information Security Magazine*, and *ISSA Journal*. Dave also spent many years testing and evaluating emerging technology and publishing results in numerous trade publications. He has co-authored two books on Internet technologies and served as an acquisitions editor for a major publisher, and has also provided editorial supervision of web information portals and conference program development for major conference operators.

**Sean Powell** - Systems Engineer

**David Prangnell** - Systems Engineer

**[Kurt Pritz](#)** - Senior Vice President, Services

**Khalil Rasheed** - Compliance Audit Manager

**Simon Raveh** - IANA Development Manager

**[Barbara Roseman](#)** - General Operations Manager of IANA



**[Marc Salvatierra](#)** - Web Content Developer

Marc Salvatierra joined ICANN as Web Content Developer in September 2006. In his role, he is responsible for making ICANN more transparent through its website and online activities. He is currently focused on evolving ICANN.org into a more usable, navigable and functional website.



**[Naela Sarras](#)** - IANA Project Specialist

Naela joined ICANN as an IANA Project Specialist in June 2005. In her role, Naela primarily works in the DNS root-zone management area.



**[Gabriella Schitteck](#)** - ccNSO Secretariat

Gabriella Schitteck is responsible for running the ccNSO Secretariat. Before joining ICANN in January 2007, she worked for the Council of European National Top Level Domain Registries as Communications and Projects Officer, as well as at Nominet - the country code domain registry for .UK. She holds an MA degree in Political Science from the University of Passau in Germany.

**[Diane R. Schroeder](#)** - General Manager, Conferences ([PGP Key](#))

Diane Schroeder joined ICANN in 2000 and has served in a number of administrative roles. She is currently General Manager, Conferences and is responsible for the planning of ICANN's public meetings.



**[Craig Schwartz](#)** - Chief gTLD Registry Liaison

Craig Schwartz is ICANN's Chief gTLD Registry Liaison. In that capacity he leads the team responsible for registry relations. Craig's primary focus is creating the implementation program for the new gTLD deployment project. And, he also serves as project manager for the registry-registrar outreach initiative.

**[Cheryl Smith](#)** - Accounting Manager

**David Soltero** - Network Engineer ([PGP Key](#))

**[Amy Stathos](#)** - Senior Counsel, Office of the General Counsel

**[Sara Stohl](#)** - Technical Writer

**Yan Sun** - Web Development Manager

**[Theresa Swinehart](#)** - Vice President, Global and Strategic Partnerships ([PGP Key](#))

**Naveed Tahir-Kheli** - Applications Development Manager

**[Komaki Takekoshi](#)** - Accountant



**[Paul Twomey](#)** - President and CEO ([PGP Key](#))

Dr. Paul Twomey became President/CEO of ICANN on 27 March 2003. Paul's background lends a balance of public/private experience to leading ICANN, including numerous leadership positions in commercial enterprises, government, and in chairing ICANN's Government Advisory Committee.

**[Karla Valente](#)** - gTLD Program Director



**[Leo Vegoda](#)** - Manager, Number Resources

Leo Vegoda is the Manager, Number Resources. In that capacity he develops and maintains working relationships with the five RIRs and their respective communities; supports policy development with analysis of technical considerations; and supports IANA



operations with RIR-related technical and communications issues. Leo is currently reviewing the IANA IPv4 registry.

**Marilyn Vernon** - Executive Assistant to the VP of Policy Development



**[Savenaca Vocea](#)** - Global Partnerships, Manager, Regional Relations - Australasia/Pacific Islands

Save Vocea joined ICANN in October 2006 to promote ICANN and foster relations in the Oceania region by engaging with various Internet stakeholder groups through information sharing, regional representation and participation as they relate to ICANN's respective responsibilities.

**D'nez Westmoreland** - Executive Assistant to the Senior Vice President, Services

**Kevin Wilson** - Chief Financial Officer

**Bill Ziemniak** - Administrative Assistant

**Mike Zupke** - Registrar Liaison Manager

### [In Memoriam Jonathan B. Postel](#)

9.7.1 Report on IANA Processes, David  
Conrad, November 2007

<http://losangeles2007.icann.org/files/losangeles/drc-la-icann-plenary-071101.pdf>

# IANA Update

David Conrad  
[david.conrad@icann.org](mailto:david.conrad@icann.org)



# Key Points

- IANA is functioning reasonably well
  - Expect incremental improvements
- Increased root management load
  - Routine requests done faster but exceptional requests taking longer
- Meeting IETF SLAs
- RIR requests generally processed within one business day



# Major Notable Events

- IANA contract renewed
- IDN test domains added
  - New IANA procedures
- eIANA/RZM entering beta testing
  - If interested, contact Kim Davies
- DNSSEC automation for IANA zones
  - Still need secondaries



# Reorganization

- After 2 years with ICANN and in accordance with the Peter Principle:
  - My new title is VP, Research and IANA strategy
  - Barbara Roseman is now General Operations Manager



# Summary

- IANA continues to improve
  - Always more to do
- Automation projects being deployed
- Thanks to the excellent IANA team, ICANN and the ICANN community!



10.1.1 Report of the President's Strategy  
Committee, October 2007

<http://icann.org/psc/report-2007.pdf>

# Report of the President's Strategy Committee

## ICANN Board Annual Meeting

October 2007

### Background

ICANN's President's Strategy Committee was established to provide observations and recommendations concerning issues that contribute to ICANN's strategic planning process. At ICANN's December 2005 meeting, the Board reaffirmed the importance of the bottom-up ICANN processes and noted that the ICANN community could also "benefit from the advice of a group responsible for making observations and recommendations concerning strategic issues facing ICANN." At this same meeting, the Board adopted a resolution that approved the appointment by the President of a President's Strategy Committee to fulfill this purpose.<sup>1</sup>

The Committee's work has included engaging with the community at ICANN's 2006 meeting in Morocco and ICANN's June 2006 workshop on Internet governance. On 21 July 2006, ICANN's President's Strategy Committee conducted on-line and web-enabled consultations to address some questions the Committee identified for further exploration and that relate to ICANN's legal framework, policy making processes, administrative operations, transparency and accountability and also the continued stable growth and operation of the domain name system. On 19 March 2007, the Committee held another web-enabled online consultation to help to finalize the draft recommendations for presentation at the ICANN meeting in Lisbon.<sup>2</sup>

The Committee presented its Final Report to the ICANN Board at its meeting in Lisbon, March 2007.<sup>3</sup> Upon receipt of the Final Report, the ICANN Board passed a resolution requesting "that the Committee provide further detail on aspects arising from the recommendations and conduct in consultation with the community an evaluation and analysis of their implementation and related implications." The full Board resolution reads:

#### *Action on President's Strategy Committee Final Report*

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<sup>1</sup> For full resolution see: <http://www.icann.org/minutes/minutes-04dec05.htm#psc>.

<sup>2</sup> See <http://www.icann.org/psc/>.

<sup>3</sup> Please see <http://www.icann.org/psc/#final>.

*Whereas, ICANN's mission is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems.*

*Whereas, the ICANN Board noted in 2005 that the ICANN community could benefit from the advice of a group responsible for making observations and recommendations concerning strategic issues facing ICANN, and resolved in 2005 to direct the President to appoint the President's Strategy Committee;*

*Whereas, the President's Strategy Committee conducted its work and consulted with the community on input to its proposed Recommendations;*

*Whereas, the President's Strategy Committee Recommendations addressing ICANN's status and continued improved responsiveness to an evolving global environment; contributing to capacity development; and participation and role of stakeholders have been presented to the ICANN Board and community;*

*Resolved (07.20), to recognize the President's Strategy Committee Recommendations and request that the Committee provide further detail on aspects arising from the recommendations and conduct in consultation with the community an evaluation and analysis of their implementation and related implications.*

Subsequent to the ICANN Board resolution in Lisbon, the Committee met several times to review material regarding specific jurisdictions, and to discuss and prepare an update to the Board and the Community regarding its recommendations.

The Committee is pleased to note that many of its Final Report recommendations complement the issues identified in ICANN's current strategic planning process and also complement the outcomes achieved in the discussions between ICANN and the US Department of Commerce, which resulted in the Joint Partnership Agreement (JPA) of 29 September 2006.<sup>4</sup> The Committee is also pleased to see many of the recommendations now embedded in the operational plan and ongoing work of the organization.

This update is provided and outlined in relation to the relevant sections of the Committee's Final Report.

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<sup>4</sup> Information on ICANN's strategic planning process can be found at: <http://www.icann.org/planning/>. The JPA can be found at: <http://www.icann.org/announcements/announcement-29sep06.htm>

## **ICANN's status and continued improved responsiveness to an evolving global environment**

### ***Legal status and identity***

As outlined in the Committee's Final Report to the Board in March 2007, the Committee recognizes ICANN's existing international non-profit character, including operations in multiple countries, staff from multiple countries, and a geographically diverse Board and Council structures. The Committee noted in its report that there are some areas ICANN could continue to work to improve, as well as some areas worthy of exploration with regards to jurisdiction in relation to ICANN's long-term stable operations responsive to its stakeholders.

The Committee, in reviewing legal jurisdictions, specifically focused in on material relevant to the jurisdictions that had experience with international and intergovernmental organizations or offices. Legal counsel was asked to assist by surveying potential structures in the United States and several other countries.

The Committee assumes that ICANN will continue to maintain its current headquarters and an operational presence in the United States, regardless of any change in its corporate organization. However, the Committee is looking into the question of whether the international operations and perception of ICANN would benefit from establishing a secondary or parallel legal presence elsewhere.

The Committee has conducted an initial analysis, and identified criteria and values for further analysis, for example, not threatening ICANN's existing non-profit status; ensuring appropriate labor laws and general business conditions; and ensuring that any new structure allows for and enables the ability to maintain accountability mechanisms. The Committee is still evaluating the applicability of its research and analysis, per the instructions of the Board resolution, as well as addressing the details of any mechanics involved in altering ICANN's structure to any of the alternatives analyzed. The Committee anticipates that this further analysis, together with the impact or mechanics of any implementation, will be completed and the results provided to the community at the ICANN meeting in Paris.

The committee appreciates the role of the United States Government in the creation of the environment for the formation of ICANN. The Committee also appreciates the importance of continued cooperation with all stakeholders that have an interest in the continued stability and security of the operation of the Internet.

### ***Regional presence***

With regard to the overall aspects of ICANN strengthening its regional presence, staffing and continued regional outreach and global interface, the Committee is pleased to report that some of the recommendations have been incorporated and imbedded into ICANN's strategic planning process and implemented through ICANN's operational plan as part of its regular and ongoing work.

### ***Root-zone management and transparency***

With regard to root zone management and transparency, the Committee believes the situation would require more analysis, and discussions with relevant parties, and has not focused its work to date on this. The Committee would be willing to do so in the future.

### ***Ongoing contingency planning***

The Committee discussed its recommendation regarding contingency planning, and noted that this area was an important consideration in the evaluation of the legal identity.

### **Contributing to capacity development**

The Committee continues to believe that capacity development is important, as is the facilitation role in appropriate partnerships on issues both within and deriving from the organizations' mandate, such as security of the Internet's unique identifier system. In particular, capacity building in relation to region specific initiatives addressing specific needs, and in partnership with respective organizations and expertise, are important. ICANN should work closely with respective partners on issues of importance to capacity building, in particular in the technical arena, in particular in developing countries. ICANN's role in capacity development is limited to areas within its mission and mandate, while contributing to the wider benefit of the Internet.

The Committee is pleased to note that much of this work is successfully underway, and emphasized in the strategic planning and reflected in the operational plan for the coming years.

### **Participation and role of stakeholders**

The Committee considers that most of its recommendations under this section of its Final Report have been completed or under consideration by other parts of ICANN.

However, the Committee reminds the Board of its following recommendation from its Final Report:

*“Building on the existing structure and mechanisms, the Committee encourages the Board to challenge the community to work together to establish a clear typology, including examining roles and responsibilities, of various participants in the ICANN process. In relation to the broad classification of civil society, the respective roles of suppliers, users, non-commercial entities, individuals, and/or At Large would benefit from clarification.”*

### **Conclusion**

The members of the Committee trust that the above reporting on the status of the recommendations is useful, and are pleased to see that most of the recommendations of its initial report are part of ICANN’s current operations, as reflected in its strategic planning process and implementation through its operational plan. The Committee conveys to the Community and the Board that it believes further analysis and work is needed on the issue of jurisdictions and possible impacts of any implementation. The Committee believes that as ICANN’s work with the JPA reaches finalization, the continuing long-term operational stability of the organization is an important part of ensuring its successful global responsibility.

10.2.1 Summary and documentation of the  
President's Advisory Committee at  
<http://icann.org/psc>

## President's Strategy Committee

### [Background](#)

### [Current Report \(October 2007\)](#)

### [Last Consultations Round](#)

### [Past Consultations Rounds](#)

### [Final Recommendations](#)

### [Outcome](#)

### [Draft Recommendations](#)

### [Current List of Committee Members](#)

### [Past Committee Members](#)

### Background

At its December 2005 ICANN meeting, the ICANN Board, emphasizing the importance of the bottom-up ICANN processes, noted that the ICANN community could also 'benefit from the advice of a group responsible for making observations and recommendations concerning strategic issues facing ICANN.' In light of this, the ICANN Board passed a resolution for the President to appoint a [President's Strategy Committee](#).

This Committee plays an important role in providing observations and recommendations concerning strategic issues facing ICANN and contributing to ICANN's strategic planning process, which occurs in consultation with the community.

### Lisbon ICANN Meeting (March 2007)

The President's Strategy Committee held a workshop (see below), subsequent to which it presented to the ICANN Board its final report [link to report]. The ICANN Board accepted the report, and requested the Committee engage in further work consistent with its Board resolution [link to: [http://www.icann.org/minutes/resolutions-30mar07.htm#\\_Toc36876527](http://www.icann.org/minutes/resolutions-30mar07.htm#_Toc36876527)]

which stated:

#### Action on President's Strategy Committee Final Report

Whereas, ICANN's mission is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems.

Whereas, the ICANN Board noted in 2005 that the ICANN community could benefit from the advice of a group responsible for making observations and recommendations concerning strategic issues facing ICANN, and resolved in 2005 to direct the President to appoint the President's Strategy Committee;

Whereas, the President's Strategy Committee conducted its work and consulted with the community on input to its proposed Recommendations;

Whereas, the President's Strategy Committee Recommendations addressing ICANN's status and continued improved responsiveness to an evolving global environment; contributing to capacity development; and participation and role of stakeholders have been presented to the ICANN Board and community;

Resolved (07.\_\_), to recognize the President's Strategy Committee Recommendations and request that the Committee provide further detail on aspects arising from the recommendations and conduct in consultation with the community an evaluation and analysis of their implementation and related implications.

### Lisbon ICANN meeting President's Strategy Committee Workshop

At the ICANN meeting in Lisbon, the President's Strategy Committee held a workshop updating the community regarding the Committee's consultations and final recommendations to the ICANN Board. The

agenda for the workshop included an overview of the process of the Committee's work; a review of the recommendations; an open discussion (including an opportunity for participants to observations on topics not reflected in recommendations but that may be future work of the Committee); and membership.

The transcripts to this workshop can be found at: [link to transcripts found at <http://www.icann.org/meetings/lisbon/transcript-psc-28mar07.htm>]

The Final Report presented to the Board can be found at <http://www.icann.org/psc/psc-report-final-25mar07.pdf> [PDF, 37K].

## Current Report

After the ICANN Board resolution in Lisbon, the Committee met face-to-face during the ICANN Los Angeles meeting to discuss and prepare an update to the Board and the Community regarding its recommendations. The current report is the [Report of the President's Strategy Committee, ICANN Board Meeting, October 2007](#) [PDF, 24K] This comprises the most recent considerations of the President's Strategy committee. Paul Twomey, CEO, summarized the committee's current findings during the [Los Angeles Public Forum \(transcript\)](#).

## March 2007 PSC Consultations round

Following the [draft recommendations](#) posted at the end of November 2006, the Committee took input and feedback to the recommendations at the ICANN meeting in São Paulo. Comments on the draft recommendations could be sent to [psc@icann.org](mailto:psc@icann.org) (and viewed at <http://forum.icann.org/lists/psc>) until Wednesday 21 March 2007 (1 pm UTC).

The PSC held an online discussion on 19 March 2007 for further community input. The aim is to provide a finalized report to the Board following these consultations and discussion at ICANN's upcoming meeting in Lisbon, March 2007.

[Agenda](#) of the last consultation round [PDF, 9K]

[Transcript](#) of the PSC consultations teleconference from 19 March 2007

[Audio](#) of the PSC consultations teleconference from 19 March 2007

## Transcript of the consultation

## How to participate

Participation was ensured also through the ICANN's public participation website. The participation site can be found at <http://public.icann.org>, and the meeting has a dedicated webpage at <http://public.icann.org/?q=19mar07/psc>.

## Past Consultations Rounds resulting in the draft recommendations

Members of the President's Strategy Committee had preliminary discussions about the path ahead. Out of these discussions the Committee has identified several themes where input from the community is needed.

The basic question the Committee has asked itself is: How can the ICANN model be strengthened in the context of the evolution and growth of the Internet?

While a high level of analysis of the model has taken place already, there were specific questions on which the Committee asked input from the community.

The questions below identified some areas for further exploration and relate to ICANN's legal framework, policy making processes, administrative operations, transparency and accountability as well as the continued stable growth and operation of the domain name system.

*Some specific questions:*

- What are some of the main challenges to ensuring continued stable and secure operations of the Internet's domain name and IP addressing system, and are there steps that could be taken to improve this?
- Members of the Committee accept that there are a number of administrative challenges that ICANN

faces as it is a unique model of bottom up participation and coordination of policy decision making. What are examples of how other global organizations have met similar challenges? Can experiences in other organizations be applied to ICANN to inform consideration of how best to serve the global community?

- Is the organization's ability to scale internationally affected by its legal personality being based in a specific jurisdiction?
- Given ICANN's narrow technical coordination mission and responsibilities, how should ICANN respond to relevant issues or challenges deriving from the WSIS decisions, including those related to Internet governance?
- Specifically, how should ICANN further enhance cooperation of all ICANN stakeholders on those Internet governance issues that fall into ICANN's scope of activities?
- What can ICANN do to further improve the value that the GAC and its individual members offer to the multi stakeholder framework and addressing public policy concerns?
- What can be done to assist in the evolution of a more widely informed participation from all regions from all interested stakeholders, including governmental representatives?
- Are there activities or steps that would build on existing processes to continue to enhance global accessibility to the transparency of ICANN's processes and input into the decision-making processes?

Following an announcement at the [ICANN meeting in Morocco](#) and the [ICANN's workshop on Internet governance](#), ICANN's [President's Strategy Committee](#) conducted those consultations, through a [web-enabled online consultation on 21 July 2006](#). Consultation materials were translated into [Arabic](#), [French](#), [Italian](#) and [Spanish](#). Input and responses could be provided to the Committee through 15 August.

### Final Recommendations

Following its consultations on 19 March 2007, and input from the community, the President's Strategy Committee finalized its [recommendations](#) [PDF, 36K]. These recommendations will be presented to the community at the ICANN [meeting in Lisbon](#) on Wednesday, 26 March 2007, 15.30-17.00.

### Outcome

Comments to these consultations can be found at:

<http://www.icann.org/announcements/psc-consultation.htm>. The transcript of these consultations can be found at <http://www.icann.org/announcements/psc-output.html>, and the audio portions can be accessed via these links: [Session 1](#), [Session 2](#).

During these consultations, former Under-Secretary-General for Legal Affairs and a former Legal Counsel of the United Nations, Ambassador Hans Corell was invited to discuss international organizational issues, particularly in relation to questions asked by the Committee in their consultation document. Further educational materials about how different international entities are expressed in relation to international private organizations is now available at <http://www.icann.org/psc/corell-24aug06.html>.

### Draft recommendations

The proposed [draft recommendations](#) from the President's Strategy Committee have been posted for the community's consideration at the end of November 2006. These draft recommendations have been approved by a meeting of the Committee. However, not all members of the Committee were able to attend the finalization discussions. (For instance, Carl Bildt has not made any contributing comments since his appointment as Minister for Foreign Affairs, Sweden)

Members of the Committee spoke to the paper at the Public Session dedicated to the PSC and Internet governance at the ICANN meetings in São Paulo. See: <http://www.icann.org/meetings/saopaulo/captioning-icannpublicforumpt1-04dec06.htm>.

At the Public Session in São Paulo, the Committee also discussed issues related to membership reticulation.

### Current list of Committee members

Paul Twomey (Chair)  
Carl Bildt (co-Chair)  
Peter Dengate Thrush (co-Chair)  
Raimundo Beca  
Marilyn Cade

Vint Cerf  
Art Coviello  
Pierre Dandjinou  
Steve Goldstein  
Yrjö Länsipuro  
Thomas Niles  
Adama Samassékou

**Past Committee Members**

Janis Karklins

10.2.2 July 2006, President's Strategy  
Committee

Consultation with the ICANN Community  
Improving the Inherent Strength of the Multi-  
stakeholder Model

<http://www.icann.org/announcements/psc-consultation.htm>

## **President's Strategy Committee Consultation with the ICANN Community Improving the Inherent Strength of the Multi-stakeholder Model**

At its December 2005 ICANN meeting, the ICANN Board, emphasizing the importance of the bottom-up ICANN processes, noted that the ICANN community could also 'benefit from the advice of a group responsible for making observations and recommendations concerning strategic issues facing ICANN.' In light of this, the ICANN Board passed a resolution for the President to appoint a [President's Strategy Committee](#). This Committee plays an important role in providing observations and recommendations concerning strategic issues facing ICANN and contributing to ICANN's strategic planning process, which occurs in consultation with the community.

As ICANN heads towards 30 September 2006 expiration of the Memorandum of Understanding (MOU) with the United States Government, members of the President's Strategy Committee have had preliminary discussions about the path ahead. Out of these discussions the Committee has identified several themes where input from the community is needed.

ICANN's mission is founded on two key concepts. They are acting in the public trust, and developing decisions through a bottom up, consensus based process. ICANN is committed to a single, authoritative stable public root for the Internet Domain Name System (DNS) through the coordination and management of a unique identifier system. It is also committed to the management of that unique root in the public trust according to policies developed through participation and acceptance by the community. By offering users an easy-to-use and reliable means of unambiguously referring to web sites, e-mail servers, and the Internet's many other services, the DNS is helping the Internet achieve its promise of a global communications medium for commerce, research, education, social and cultural and other expressive activities. Effectively ICANN operates as a steward for users who depend on the Internet's naming resources. As a result ICANN needs to focus on participation and input to decision making regarding this global resource.

Members of the Committee have the view that the community believes that the basic elements of the model are strong. One of its main strengths is the model's emphasis on broad and informed participation by the community.

The model that ICANN represents has evolved over the past 7 years, and is now broadly endorsed around the world. It is unique in that it provides for participation by all stakeholders - and is a model for multi-stakeholder participation. One of the model's main strengths is its accountability to the Internet community and emphasis on broad and informed participation by the global community. Reported on by the OECD and discussed at the World Summit on the Information Society, ICANN has been accepted as an organization responsible for certain key issues and topics relevant to Internet governance.

Another strength of the ICANN model is that it is able to evolve as necessary to accomplish its mission. To assist that evolution, members of the Committee agree that it should build on the inherent strength of the existing model and invite the participation of the community to provide feedback and ideas on certain key areas.

The basic question the Committee has asked itself is: How can the ICANN model be strengthened in the context of the evolution and growth of the Internet?

While a high level of analysis of the model has taken place already, there are specific questions on which the Committee would like input from the community.

The questions below identify some areas for further exploration and relate to ICANN's legal framework, policy making processes, administrative operations, transparency and accountability as well as the continued stable growth and operation of the domain name system.

### **Some specific questions are:**

- What are some of the main challenges to ensuring continued stable and secure operations of the Internet's domain name and IP addressing system, and are there steps that could be taken to improve this?
- Members of the Committee accept that there are a number of administrative challenges that ICANN faces as it is a unique model of bottom up participation and coordination of policy decision making. What are examples of how other global organizations have met similar challenges? Can experiences in

other organizations be applied to ICANN to inform consideration of how best to serve the global community?

- Is the organization's ability to scale internationally affected by its legal personality being based in a specific jurisdiction?
- Given ICANN's narrow technical coordination mission and responsibilities, how should ICANN respond to relevant issues or challenges deriving from the WSIS decisions, including those related to Internet governance?
- Specifically, how should ICANN further enhance cooperation of all ICANN stakeholders on those Internet governance issues that fall into ICANN's scope of activities?
- What can ICANN do to further improve the value that the GAC and its individual members offer to the multi stakeholder framework and addressing public policy concerns?
- What can be done to assist in the evolution of a more widely informed participation from all regions from all interested stakeholders, including governmental representatives?
- Are there activities or steps that would build on existing processes to continue to enhance global accessibility to the transparency of ICANN's processes and input into the decision-making processes?

### **Process and Feedback:**

The Committee welcomes feedback from the community in response to the above.

Accordingly, a web-enabled online consultation will take place on Friday, 21 July (time to be advised). This date and process was foreshadowed at the recent ICANN Marrakech conference.

So as to maximize use of the time available on the 21st, the Committee invites submissions and comments on the above to be lodged **before** Tuesday 18 July and sent to: [psc@icann.org](mailto:psc@icann.org). Submitted comments may be viewed at <http://forum.icann.org/lists/psc/>.

On Thursday 20 July, an agenda for the Friday 21 July web-enabled online consultation will be posted. Contributors will be contacted on Wednesday 19 July and Thursday 20 July and may be invited to speak to their contributions on the next day. This will allow the Committee to examine particular issues in greater detail, and give the contributor an opportunity to provide more information and to amplify the points they have made.

All submissions and commentaries will be posted on-line.

Submissions can include:

- facts
- opinions
- arguments and
- recommendations for action.

There is no set format for a written submission. You can write a brief letter or a more substantial paper. If you want, you can attach appendices and other supporting documents. But it would be helpful if submissions addressed the above issues on which the committee would like input. If your submission is long, a brief summary would be also helpful.

The initial feedback received through this consultation will be reviewed by the Committee with the possibility of a summary provided to the US DoC consultations which take place on 26 July.

However, ongoing input and responses can be provided to the Committee through 15 August. The Committee will consider these and post a summary for further comment on 25 August to ensure the summary is an accurate reflection of the views received. The Committee will then report back to the ICANN Board and community by 1 September.

To summarize the process and timetable:

- 11 July Posting of this notice
- 18 July Submissions/comments from community to be lodged
- 20 July Agenda for web-enabled online consultations to be posted
- 21 July Web-enabled online consultations
- 26 July Summary of Committee's initial consultation to be provided to US DoC consultations
- 15 Aug Final date Committee will receive further submissions and comment
- 25 Aug Committee's summary of consultation to be posted

1 Sept Committee to report to ICANN Board and community

Please refer back to this site for further updates, relevant material and also the agenda for the consultation.

**Current list of Committee members**

Paul Twomey (Chair)  
Carl Bildt (co-Chair)  
Peter Dengate Thrush (co-Chair)  
Marilyn Cade  
Art Coviello  
Janis Karklins  
Thomas Niles  
Adama Samassékou

### 10.2.3 Draft Recommendations of the President's Advisory Committee, November 2006

<http://www.icann.org/psc/psc-draft-29nov06.pdf>

# ***DRAFT***

## ***President's Strategy Committee Report***

### ***Introduction***

ICANN's President's Strategy Committee was established to provide observations and recommendations concerning strategic issues facing ICANN, and contributing to ICANN's strategic planning process, which occurs in consultation with the community. In the Board resolution approved at ICANN's December 2005 meeting, the Board emphasized the importance of the bottom-up ICANN processes and noted that the ICANN community could also 'benefit from the advice of a group responsible for making observations and recommendations concerning strategic issues facing ICANN.' In this same resolution, the Board approved the appointment by the President of a President's Strategy Committee to fulfill this purpose.

The Committee's work has included engaging with the community at ICANN's [ICANN meeting in Morocco](#) and the [ICANN's workshop on Internet governance](#). On 21 July, ICANN's [President's Strategy Committee](#) conducted [consultations](#), through a web-enabled online consultation,<sup>1</sup> which sought to address some questions the Committee identified for further exploration and that relate to ICANN's legal framework, policy making processes, administrative operations, transparency and accountability as well as the continued stable growth and operation of the domain name system.

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<sup>1</sup> Further information on these consultations, and comments to these consultations can be found at: <http://www.icann.org/announcements/psc-consultation.htm>. The transcript of these consultations can be found at <http://www.icann.org/announcements/psc-output.html>, and the audio portions can be accessed via these links: [Session 1](#), [Session 2](#).

The Committee is pleased to note that many of its recommendations compliment the issues identified in ICANN's current strategic planning process and also complement the outcomes achieved in the discussions between ICANN and the US Department of Commerce, which resulted in the Joint Project Agreement (JPA) of 29 September 2006.<sup>2</sup>

## ***ICANN's status and continued improved responsiveness to an evolving global environment***

The Committee recognizes ICANN's existing international character, including operations in multiple countries, staff from multiple countries, and a geographically diverse Board and Council structures. The Committee believes there are several areas in which ICANN should continue to work to improve itself as a global organization to ensure long-term stable operations responsive to its global stakeholders.

### **Legal status and identity:**

The Committee notes that in conjunction with the Joint Project Agreement, the ICANN Board affirmed a statement of responsibilities, and in particular committed to conduct a review of ICANN's corporate administrative structure:

*10) Corporate Administrative Structure: ICANN shall conduct a review of, and shall make necessary changes in, corporate administrative structure to ensure stability, including devoting adequate resources to contract enforcement, taking into*

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<sup>2</sup> Information on ICANN's strategic planning process can be found at: <http://www.icann.org/announcements/strategic-plan-22jun06.htm>. Specifically, issues identified for the coming planning cycle can be found at: <http://www.icann.org/announcements/strategic-plan-22jun06.htm#strategy>. The JPA can be found at: <http://www.icann.org/announcements/announcement-29sep06.htm>

*account organizational and corporate governance "best practices."*<sup>3</sup>

As one contribution to that review, and in order to further advance ICANN's internationalization, the Committee encourages the ICANN Board to explore with the US government, other governments, and the ICANN community, whether there are advantages and appropriate mechanisms for moving ICANN's legal identity to that of a private international organization based in the US. The Committee emphasizes that such exploration should not change the fundamental multi-stakeholder model of ICANN, or the evolutionary processes for organizational improvement outlined in ICANN's bylaws, or the need for clear accountability mechanisms for ICANN's processes and decision-making. The Committee considers such a development may contribute to the further improvement of stability. The Committee encourages the ICANN Board to explore the private international organization model as part of its review and to operationalize whatever outcomes result from the review by the end of 2007. In follow-up to the Committee's consultations and discussion provided by Ambassador Hans Correll regarding international organizational issues, further educational material has been made available and provides a good basis upon which to further the discussion with the community.<sup>4</sup>

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<sup>3</sup> For information regarding JPA see:  
<http://www.icann.org/announcements/announcement-29sep06.htm>. Link specifically on Reaffirmation of Responsibilities can be found at:  
<http://www.icann.org/announcements/responsibilities-affirmation-28sep06.htm>

<sup>4</sup> On 21 July 2006 the President's Strategy Committee conducted consultations. During these consultations, former Under-Secretary-General for Legal Affairs and a former Legal Counsel of the United Nations, Ambassador Hans Corell was invited to discuss international organizational issues, particularly in relation to questions asked by the Committee in their consultation document. Further educational materials about how different international entities are expressed in relation to international private organizations is now available at  
<http://www.icann.org/psc/corell-24aug06.html>.

The Committee wants to be clear that in referring to a private international organization it is not suggesting a treaty organization or an intergovernmental organization.

## **Regional presence:**

The Committee believes that while ICANN's headquarters may remain in the US, it needs to continue to establish and strengthen regional presences, staffing and continue regional outreach. The Committee recognizes that ICANN has already undertaken steps to improve its operations, including the establishment of the regional liaison network and an office in Brussels Belgium. The Committee believes that building on the existing work will greatly benefit the global community and its awareness of, and participation and involvement in ICANN. The Committee notes that the correct approach is being taken with regard to regional presences and further regional presences and regional activities should continue to be structured with sufficient flexibility to meet the requirements of regional stakeholders, while preserving the integrity of a global focus and identity.

In sum, with regard to improving ICANN's global operations, the Committee encourages the Board to consider in a manner described above, the benefits of the international private organization model and its related potential immunities to limit liabilities or instabilities. The Board should ensure, however, that appropriate full accountability and review mechanisms are established, including utilizing international arbitration panels.

As part of ICANN's process of enhancing its internationalization, the Committee encourages the Board to consider the strengthening of the multi-stakeholder partnership approach to build on awareness, participation, partnership and a better understanding of specific components and competences of ICANN.

## **Root-zone management and transparency:**

The process surrounding root-zone updates have been clarified through the IANA function, with explanations of steps undertaken for root zone changes.<sup>5</sup>

In addition to this, the Committee encourages ICANN to discuss with the Department of Commerce methods for clarifying and simplifying the root-zone update process. The Committee considers that such discussions could include a number of options. One could be to substitute the US role of auditing/authorizing amendments to the zone file with a two phased outsourced process, such as for example: 1) an auditor contracted by US Department of Commerce to undertake this function, with reporting back from auditor to US and ICANN; 2) that contracting of a third party auditor to be taken over by ICANN if proven sustainable. Another, perhaps complimentary approach, could be to discontinue auditing/authorization for simple changes to the zone file through automation of processes (sometimes referred to as e-IANA) with ICANN ensuring more visibility to the existing public reporting of such changes.

## **Ongoing contingency planning:**

As part of ICANN's contingency planning, the Committee encourages the Board to continue discussions with the community's various stakeholders, in particular with the US DoC, how some of its policy objectives relating to the zone file and DNS could be better achieved through the implementation and/or evolution of contingency "triggers" and appropriate backstop mechanisms as expressed in ICANN's existing contingency plan. This could be achieved as part of the review of corporate administrative structure.

## ***Contributing to capacity development***

The Committee notes that ICANN is already undertaking much work in partnership with respective organizations to facilitate outreach and

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<sup>5</sup> For IANA Root Zone Management process, see: <http://www.iana.org/procedures/process-flow.html>.

provide expertise in respective areas of capacity building as appropriate within ICANN's mandate. The Committee notes ICANN's work with different organizations, including DiploFoundation, UNECA, Francophonie, PITA, ISOC, and others with regard to education, training and information sharing,<sup>6</sup> as well as ICANN's own recognition of its mandate and role in relation to contributing to capacity development.<sup>7</sup> The Committee recognizes that better understanding of ICANN can also facilitate and enhance the evolution of ICANN's own existing supporting organizations.

The Committee encourages the ICANN Board and Management to continue to engage with partners (including regional and international organizations) to identify how the ICANN community, within its technical coordination role, can best build on and continue to contribute to capacity building objectives in the regions (particularly Africa, Middle East, Central Asia and Caucuses, Pacific Islands, Southeast Asia and South Asia, and Latin America and the Caribbean) and help develop region-specific programs in cooperation with other relevant Internet organizations within the principals of non-duplication of effort and promoting advanced approaches to security and stability.

## ***Participation and role of stakeholders***

The Committee notes that the provisions in ICANN's bylaws with regard to reviewing the respective Supporting Organizations and Advisory Committees are an important part of ensuring a multi-stakeholder organization that remains responsive to the environment in which it operates to most effectively and efficiently carry out its responsibilities. The greatest impediment to any organization is

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<sup>6</sup> See e.g., ICANN's 7 April 2006 Status report to DoC, including for example, sections 9 and 14e. <http://www.icann.org/general/mou-status-report-07apr06.pdf>.

<sup>7</sup> See, e.g., ICANN's comments to the WGIG report and comments with regard to role with capacity building. <http://www.icann.org/announcements/ICANN-WGIG-report-comments-15aug05.pdf>.

becoming stagnant in the environment in which it operates or the community to which it is responsible.

The Committee notes the recently provided LSE review of the Generic Names Supporting Organization (GNSO)<sup>8</sup> as an important step in reviewing the GNSO structures and processes, including representation of stakeholders and broad participation. The LSE's report includes the observation that stakeholder representation in the GNSO requires review to ensure it is reflective of the emerging Internet environment. Also, the Committee acknowledges the work of the current ALAC and notes it has conducted a self review which has identified several key areas in which ALAC needs to grow stronger.<sup>9</sup>

With this in mind, the Committee encourages the Board to initiate and conclude the foreseen reviews of its Supporting Organizations, Advisory Committees, Nominating Committee and At Large Advisory Committee (ALAC) particularly to clarify and strengthen respective roles, contributions, expectations, and responsibilities.

Building on the existing structure and mechanisms, the Committee encourages the Board to challenge the community to work together to establish a clear typology, including examining roles and responsibilities, of various participants in the ICANN process. In relation to the broad classification of civil society, the respective roles of suppliers, users, non-commercial entities, individuals, and/or At Large would benefit from clarification.

## ***Conclusion***

The members of the Committee trust that the above recommendations are thoughtful and useful observations and recommendations concerning strategic issues facing ICANN. We hope the Board and community find them useful contributions to

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<sup>8</sup> For LSE report on the GNSO, see:  
<http://www.icann.org/announcements/announcement-15sep06.htm>.

<sup>9</sup> See [http://alacwiki.org/index.php/Self\\_Review](http://alacwiki.org/index.php/Self_Review).

ICANN's strategic planning process and to the reviews being undertaken.

29 November 2006

10.2.4 March 2007 Lisbon ICANN meeting  
President's Strategy Committee Workshop  
<http://www.icann.org/meetings/lisbon/transcript-psc-28mar07.htm>

## ICANN Meetings in Lisbon Portugal

### Transcript - President's Strategy Committee workshop 28 March 2007

Note: Although transcript output is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the session, but should not be treated as an authoritative record.

>>PAUL TWOMEY: Umm, umm, umm, umm.

Ladies and gentlemen, welcome to the report of the President's Strategy Committee.

That's great translation, isn't it? Look at that, umm, umm, umm.

While we're trying to get the technology to work up here, I thought I might just make introductions.

And note in particular, the joining of the committee of two new board members since Sao; Paulo; particularly, Steve Goldstein and Raimundo Beca.

We're going to take an agenda of just going through the process of the committee's work, then we're going to review the recommendations. We are open for discussion regarding the recommendations in an open mike. We will then will request any further topics that members of the community might think are relevant for such a committee to consider in the future. In other words, a potential future work list.

And we'll also then make some observations or some announcements concerning the membership of the committee.

So that's the sort of five-point agenda.

Peter Dengate Thrush and I will deal with the first item of the agenda, just going through the process. That's somewhat dependent upon Mehmet, here, conquering technology.

We have overcome our technology problem.

So let's lead off, then, and look at the process of the committee's work.

And just to give you some background, under a board resolution at the Montreal meeting in December 2005, the board directed the president to appoint a President's Strategy Committee. I will make the following observation. We have a tendency in our organization, if things are not board's committees they are president's committee. So that partly explains the wording here.

And the purpose was that the ICANN community could benefit from the advice of a group responsible for making observations and recommendations concerning strategic issues facing ICANN.

The committee presently consists of 12 members, and the membership does reflect the sort of approach I think the board had in mind in establishment of the committee.

So there are three chairs: Myself, Peter from the board, and there has been, until I think the date is November I might be wrong -- no, it's a bit earlier, Carl Bildt was a chair. But Carl is now the foreign minister for Sweden, and from the date of the election of that government -- I think that was October last year -- Carl has not participated in the committee and we don't consider him to be a member of the committee. Although we have not received a formal communication to that point, I assume that would be the natural state of affairs.

Other members of the committee, as I mentioned Raimundo is a new member of the committee. Marilyn Cade. Vint Cerf is the ex officio member of the committee. Art Coviello, the CEO of RSA. Pierre Dandjinou, Steve Goldstein. Janis Karklins and Adama Samassekou were invited to be members of the committee. They are invited to be members of the committee because they were the two chairs of the preparatory process for the World Summit on the Information Society, Adama for the first phase, the first two years, and Janis for the second two years.

And then Tom Niles who is formerly a board member and Ambassador to the United States.

It is not a complete set of people we would want for that committee and further diversity of the committee is an agenda item for us to take into consideration.

I'll ask Peter to talk through our process of consultation.

>>PETER DENGATE THRUSH: Thanks, Paul, the items are on the screen so I will go through them reasonably quickly.

We had a first set of consultations in July, and the point about this was that this was a couple of days nonstop consultations. I joined them by telephone from Wellington, others joined by telephone, but they ran two days. Excellent oral contributions from a wide range of people, and we will be going through mentioning those as we move forward a bit. So a genuine attempt, I think achieved in the end, to get feedback from leading players. We approached some, others approached us.

The transcripts are available on the Web site. It's been translated into those languages.

During the consultations, as it began to emerge that one of the key issues was going to be the nature, the legal nature, of any structure that we might transition to, we approached Hans Corell, the former secretary-general for legal affairs and a former legal counsel of the United Nations.

The results of those consultations have, as usual, been posted. The first posting, November 2006. It was, again, an open session, discussion of the papers available at the stage in Sao Paulo.

And most recently, a further round of consultations, very recently, 19th of March 2007. And as usual, transcripts and other materials are available on the Web site.

And consolidated versions of those recommendations and our report were released a few days ago on March 25th.

I just want to indicate, because I think there was some curiosity if not suspicion when this committee was first announced about what it was going to do and who it was going to talk to, and some of that came from the board of ICANN itself wondering whether this was going to be a job the board itself should be doing and others came from the community wondering who was going to be consulted and about what. Here are some of the people who had input into this process. INTA, the trademark association; ISOC; Network Solutions; the ISPCP constituency; and Sebastian. If you go to the next slide, just to give you an indication of the range of views, Erika Mann, member of the European Parliament; Hans Corell I have already mentioned; Roelof Meijer, CEO of SIDN, so there's a CEO of one of the major ccTLDs; Stefano Trumpy, who has had a number of roles in ICANN. He came originally as the ccTLD manager of dot IT, but he has been a long-serving GAC member for Italy. Becky Burr, the !

original U.S. government representative on the GAC, now appearing as a partner of a U.S. law firm. And Jon Nevett, vice president at Network Solutions.

I'm not going to spend time describing all of these people. There is Bhavin Turakhia, and Tim Ruiz, and Bernie Turcotte, and Margarita Valdes, Mark McFadden, all well-known members of the ICANN community. Chris Disspain, Naomasa Maruyama, Danny Younger, David Maher, Milton Mueller, a lot of very familiar names. And then these are participants at the most recent round of consultations. We have put those up deliberately so you will get a sense of the wide range of contributors to the consultation process from all spectrums of the ICANN community and from outside the ICANN community as well.

>>PAUL TWOMEY: Thanks, Peter. Perhaps just going on to, then looking at the feedback because there was also public feedback received. There were 36 comments posted to the specific list, and the comments showed there was support to the draft recommendations and the suggested further ways forward. Most were positive comments coming off the draft that was published the end of last year.

People highlighted the importance of accountability and oversight components to reach full corporate maturity. Suggested the ICANN model be strengthened to address a number of challenges. Invited ICANN to enlarge its civil society component. That was quite a theme.

And stressed that the legal status not affect its ability to scale internationally. And that was a key theme that emerged. It was perceived limitations upon being a private company, corporation, not-for-profit corporation in

California, and these were people's perceptions.

So the recommendations we're going to go through shortly, but they basically fall into three broad areas. One is ICANN status and continued improved responsiveness to an evolving global environment. Secondly, contributing to capacity development. And finally, participation and role of stakeholders.

And under each of those particular headings, members of the committee are going to sort of go to the report. Janis Karklins who is here briefly, because he has to return back to the GAC, is going to speak to the first item. Pierre Dandjinou is going to speak to the second, and Peter is going to speak to the third.

Before we have that, just to give people context, the final report will be submitted to the ICANN board, and the committee and the community will look forward to feedback and instructions from the board on next steps.

And the committee is open to feedback from the board and the community, both on this report but also on any further topics that the community thinks are important for this sort of broad consultation about long-term strategic issues facing ICANN.

Before I ask Janis to take us to the first step, first stage of the report, I should inform the community that Janis tendered his resignation as a member of the committee to me not long prior to the meeting itself, and that resignation comes into effect as of the end of this workshop. And that I have accepted on behalf of the committee that resignation.

But we'll talk more about that at the end.

>>JANIS KARKLINS: Thank you, Paul.

I was asked to do the introduction or presentation of committee's recommendations on institutional aspects, and that most probably is because that part of the report reflects the outcome and spirit of discussions during the World Summit on the Information Society, particularly the second part.

I also participated in the work of the committee and tried to brought in the consideration -- or in the deliberations of the committee all my knowledge and experience of WSIS. And I hope that the WSIS spirit, though not explicitly mentioned, is present in these recommendations.

One of the major issues during the summit was internationalization of Internet governance. And the committee members at the beginning of the work asked the question whether ICANN is sufficiently international. And the committee recognizes that ICANN's existing international character, including organization -- operations in multiple countries, staff from multiple countries and geographically diverse board and council structures is a feature of internationalization, but it is not sufficient. Therefore, committee believes that there are several areas in which ICANN should continue to work to improve itself as a global organization to ensure long-term stable operations, responsive to its global stakeholders.

During the WSIS, the issue of California-based not-for-profit corporation was very high on the agenda of many government representatives, and there were a number of expressions of discomfort with this situation. And therefore, we analyzed whether there would be some possibility to -- possibility of evolution. And in this respect, the committee drafted the chapter on legal status and identity.

The committee noted that in conjunction with the Joint Partnership Agreement, the ICANN board affirmed a statement of responsibilities, and in particular, committed to conduct a review of ICANN's corporate administrative structure.

As one contribution to that review, and in order to further enhance ICANN's internationalization, the committee encouraged the ICANN board to explore with the U.S. government, other governments, and the appropriate -- and all ICANN communities whether there are advantages and appropriate mechanisms for moving ICANN's legal identity to that of a private international organization based in the United States.

The committee also emphasized that such exploration should not change the fundamental multistakeholder model of ICANN or the evolutionary process for organizational improvement outlined in ICANN's bylaws, or the need for clear accountability mechanisms for ICANN's processes and decision-making.

Accountability mechanisms could extend to mechanisms not only for contracted parties but also third parties affected by ICANN's decisions. And further, the incorporation of relevant California or U.S. federal laws into ICANN's arbitrary processes could also be appropriate.

The committee considered that such developments may contribute to further improvement of stability. The committee also encouraged the ICANN board to explore the private international organization model as a part of the review, and to op- -- sorry oper- -- and put in place, in other words, whatever outcome, results of such a review would bring.

In follow-up to committee's consultations and discussions provided by Hans Corell, the former legal counsel of United Nations, regarding the international organizational issues, further educational material has been made available and provides a good basis upon which the further discussions can be conducted with participation of all community.

It needs to be stressed that move towards private international organization should not be viewed as a development of a treaty organization, nor development or establishment of a new intergovernmental organization.

Committee noted that as ICANN continued to internationalize, the issues of transparency, trust, values, and accountability must be maintained in a manner acceptable to the global multistakeholder environment.

The committee believed, as ICANN finalized the joint project agreement, it must adhere to a model that reflects first and foremost operational excellence in its mission, credibility and trust of all stakeholders globally, including governments, and the historical developments of Internet and its open, global nature.

The balancing of all these aspects is essential to maintaining not only a single global interoperable Internet, but also a model that is sufficiently versatile to adjust to the Internet's growth and development.

The private sector-based multistakeholder model repeatedly demonstrates itself as the most viable, responsive mechanism to ensure stability and security of the Internet infrastructure.

On the question of moving ICANN's headquarters, we had a pretty extensive discussion. And it was clearly understood that the headquarters of ICANN should remain in the United States. But it is needed to continue and strengthen the regional presence, staffing, and regional outreach.

The committee recognized that ICANN has -- already has undertaken steps to improve its operations, including the establishment of the regional liaison network and an office in Brussels, Belgium. The committee believes that building on the existing work that will -- will greatly benefit the global community and its awareness of and participation and involvement in ICANN.

Contributions also noted the need to continue globalization, and especially outreach and improving relations with respective communities to ensure effective and efficient participation at the local and regional level.

The committee noted that the correct approach is being taken with regard to regional presences and further regional presences and regional activities should continue to be structured with sufficient flexibility to meet requirements of regional stakeholders, while preserving the integrity of the global focus and identity.

In essence, the -- with regard to improving ICANN's global operations, the community encouraged the board to consider in a manner described above the benefits of international private organization model and its related potential immunities to limit liabilities or instabilities. The board should ensure, however, that appropriate full accountability and review mechanisms are established, including utilization international arbitration panels.

As a part of ICANN's process of enhancing its internationalization, the committee thought it would be worth encouraging the board to consider the strengthening of multistakeholder partnership approach to build on awareness, participation, partnership, and a better understanding of specific components and competencies of ICANN. Because during the WSIS process, it was clearly visible that many -- in many quarters, the role and mandate of ICANN is clearly misunderstood.

Another very sensitive and important issue many governments addressed during the World Summit on the Information Society was the question of management of root zone file. And in this regard, committee made the following proposals.

The process surrounding root zone file updates have been clarified through the IANA function with explanations of steps undertaken by the root zone changes.

In addition to this, the committee encourages ICANN to discuss with the Department of Commerce methods

for clarifying and simplifying the root zone update process. The committee considers that such discussions could include a number of options. One could be to substitute the role -- the U.S. role of auditing or authorizing amendments to the root zone file with a two-phased outsourced process, such as, for example, an auditor contracted by U.S. Department of Commerce to undertake this function, with reporting back from auditor to United States government and ICANN. And the second step would be that this contract to the third-party auditor could be taken over by ICANN if proven sustainable.

Another complementary approach could be to discontinue authorizing the simple changes in the root zone file through automation process, sometimes referred as e-IANA, with ICANN ensuring more visibility to the existing public reporting of such changes. This approach has been suggested already at the early stages of ICANN's formation and could be an important contribution to overall internationalization of ICANN.

Additionally, the inputs received by ICANN acknowledged the improvements already received not only related to IANA function and clarification of ICANN's role, but also in ICANN's operational performance and overall transparency.

Committee also gave some thought to contingency planning. And the result of that reflection was formulated in the paragraph which reads, as a part of ICANN's contingency planning, the committee encourages the board to continue discussions with the community's various stakeholders, in particular, with the United States Department of Commerce, how some of its policy objectives related to the zone file and DNS could be better achieved through the implementation and/or evolution of contingency triggers and appropriate back stop mechanisms as expressed in ICANN's existing contingency plan. This could be achieved as part of the review of corporate administrative structures.

So that brings me to the end of the part related to institutional arrangements or potential institutional evolution of ICANN. And I would like to give back mike to you, chair. But before doing that, I would like to say that I really enjoy working in the committee. I really enjoy interaction with colleagues in the committee, and I hope that the committee's contribution will be useful in -- useful contribution in our common reflection on the future evolution or possible evolution of ICANN.

Thank you.

>>PAUL TWOMEY: Thank you, Janis. And thank you for your contribution throughout the period. And we look forward to talking to you about this with another hat on, I suspect.

I wonder if we can ask Pierre if he would then like to take us through about the reporting on capacity development.

>>PIERRE DANDJINO: Thank you, Paul. And good afternoon to all.

So I'm going to kind of brief on this part of the report that concerns the capacity development issue. And, of course, this report stems from the different consultations that the committee held and also is a result of our (inaudible) on what one might be able to suggest for the sort of (inaudible) to ICANN.

I would like to recall some point during the kind of last few years that ICANN made certainly different things to different people, at such point that ICANN was even being compared to the situation whereby you request blind people in a room to describe whatever they were seeing, whether it was an elephant or not, and each of them would be, of course, describe being the part of this elephant they were touching. So you end up not really knowing what sort of, you know, beast that was.

But it seems one of the things that we needed was sort of common, I would say, knowledge on what ICANN is here for. And one of the ways to do this especially should be about better communication. And also, there's a need for providing this knowledge that people need if they were to really contribute to, say, for instance, policy development process of ICANN.

So the committee recognized that in that area, specific area of capacity development, that ICANN has already started a few steps, basically, with the work being done in collaboration with other key institutions. And to cite a few of them, DiploFoundation, for instance, has been doing some job on certain Internet governance issues, for instance. We also have the U.N. economic commission for Africa, or UNECA in Addis Ababa, which also is partnering with ICANN. Another institution is Francophonie. And Francophonie certainly was instrumental, at least for kind of better communication, but also provision for participation from those countries that speak French, and also better translation also into different other languages.

And we do have PITA, and, of course, ISOC, which basically deal with the capacity development issues.

So committee thinks that ICANN should proceed with this and even enhance this collaboration.

So information, communication, I said, but just about educating people on what ICANN does.

Now, I think the committee also, for that -- key to capacity development I would say is going to be partnership. But also key to this capacity development should also be the design of our specific programs. Especially for specific needs that distant regions might have.

So this second area, again, ICANN should proceed with maybe assisting people from these different regions to come up with those specific programs they feel are important for their own takeoff of ICANN procedures, but also participation with ICANN, again, in collaboration with whoever is already covering the ground.

Committee noticed that we should also avoid duplications in these efforts, which means that at some point, there should be a need to harmonize ICANN's steps in that regard.

Well, a continuous engagement, partnership with other players on the ground, developing specific programs that are aiming at capacity-building in the different regions, and region particularly cited, Africa, the Middle East, central Asia, and the Caucuses, Southeast Asia and South Asia, Latin America and the Caribbean, where some specific problems are felt.

If I may take one example that we did in the African region, for instance, was about establishing sort of registrar business, for instance, 'cause one of the region where we hardly have a registrar.

So how you do this? Whether for business planning, you need for that, what kind of capacity you need to develop, maybe this might be specifics from this region where ICANN, for instance, would like to put a few more efforts on.

I've already said that the work of the committee will actually like ICANN to avoid duplications. I would also like to mention that some of the issues that we felt that capacity development will be most needed on is definitely the different approaches to security and stability of the Net. There again, committee is urging ICANN to take appropriate steps on capacity development.

Committee stressed that this is important part of ICANN's task. Since capacity development will actually facilitate the role of different stakeholders in ICANN, especially the effective participation to different tasks that ICANN performs.

And also, this will certainly favor better participation of all stakeholders.

So that is, in a nutshell, what the committee felt that ICANN should be doing as far as capacity development is concerned.

And with that, I would like to thank you for your attention and hand over to Paul for the continuation.

>>PAUL TWOMEY: Thank you, Pierre. Why don't we move to the final stage of the report, which deals with, as you said, participation and the role of stakeholders, and ask Peter to speak to this.

>>PETER DENGATE THRUSH: Thank you, Chair.

I think just to put this in context, the most evolutionary recommendation that the committee has put to the board is the suggestion that we -- that the board explore transitioning ICANN to become, instead of a U.S.-registered corporation, a private international organization. That as the report, I hope, makes sufficiently clear, nobody on the committee and nobody that submitted in support of that kind of transition wanted to lose all of the advantages of the ICANN structure that we've carefully built from initiation and through a really serious reform process, particularly the balance, the inclusion of the stakeholders that we've got, and the balances of rights and responsibilities between them.

And consistent with that was also the recognition that as we move that set of balances forward, we need to keep examining those to make sure that we have the right participants and the right responsibilities and relationships between them.

So this part of the report deals with continuing efforts to make sure that those things are taken care of and

begins by noting the responsibility in the bylaws to conduct periodic review, and notes that they're an important part of ensuring a multistakeholder organization that remains responsive to the environment in which it operates.

And we note that the greatest impediment to any organization is becoming stagnant in its environment, either its own environment or in relation to the community that it reports to.

We comment about the current review that's underway, the review of the GNSO, noting that the report provided by the LSE gives us an opportunity to take an important step in that review, particularly representation of stakeholders and their participation. And we noted that the LSE's report includes an observation that stakeholder representation in the GNSO itself requires review to ensure it is reflective of the emerging Internet environment.

And our committee also acknowledges the work done by the current ALAC, which has conducted a self-review, and which has identified several key areas in which ALAC needs to grow stronger.

So we encourage the board to initiate and conclude the required reviews of supporting organization, advisory committees, the Nominating Committee, and the ALAC, particularly to clarify and strengthen their respective roles, contributions, expectations, and responsibilities, and just stepping out for a moment from the report and putting on my hat as a board member and a member of the BGC that's responsible for managing those reviews in the ICANN structure, we hope to be making some significant steps at the board meeting this week. The GNSO review is underway, as this report notes. We've posted for review the terms of reference for the review of the Nominating Committee. And we hope to be making announcements about the SSAC review and the ALAC review on Friday.

So this recommendation, I'm happy to say, is much in the mind of the board already.

But building further, building on the existing structure and mechanisms, the committee encourages the board to challenge the community to work together to establish a clear topology, including examining roles and responsibilities of various participants in the ICANN process, and particularly in relation to the broad classification of civil society and respective roles we say of suppliers, users, noncommercial entities, individuals, and the at large would be an effort for clarification.

Hopefully, those will -- that clarity will come from those reviews. But we would like -- this committee recommends that attention be paid to that.

We also suggest that the diversity of participation in the ICANN structure and processes -- which I think everyone acknowledges are important -- would be enhanced by enabling participation through smaller working groups, using local languages as well as by establishing means for knowledge to be captured and transmitted to new participants.

And I think we're already seeing developments along these lines already with the development of the ICANN alert, for example, which is pushing information out to subscribers instead of just requiring people to find things on the Web site.

We say that multistakeholder participation is an important part of the long-term accountability of the organization.

Back to you, Paul.

>>PAUL TWOMEY: Thank you, Peter. And if you'll excuse my following up on your area that you just went through, I would make the point that the issue of topology of the broad classification of civil society exercised the committee for quite a period of time. People like Carl Bildt, before he left the committee, was a very active leader of that discussion. So that was quite a very active discussion, from my memory, in the community -- or in the committee about just the distinctions and the implications of those distinctions.

As the report concludes -- and I think this is important to comprehend the context of the report -- the members of the committee trust that the above recommendations are a thoughtful and useful observation and recommendations concerning strategic issues facing ICANN. We hope the board and community could benefit from these advices which contribute to ICANN's strategic planning processes.

Very carefully, we're coming back within the terms of the resolutions of the board to put that to as we hope it's a useful contribution of observations and we wait for the board and the community to respond.

It's not in the hands of this committee to state what happens next.

The -- I'd like to now move to an open mike period and let people make any observations here on the floor or from online participation to the -- to this presentation.

>>VINT CERF: Vint Cerf, chairman of the board of ICANN.

Paul, were you anticipating any more concise or concrete recommendations coming out of this report to the board? There's a lot of food for thought there. But it is essentially food for thought. And I didn't take it as actionable except in some respects, for example, increased transparency, increased mechanisms for participation among the stakeholders.

I wasn't sure how to interpret the question of international status.

Was it your expectation that there would be more precision coming to us? Or are you in fact satisfied that this is as much as you could reasonably get from this consultation?

>>PAUL TWOMEY: Thank you, Vint. This is a report that is a reflection both of a wide range of consultations and of a committee. Committees tend to design camels, not horses.

[ Laughter ]

>>PAUL TWOMEY: And so I think you need to take it as being a product of that.

I suppose, frankly, as president, I'm glad for that, because it does need to reflect that full range.

I suppose, in a pragmatic sense, it is in the hands of the board to ask the committee, staff, or anyone to sort of say, "Well, what's the consequences of this," and for you to consider it.

I would, having been sitting inside this, think that there are some fairly clear messages. But it's been written -- I accept it's written by a committee. Therefore it's clearer to the committee what the messages were, if you like. But I think there are some pretty clear messages.

But we'll wait to see what further comments there are.

>>PETER DENGATE THRUSH: I'm not sure I can add much to that, Paul. I agree with what you say.

I think, Vint, the point is that at some point, we need to come back out of committee and into public consultation. And we started with a completely open canvas, and a great range of ideas about the best structure for ICANN were put to us. And I think we thought that, having come to this point, that in fact rejecting a lot of suggestions -- committees, United Nations-type structures, all sorts of things -- that this kind of approach in the end emerged as a consensus view of the way forward. And we think it's time to come back to the community and the board to say, if you are happy with this, we would be, I think, prepared to accept a -- a further charter to carry on and do some further exploration. But I think this is now time to test the water and make sure that this is understood and that the community thinks this is an avenue worth pursuing.

Does that answer that?

>>VINT CERF: I'm sorry. You go ahead.

>>STEVE GOLDSTEIN: By the way, I would say, you know, in relation to what Paul said, that it is more of an elephant than a camel. And people used to give elephants as gifts and then the upkeep of the elephant would ultimately drive the recipient bankrupt.

>>VINT CERF: Well, considering there's a lot of input and a lot of output to elephants, one thing -- I would probably have to discuss this, of course, with the board, but one immediate thought is to ask for further analysis of the options for organizational structure. And I don't mean by this the internal structure of our Supporting Organizations and the like, but, rather, the corporate character of ICANN.

I had the sense from the summary, anyway, that there were some options considered, but how deeply the implications of those options were analyzed I think is open to some question, from me, anyway.

So if there were an action from my point of view to take from this, that would be one of them, is to actually

evaluate and analyze what the various advantages and risks are of specific structural choices.

>>WOLFGANG KLEINWAECHTER: My name is Wolfgang Kleinwaechter from University of Aarhus. Janis has referred to the WSIS spirit in the report. And as a former member of the Working Group on Internet Governance, I can only reconfirm that this is really true. If you read the report, then you remember a lot of the ideas which has been discussed in the WSIS process are reflected.

As a WGIG member, I couldn't avoid to be pulled into this very critical ICANN debate, if I remember the two years back. And a lot of the criticism was more symbolic than substantial. And I really want to congratulate the committee that reacted to these two types of criticism.

A lot of issues are really symbolic, and you got the message, and I think the message from the report is you understood this criticism and said okay, we have to react.

And the substantial issues in particular with the root zone file management, I think it is indeed a step forward in significance to the community that you think about the criticism and that you try to move forward.

And that brings me to the next point. In this process it became clear that ICANN indeed cannot be put into a box of already existing organizations, including what Hans Corell has proposed, the IOC and the (inaudible) and all the different organizations. ICANN has to create something which is new. ICANN is a pioneer. ICANN has entered new territory and has now to find a way to be as creative as possible to create something which does not yet exist.

And more or less, you know, I think this is what you make clear in the report. You move forward, you take all the criticism on board, and so far I think it's an important step in the right direction.

And I would add also that you have to take it very seriously that what you have in the annex also to the joint project agreement that you want to become a model for a multistakeholder organization.

That means whatever the plans are for the future, I think this is extremely important to keep this as a main guideline for the future of the organization.

And here I have a very concrete proposal. When I look into the structure of ICANN -- and indeed, all stakeholders are more or less involved, but, you know, for me the missing point is that you do not have really procedures in place for the interaction among the stakeholders. So we have the public debate. It's okay. We have the liaisons in a huge number of working groups. That's also okay.

But just exactly what happened yesterday when the Governmental Advisory Committee and the board discussed the dot xxx question. It became very legalistic and said what is the agreed procedure, is it the advice. And if the advice comes to the board, then according to the bylaws, what we have to do with that.

So that means we have a procedure in place for the interaction between governments and the board.

But there are no such procedures in place for the interaction among other stakeholder groups. And probably on the way forward, this could be another issue, you know, to discuss more in detail: How the interaction can be channeled by procedures which, indeed, guarantee that concerns, proposals, recommendations, whatever, find the right way. And at the end of the day, you come to a balanced solution which takes on board all ideas of the broad community.

Thank you.

>>PETER DENGATE THRUSH: I just want to respond very technically to an impression that may have been created by the way that Janis referred to the importance of some of the WSIS discussions on this, Wolfgang.

This committee and its work is not a response to the WSIS. As a matter of fact, this process started years ago, and many of us on the committee have been discussing the need for this kind of planning.

It came to a head actually as part of the strategic planning process which we began a couple of years ago. And in fact one of the more driving forces was the imminent expiry of the current MOU. And we realized what we needed to do was separate this issue out from the other strategic planning process which was going on and which has resulted in the planning cycle which I think the community is now largely happy with.

But this needed to be taken out and given a slightly different perspective, and that's given us the opportunity of including views like Carl Bildt and some of the other outside agencies.

So I just want to get that clear, this is not a response to the WSIS. The WSIS happened at about the same time as these things and has certainly had input into it, but this is not a reaction to that, just for historical accuracy.

>>PAUL TWOMEY: And, Wolfgang, just to perhaps get buried down in the detail, your end comments, the only observation I would make is those procedures for interaction across stakeholders are set in the bylaws. I think the challenge we are finding at the moment is that the PDP language which was put in after the evolution reform process put those consultations at the end of work. And increasingly what we are finding is the value of the dialogue would actually be at the beginning of the work when questions are being set around the particular issue.

So at the moment, once the PDP finishes, say, in the GNSO, it has to go to the other Supporting Organizations and the committees for their consultation and response before it can come to the board.

But I think what you are reflecting is a growing concern in the (inaudible) community that maybe we should be trying to find something procedurally earlier in the process.

The working group have been an attempt at that and they are taking longer and they are evolving and mutating to try to meet that need.

But your quite right, at the moment it's an informal mutation. It's not necessarily part of the procedures. And I think some people have raised the question of review, and potentially this will be the case with the GNSO review, that the PDP process and its timetable and the way it structures consultation with other committees, maybe that's something that has to be considered.

>>SUSAN CRAWFORD: Susan Crawford, ICANN board member.

As a member of the board, I want to thank the committee for its very thoughtful work, and also urge it to do some more work.

As this organization contemplates floating free of whatever oversight the U.S. government and litigation has provided, it becomes increasingly important to focus on the details of accountability mechanisms.

It would be very helpful to the board for the committee to do some further legal consultation with experts about how we will be subject to oversight.

It's very dangerous, I think, to have oversight be so internal to our own processes.

We need to look outside ourselves, and so I urge the committee to take this on as a further item of work. Thanks.

>>VITTORIO BERTOLA: Vittorio Bertola from the At-Large Advisory Committee. I wanted to ask whether there was any more specific elaboration on the recommendations that you make about our committee. You point out there are a number of areas where we should be reviewed and which, in the end, you rightfully point out that the self-review that we did already identified a number of areas. I was wondering if there was anything more than that, more specific than that.

>>STEVE GOLDSTEIN: Excuse me, Vittorio, I was not bowing down but I was asking you to speak a little bit more slowly. The transcribers couldn't pick up everything you said. Could you repeat that?

>>VITTORIO BERTOLA: The question was if you had anything -- speaking specifically with about the At-Large Advisory Committee or any evolution of the At-Large Advisory Committee and civil society participation, if you had any specific recommendation or detail about it than what is written there.

>>PIERRE DANDJINO: Well, Vittorio, I think the committee actually discussed this issue. Of course, it boils down to participation. Especially from all stakeholders.

And particularly on the ALAC, and of course the committee recognized the work of the ALAC so far.

But the committee also noticed, and it is also partly due to the WSIS process, that, okay, we also have a form of sort of participation, or stakeholder I would say that came out of the civil society, for instance, that play its role during this multistakeholder sort of consultation that the WSIS was.

I think the committee felt that definitely it has to be about sort of inclusion, and that somehow we need to come down to sort of a definition of those users that we are having in mind so that we are able to contribute.

I think the issue here is that different committees now actually get down to further defining. And of course at-large is going to have a say in that regard.

For instance, who are the users and what operation do we give to sort of noncommercial entities, for instance.

How do you come up with sort of grouping that really cater for the needs of each of them.

I think the committee senses that there is some work to be done to clarify the situation. And hence the sort of recommendations that were made. That of course the evaluation that's going to happen for the at-large I think is a good thing, but definitely if that also could supplement that has been already achieved for the GNSO, I mean the LSE, the recommendation there, certainly there is some food for further thinking about what really would like to spearhead as, you know, sort of stakeholder within that specific group.

I think that was definitely what the committee came up to. So there was no real specific as to what at-large should be doing in that regard.

Thanks.

>>PETER DENGATE THRUSH: If I can just add by reference to the precise wording, Vittorio, the reference is not to do more and analyze the at-large. The actual recommendation is in relation for the at-large to get on with the review for the purposes of strengthening the at-large and getting all the usual benefits from review.

What needs to be teased out is the relationship between this relatively new concept, civil society. The committee is actually saying we've heard a lot saying through the WSIS process. There's this entity called civil society that we obviously have to take into account, we've got an ALAC, how do we sort out whether the ALAC meets the -- that's the issue that needs to be teased out. That's what we want to examine.

>>VITTORIO BERTOLA: Yeah, if I may just add, I agree. I think there's an unresolved question on whether we are aiming at individuals and whether these are individual citizens or registrants, or whether we are aiming at civil society, which is more tied to NGOs and other types of groups. So I think it is in fact an open question.

>>PAUL TWOMEY: Vittorio, I would simply say I think the committee in its discussions were quite extensive. When it looked at the sorts of people who were attending -- just a broad range of things, NCUCs, at-large, civil society and IGF, that all -- well, that fuzzy cloud, what the committee -- the wordings were quite careful. It saw people and analyzed behind it who were wearing those different hats. And they are simply saying it's worth not allowing the cloud to survive, to give clarity about those hats more, because it shows much more than the perception of what's being said.

Because I think there's a certain concern in a multistakeholder environment exactly which stake are you holding.

>>IZUMI AIZU: If I may, with indulgence from Bertrand De La Chapelle, a follow-up question. I appreciate your mentioning and the recognition of the self-review of the ALAC, which you mentioned with footnote ten. Because it was a very difficult work for the ALAC to come to the consensus among the 15 committee members, if Pierre, you remember, and the first version and the second version are very different versions.

And with help of the ICANNWiki, actually, it worked very well to use Wiki to strike out some personal or some kind of subjective differences. And we tried to come to the common expressions and analysis of our own.

So with that, I'm very curious, which areas, if you can remember specifically from the self-review of the ALAC, which draw your attention. And then, you know, could be worthwhile advancing with the coming external review. I would appreciate to hear.

>>PETER DENGATE THRUSH: Can I just suggest that's not terribly helpful, Izumi, today.

The review is not going to be done by us as a committee. The review of the at-large is going to be done by a different body.

>>IZUMI AIZU: Sure.

>>PETER DENGATE THRUSH: So our recollection of what we found interesting in a previous review is of historical anecdotal use right now, I would have thought.

>>IZUMI AIZU: But as an issue, if there are any particular areas where we discussed in the ALAC's review have some weight for you guys about this evaluation of your own report, that might be very much appreciated to hear.

>>PIERRE DANDJINO: Vittorio -- Vittorio. Izumi. Both are key players in this hat, I think.

I think the committee, actually, acknowledged efforts by the ALAC to do this self-review, but I think basically what we said is since we are going to have also an evaluation of the process itself, what the committee does notice is that, okay, we should move forward for this work of evaluating the ALAC. But also, we were saying, okay, we want to eventually move forward and consider whoever is there, whatever is there, to come up with a much more sort of inclusive, I will say, definition of all, well, ALAC policy. Another thing we stake people are having.

But as the issue, which hat people are wearing exactly.

So I think it was a call for the community to further define those issues.

So there was no specific, I would say, recommendation, as per the self-review by the ALAC per se. But we find it a quite positive move, but definitely the issue was from part of the work of those who evaluate, but those who provide some sound basis for analysis.

So that's what I shall say at this point.

>>BERTRAND DE LA CHAPELLE: Good afternoon. I'm Bertrand De La Chapelle.

Sorry, I would have liked to be there at the beginning, but we were hastily drafting the last-minute part of the communique.

First of all, I want to express on a personal basis, and I think it's shared by many members of the GAC, a real appreciation for the report that has been produced by the committee.

And I have one personal remark regarding one quality that is too rare not to be mentioned, which is concision. It is a remarkable short listing of the main issues, and in that respect it has an excellent issues paper, agenda-setting paper as a full report on the solutions that have to be adopted.

In particular, as Susan Crawford has mentioned, it outlines a certain number of very important subjects that are key on the agenda of ICANN in the future regarding the legal structure, the oversight, and the processes that it follows inside. Not that the other issues are not important, of course, but I just highlight those because I don't think, as far as I can recollect that these issues have been delineated as clearly in previous ICANN documents as they have been in this.

So the key question now is how we move forward.

I must confess that I am a bit surprised at the level of attendance. I would have expected the room to be much more full on an issue like this one, but there are probably competing meetings at the same time.

>>VINT CERF: Have you looked at the weather outside?

>>BERTRAND DE LA CHAPELLE: I wouldn't have thought the weather would be a factor of any sort.

>>PETER DENGATE THRUSH: There's an outside?

[ Laughter ]

>>BERTRAND DE LA CHAPELLE: Okay. Anyway, the point is, as I was mentioning in the GAC board meeting the other day, the interesting question is how the different actors will participate in the follow-up activities.

And in this respect, one important element that has been mentioned by others regarding the process, the processes within ICANN, including PDPs, is how early on the different actors are able to interact.

This work within the different, I would say, internal constituencies within GNSO, ccNSO, and the rest. But also with the two external constituencies, the government and the ALAC.

On most of the issues that we have here that I mentioned, at that stage, it is probably very useful that some opportunity for all the different groups of actors to interact on each of the items is provided.

I do not know what the board intends to do in terms of maintaining the committee, making it work further, but if it intends to maintain the committee in one form or the other, it probably will be best if this committee acts as a Steering Committee for an ongoing consultation process rather than as an expert group. The difference being that one is a facilitator and the other one is actually the proper -- the committee itself.

And the facilitation method could be that on each of the items of the strategic report, either at the next session or in the few next sessions, there are thematic sessions devoted to each of the themes. They can be short. And one of the purposes would not necessarily be to be a presentation, as the report itself is very concise, but to rapidly ask the different participants to just express the way they view the given problem and the suggestions. The staff of ICANN would then be in a position to provide after those meetings, based on the minutes, I mean the transcript, a brief outline on each of the sub-subjects of the different viewpoints so that it can be fed again in the committee in an iterative process afterwards.

I think the document is very interesting, and it would be wonderful if it could trigger on each of the issues relatively rapidly a broad discussion, even if it's limited. But broad in terms of participation, even if it's a step-by-step process.

Thank you.

>>LESLEY COWLEY: Hi, Lesley Cowley from Nominet UK. I have three points to make but I will be brief because I am known for my brevity.

First thing, I would like to capture some thoughts on participation in the role of stakeholders section. And we noted a review of the role and responsibilities of various parties in that section. We wonder if there is also actually a strategic opportunity for ICANN to take much more of a leading role in the development of online collaboration and stakeholder participation, because that's what I think we are trying to build and develop here.

And that is also, as you will be aware, a key theme of the IGF.

Secondly, one wouldn't normally expect to see reviews of Supporting Organizations in a strategy document, but seeing as there are, we would also suggest that that section perhaps should include a review of the boards and the role of the boards. And I have mentioned in other events today, we're a long-time ICANN participant and observer, and I have to say there's some really positive signs about things beginning to happen and develop now. But we've also observed that becoming a board member is taking an increasing amount of time for a voluntary role, and is becoming an increasingly onerous role.

And we would like to suggest that a review of the focus of the board, a traditional board would normally focus on strategy oversight, and oversight of the executive team.

But we are quite aware that the role of an ICANN board member is much more significant and substantial than that.

And finally, I would like to echo Susan's comments. It's very interesting, and I think a key development that we are talking about a review of the legal status and identity. But linked to that needs to be further research into oversight mechanisms and processes should ICANN move to that structure.

>>PAUL TWOMEY: Lesley, thank you very much for that. Perhaps I can make one observation, and now I am talking purely as the president.

We have, at this meeting, launched a number of further online tools for collaboration and we would be certainly very keen to get further input from yourselves and others about ways we can amend that and augment that.

And I know that your fellow countryman, Mr. McCarthy, would be keen to get as much as he can in his own enthusiastic way from your ideas, which is great, and exactly why he has come and joined the team.

Secondly, while it's not reported in this report, the board actually has passed a resolution at our last -- I think at Sao Paulo, actually outlining a timetable for reviews as required under the bylaws. And even though it was not required under the bylaws, the board itself put review of the board into that timetable, and that is due to commence early this -- mid this year.

So that has taken the board -- And many people have made the observation that the review of the Nominating Committee, the review of the at large, in some respects potentially, and the review of the board itself have got overlaps about the nature of the board and you have also mentioned what's the responsibilities and obligations of board members.

So thank you for that.

Do we have any questions from online? Has anybody kept a -- No, we don't have any questions online? Thanks, Mehmet.

Well, I must admit, I expect this is one of these things that may well snowball in its impact over time. This was a relatively small group. I do know there was much interest in the Governmental Advisory Committee but many people have been involved in drafting this afternoon.

That's my phone. I'm sorry.

But I would like to thank my fellow members of the committee, those here and those who have been -- who are not here.

I would like to thank people who participated here, and especially all the people who made contributions. I mean, we ran two international town halls, which were both online and telephone based. We had people coming in early in the morning and late at night for them, and it was a really great experience. We had two face-to-face, intensive face-to-face meetings which were also very useful

We will wait for the board's reception of this report and see the next steps.

I think I've heard in this room both a call for further process but also a call for specific detail, which has been interesting.

I don't think those two things are inconsistent.

But we'll wait for the board's consideration.

We haven't heard anything at this stage put up other work for us to do, and I suspect that's probably a good thing, because this is not a make-work exercise, believe you me.

If there's no work for this work of group to do, then it should remain stagnant.

I would like to finish with comments about membership for this committee. I think unilaterally, unless we are informed otherwise, we will expect that Carl Bildt is not any longer a member of this committee.

Janis Karklins has, as he said, resigned effective as of now.

There is an additional appointment to the committee, and a little bit out of coincidence, but it's yet again another Scandinavian. And that is Ambassador Yrjo Lansipuro -- and I always mispronounce his last name -- who is the ambassador ICT for information and society and policy coordinator for the Ministry of Foreign Affairs in Finland and has recently been taking the presidency of the European Union in this arena.

There will be further work done by the committee in fleshing out and augmenting its membership. We are quite aware that it is a distorted reflection of the Internet community at the moment, both in terms of gender and geography and ethnicity. And we want to do more work on that.

I think that's best for the time.

Peter?

Peter's happy. Thank you linesmen, thank you ball boys. Thank you very much.

[ Applause ]

10.2.5 March 2007 President's Strategy  
Committee Report

[http://icann.org/psc/psc-report-final-  
25mar07.pdf](http://icann.org/psc/psc-report-final-25mar07.pdf)

# ***Final***

## ***President's Strategy Committee Report***

### ***Introduction***

ICANN's President's Strategy Committee was established to provide observations and recommendations concerning strategic issues facing ICANN, and contributing to ICANN's strategic planning process, which occurs in consultation with the community. In the Board resolution approved at ICANN's December 2005 meeting, the Board emphasized the importance of the bottom-up ICANN processes and noted that the ICANN community could also 'benefit from the advice of a group responsible for making observations and recommendations concerning strategic issues facing ICANN.' In this same resolution, the Board approved the appointment by the President of a President's Strategy Committee to fulfill this purpose.

The Committee's work has included engaging with the community at ICANN's [ICANN meeting in Morocco](#) and the [ICANN's workshop on Internet governance](#). On 21 July, ICANN's [President's Strategy Committee](#) conducted [consultations](#), through a web-enabled online consultation,<sup>1</sup> which sought to address some questions the Committee identified for further exploration and that relate to ICANN's legal framework, policy making processes, administrative operations, transparency and accountability as well as the continued stable growth and operation of the domain name system. On 19 March 2007, the Committee held another web-enabled online consultation to discuss the draft recommendations, towards their finalization and presentation at the ICANN meeting in Lisbon.<sup>2</sup>

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<sup>1</sup> Further information on these consultations, and comments to these consultations can be found at: <http://www.icann.org/announcements/psc-consultation.htm>. The transcript of these consultations can be found at <http://www.icann.org/announcements/psc-output.html>, and the audio portions can be accessed via these links: [Session 1](#), [Session 2](#).

<sup>2</sup> See <http://www.icann.org/psc/#forthcoming>

The Committee is pleased to note that many of its recommendations complement the issues identified in ICANN's current strategic planning process and also complement the outcomes achieved in the discussions between ICANN and the US Department of Commerce, which resulted in the Joint Partnership Agreement (JPA) of 29 September 2006.<sup>3</sup>

## **ICANN's status and continued improved responsiveness to an evolving global environment**

The Committee recognizes ICANN's existing international character, including operations in multiple countries, staff from multiple countries, and a geographically diverse Board and Council structures. The Committee believes there are several areas in which ICANN should continue to work to improve itself as a global organization to ensure long-term stable operations responsive to its global stakeholders.

### **Legal status and identity**

The Committee notes that in conjunction with the Joint Partnership Agreement, the ICANN Board affirmed a statement of responsibilities, and in particular committed to conduct a review of ICANN's corporate administrative structure:

*10) Corporate Administrative Structure: ICANN shall conduct a review of, and shall make necessary changes in, corporate administrative structure to ensure stability, including devoting adequate resources to contract enforcement, taking into account organizational and corporate governance "best practices."*<sup>4</sup>

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<sup>3</sup> Information on ICANN's strategic planning process can be found at: <http://www.icann.org/announcements/strategic-plan-22jun06.htm>.

Specifically, issues identified for the coming planning cycle can be found at: <http://www.icann.org/announcements/strategic-plan-22jun06.htm#strategy>. The JPA can be found at: <http://www.icann.org/announcements/announcement-29sep06.htm>

<sup>4</sup> For information regarding JPA see: <http://www.icann.org/announcements/announcement-29sep06.htm>. Link

As one contribution to that review, and in order to further advance ICANN's internationalization, the Committee encourages the ICANN Board to explore with the US government, other governments, and the ICANN community, whether there are advantages and appropriate mechanisms for moving ICANN's legal identity to that of a private international organization based in the US. The Committee emphasizes that such exploration should not change the fundamental multi-stakeholder model of ICANN, or the evolutionary processes for organizational improvement outlined in ICANN's bylaws, or the need for clear accountability mechanisms for ICANN's processes and decision-making. Accountability mechanisms could extend to mechanisms not only for contracted parties but also third parties affected by ICANN's decisions. Further, the incorporation of relevant Californian or US federal law into ICANN's arbitration processes could also be appropriate.

The Committee considers such developments may contribute to the further improvement of stability. The Committee encourages the ICANN Board to explore the private international organization model as part of its review and to operationalize whatever outcomes result from the review. In follow-up to the Committee's consultations and discussion provided by Ambassador Hans Correll regarding international organizational issues, further educational material has been made available and provides a good basis upon which to further the discussion with the community.<sup>5</sup>

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specifically on Reaffirmation of Responsibilities can be found at:  
<http://www.icann.org/announcements/responsibilities-affirmation-28sep06.htm>

<sup>5</sup> On 21 July 2006 the President's Strategy Committee conducted consultations. During these consultations, former Under-Secretary-General for Legal Affairs and a former Legal Counsel of the United Nations, Ambassador Hans Corell was invited to discuss international organizational issues, particularly in relation to questions asked by the Committee in their consultation document. Further educational materials about how different international entities are expressed in relation to international private organizations is now available at <http://www.icann.org/psc/corell-24aug06.html>.

The Committee wants to be clear that in referring to a private international organization it is not suggesting a treaty organization or an intergovernmental organization.

The Committee also notes that as ICANN continues to internationalize, the issues of transparency, trust, values and accountability must be maintained in a manner acceptable to the global multi-stakeholder environment.

As ICANN finalizes the JPA, it must adhere to a model that reflects:

1. operational excellence in its mission;
2. credibility and trust with all stakeholders globally and
3. the historical developments of the Internet, and its open, global nature.

The balancing of these aspects is essential to maintaining not only a single global interoperable Internet, but also a model that is sufficiently versatile to adjust to the Internet's growth and development.

The private sector based multi-stakeholder model repeatedly demonstrates itself as the most viable, responsive, mechanism to ensure stability and security of the Internet's infrastructure.

## **Regional presence**

The Committee believes that while ICANN's headquarters may remain in the US, it needs to continue to establish and strengthen regional presences, staffing and continue regional outreach. The Committee recognizes that ICANN has already undertaken steps to improve its operations, including the establishment of the regional liaison network and an office in Brussels Belgium. The Committee believes that building on the existing work will greatly benefit the global community and its awareness of, and participation and involvement in ICANN. Contributions noted the need to continue globalization and especially outreach and improving relationships with respective communities, to ensure efficient and effective participation at the local and regional levels. The Committee notes that the correct approach is being taken with regard to regional presences and further regional presences and regional activities should continue to be

structured with sufficient flexibility to meet the requirements of regional stakeholders, while preserving the integrity of a global focus and identity.

In sum, with regard to improving ICANN's global operations, the Committee encourages the Board to consider in a manner described above, the benefits of the international private organization model and its related potential immunities to limit liabilities or instabilities. The Board should ensure, however, that appropriate full accountability and review mechanisms are established, including utilizing international arbitration panels.

As part of ICANN's process of enhancing its internationalization, the Committee encourages the Board to consider the strengthening of the multi-stakeholder partnership approach to build on awareness, participation, partnership and a better understanding of specific components and competences of ICANN.

## **Root-zone management and transparency**

The process surrounding root-zone updates have been clarified through the IANA function, with explanations of steps undertaken for root zone changes.<sup>6</sup>

In addition to this, the Committee encourages ICANN to discuss with the Department of Commerce methods for clarifying and simplifying the root-zone update process. The Committee considers that such discussions could include a number of options. One could be to substitute the US role of auditing/authorizing amendments to the zone file with a two phased outsourced process, such as for example: 1) an auditor contracted by US Department of Commerce to undertake this function, with reporting back from auditor to US and ICANN; 2) that contracting of a third party auditor to be taken over by ICANN if proven sustainable. Another, perhaps complimentary approach, could be to discontinue auditing/authorization for simple changes to the zone file through automation of processes (sometimes

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<sup>6</sup> For IANA Root Zone Management process, see: <http://www.iana.org/procedures/process-flow.html>.

referred to as e-IANA) with ICANN ensuring more visibility to the existing public reporting of such changes. This approach had been suggested already at the early stages of ICANN's formation and could be an important contribution to the overall internationalization of ICANN.

Additionally, the inputs received during the consultations acknowledged the improvements already achieved not only in relation to the IANA function and clarifications of ICANN's role, but also in ICANN's operational performances and overall transparency.

## **Ongoing contingency planning**

As part of ICANN's contingency planning, the Committee encourages the Board to continue discussions with the community's various stakeholders, in particular with the US DoC, how some of its policy objectives relating to the zone file and DNS could be better achieved through the implementation and/or evolution of contingency "triggers" and appropriate backstop mechanisms as expressed in ICANN's existing contingency plan. This could be achieved as part of the review of corporate administrative structure.

## ***Contributing to capacity development***

The Committee notes that ICANN is already undertaking much work in partnership with respective organizations to facilitate outreach and provide expertise in respective areas of capacity building as appropriate within ICANN's mandate. The Committee notes ICANN's work with different organizations, including DiploFoundation, United Nations Economic Commission for Africa (UNECA), Francophonie, Pacific Islands Telecommunications Association (PITA), Internet Society (ISOC), and others with regard to education, training and information sharing,<sup>7</sup> as well as ICANN's own recognition of its

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<sup>7</sup> See e.g., ICANN's 7 April 2006 Status report to DoC, including for example, sections 9 and 14e. <http://www.icann.org/general/mou-status-report-07apr06.pdf>.

mandate and role in relation to contributing to capacity development.<sup>8</sup> The Committee recognizes that better understanding of ICANN can also facilitate and enhance the evolution of ICANN's own existing supporting organizations.

The Committee encourages the ICANN Board and Management to continue to engage with partners (including regional and international organizations) to identify how the ICANN community, within its technical coordination role, can best build on and continue to contribute to capacity building objectives in the regions (particularly Africa, Middle East, Central Asia and Caucuses, Pacific Islands, Southeast Asia and South Asia, and Latin America and the Caribbean) and help develop region-specific programs in cooperation with other relevant Internet organizations within the principals of non-duplication of effort and promoting advanced approaches to security and stability.

Capacity development is important, as is the facilitation role in appropriate partnerships on issues both within and deriving from the organizations' mandate, such as security of the Internet's unique identifier system.

## ***Participation and role of stakeholders***

The Committee notes that the provisions in ICANN's bylaws with regard to reviewing the respective Supporting Organizations and Advisory Committees are an important part of ensuring a multi-stakeholder organization that remains responsive to the environment in which it operates to most effectively and efficiently carry out its responsibilities. The greatest impediment to any organization is becoming stagnant in the environment in which it operates or the community to which it is responsible.

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<sup>8</sup> See, e.g., ICANN's comments to the WGIG report and comments with regard to role with capacity building. <http://www.icann.org/announcements/ICANN-WGIG-report-comments-15aug05.pdf>.

The Committee notes the recently provided LSE review of the Generic Names Supporting Organization (GNSO)<sup>9</sup> as an important step in reviewing the GNSO structures and processes, including representation of stakeholders and broad participation. The LSE's report includes the observation that stakeholder representation in the GNSO requires review to ensure it is reflective of the emerging Internet environment. Also, the Committee acknowledges the work of the current ALAC and notes it has conducted a self review which has identified several key areas in which ALAC needs to grow stronger.<sup>10</sup>

With this in mind, the Committee encourages the Board to initiate and conclude the foreseen reviews of its Supporting Organizations, Advisory Committees, Nominating Committee and At Large Advisory Committee (ALAC) particularly to clarify and strengthen respective roles, contributions, expectations, and responsibilities.

Building on the existing structure and mechanisms, the Committee encourages the Board to challenge the community to work together to establish a clear typology, including examining roles and responsibilities, of various participants in the ICANN process. In relation to the broad classification of civil society, the respective roles of suppliers, users, non-commercial entities, individuals, and/or At Large would benefit from clarification.

The diversity of participation in the ICANN structure and processes could be enhanced by enabling participation through smaller working groups and local languages, as well as establishing means by which knowledge is captured and transmitted to new participants. Multistakeholder participation is an important part of the long term accountability of the organization. .

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<sup>9</sup> For LSE report on the GNSO, see:  
<http://www.icann.org/announcements/announcement-15sep06.htm>.

<sup>10</sup> See [http://alacwiki.org/index.php/Self\\_Review](http://alacwiki.org/index.php/Self_Review).

## ***Conclusion***

The members of the Committee trust that the above recommendations are thoughtful and useful observations and recommendations concerning strategic issues facing ICANN. We hope the Board and community could benefit from these advices which contribute to ICANN's strategic planning process.

23 March 2007

### 10.3.1 Updated Contractual Compliance Program: Philosophy, Vision and 2007 Operating Plan

<http://www.icann.org/compliance/>

## Updated Contractual Compliance Program: Philosophy, Vision and 2007 Operating Plan

### I. [Introduction](#)

### II. [Contractual Compliance Program Expectations and Concerns](#)

### III. [Philosophy](#)

### IV. [Vision](#)

### V. [Operating Plan](#)

#### Contacting ICANN Regarding Compliance Matters

ICANN has a limited technical and policy coordination role. Before submitting a question or complaint here, please review the [Frequently Asked Questions](#) section or click on one of the links below for more information:

- [Before You Register a Domain Name](#)
- [Registering a Domain Name](#)
- [Managing Your Domain Name Registration](#)
- [Complaint and Dispute Options](#)

ICANN's compliance work as described above is focused on enforcement of the contractual terms of its agreements. Each of these agreements is publicly available on the ICANN website.

- Click [here](#) to view current ccTLD Agreements
- Click [here](#) to view current gTLD Registry Agreements
- Click [here](#) to view the Registrar Accreditation Agreement
- Click [here](#) for a list of consensus policies applicable to gTLD registries and registrars. These policies are incorporated into ICANN's agreements with gTLD registries and registrars.

If you believe that an accredited registrar is in violation of its agreement with ICANN, please submit an email to [registrar@icann.org](mailto:registrar@icann.org) with as many details as you have

#### Contractual Compliance Program Overview

The overall goal for the compliance plan is to ensure that both ICANN and its contracted parties fulfill the requirements set forth in the agreements between the parties. In achieving this goal, ICANN will::

- Demonstrate the openness and transparency of ICANN's operations
- Provide fair and equitable treatment in applying compliance efforts
- Establish clear and easy-to-use channels for communication on compliance matters
- Supplement staff knowledge and enabling greater responsiveness to changes in the environment
  - [Compliance program staffing plan](#)
- Produce clarity and certainty for the community about the agreements
- Identify areas for reform to be considered by the ICANN community

[ccTLD Compliance Program](#)

[gTLD Compliance Program](#)

[ICANN accredited Registrar Compliance Program](#)

available regarding the specific areas of the accreditation agreement that you believe the registrar is in violation of.

If you believe that a gTLD registry operator or sponsor, or a ccTLD registry is in violation of its agreement with ICANN, please submit an email to [registry@icann.org](mailto:registry@icann.org) with as many details as you have available regarding the specific areas of the accreditation agreement that you believe has been violated.

The [flowchart](#) outlines the process these complaints will follow.

## Statistics and Reports

### Semi-Annual Reports

- [2007 Semi-Annual Contractual Compliance Audit Report](#)

### Registrars

- [Registrar Website Compliance Audit Report - 17 May 2007](#)
- [Registrar Compliance Update - October 2006](#)

### Whois Audits

- [ICANN's Whois Data Accuracy and Availability Program: Description of Prior Efforts and New Compliance Initiatives - 27 April 2007](#) [PDF, 72K]
- [Results of the First gTLD Registry Compliance Audit - 30 June 2006](#)

**2007 Consumer Complaint Analysis:** [Pie Chart](#)

**2006 Consumer Complaint Analysis:** [Bar Chart](#) | [Pie Chart](#)

## I. Introduction

ICANN is pleased to present its updated Contractual Compliance Program Philosophy, Vision and 2007 Operating Plan (Contractual Compliance Program) for consideration and comment.

Although ICANN published a description of the contractual compliance program in 2005 and has routinely pursued contractual compliance issues in the past, the updated Contractual Compliance Program includes a detailed operating plan for achieving stated goals and closely reflects the expectations of the Internet Community.

The updated Contractual Compliance program was developed after careful analysis of the 2005 contractual compliance program, which contains practical processes and sound concepts, and information received from the Internet community regarding contractual compliance expectations and concerns. The information received from the Internet Community, as summarized below, was gathered from informal conversations, group discussions and public meetings while in Sao Paulo, Brazil at the December 2006 Annual Meeting, from comments collected from various constituencies via e-mail and at the 2007 North American Registry/Registrar Gathering.

Consistent with ICANN's mission and core values, the updated Contractual Compliance Program clearly articulates a long-term vision that will enhance ICANN's ability to preserve and enhance the operational stability, reliability, security, and global interoperability of the Internet. Additionally,

the updated Contractual Compliance Program includes reporting relevant material on ICANN's website.

Although ICANN staff identified numerous contractual compliance-related goals based on the information provided by the Internet community, the highest priority goals are enumerated in the updated Contractual Compliance Program 2007 Operating Plan.

Written comments concerning the updated Contractual Compliance Program are encouraged and will be accepted at <http://blog.icann.org>.

## II. Contractual Compliance Program Expectations and Concerns

This proposed plan was informed by significant consultation with ICANN constituency and community members as well as ICANN staff. The specific inputs, received from the Internet Community were gathered from: informal conversations, group discussions and public meetings while in Sao Paulo, Brazil at the December 2006 Annual Meeting, from comments collected from various constituencies via e-mail, and at the 2007 North American Registry/Registrar Gathering.

### Registrar Constituency

- Strong interest in seeing ICANN's contractual compliance program implemented as soon as possible.
- Interest in preventing competitive advantages for non-compliant registrars and their resellers.
- Concern about the fair application of contractual compliance policies among all registrars.

### Registry Constituency

- Interest in seeing a contractual compliance program that ensures that ICANN, registrars and registries adhere to the terms and conditions of their agreements.

### Intellectual Property, ISP and Business Constituencies

- Eagerness to see contractual compliance program implemented.
- Interest in making sure all registries and registrars adhere to requirements that impact the Intellectual Property, ISP and Business communities.
- Strong interest in assisting with contractual compliance related policy development.
- Need for the development of an escalated process for parties that are out of compliance with ICANN agreements.

*In particular, the Intellectual Property Constituency had the following concerns:*

- Interest in seeing the contractual compliance program address issues concerning non-cooperation of registrars and registries with Uniform Domain Name Dispute Resolution Policy (UDRP) proceedings, inaccurate Whois data problems, the responsibility of registrars for non-compliant behavior of resellers and the Registrar Accreditation Agreement that appears to lack needed provisions.

### ICANN's Operations Staff

- Interest in having contractual compliance program implemented as soon as possible.
- Sincere interest in seeing enforcement of contract terms for the benefit of the entire Internet community.
- Companywide interest in providing input regarding what should be audited first and how audits should be conducted.

- Strong interest in tracking statistical data regarding contractual compliance.
- Strong interest in seeing the development of an escalated process for parties that are out of compliance with ICANN agreements.

### **ICANN's General Counsel's Office**

- Strong interest in seeing the General Counsel's Office and the Contractual Compliance Department work collaboratively to address contractual compliance matters.
- Strong interest in making sure established contractual compliance procedures are developed to ensure consistent handling of contractual compliance matters.

### **ICANN's Executive Management**

- Strong interest in seeing an effective contractual compliance program, that includes written procedures and protocols, implemented as soon as practicable.
- Strong interest in making the operational goals, milestones and achievements regarding ICANN's contractual compliance program available to the Internet community via consistent reporting.
- Interest in improving communications with consumer protection organizations around the world to enhance contractual compliance efforts by ICANN and encourage contractual compliance by registrars and registries.
- Strong interest in ensuring that contractual compliance activities are visible:
  - Compliance is essential to ICANN's reputation as a responsible corporate entity.
  - Compliance is important to Executive Management for enhancing business relationships.
  - Clarity of processes and responsibilities on the part of both ICANN and the Registrars and Registries is paramount to good business operations.

## **III. Philosophy**

Since its inception, ICANN has successfully established market competition for domain name registrations, resulting in over 880 ICANN accredited registrars offering a range of registration services today. See <http://www.icann.org/registrars/accredited-list.html> for a complete list of ICANN accredited registrars. Not only have consumers benefited from the vast choice of registrars available, but registrar marketplace competition has resulted in competitive prices for registration services and registration service innovations. Due to competition, consumers have the option of purchasing a domain name, or purchasing a package of services such as web hosting services, web design services and varying service levels. Consumers have a diversity of options for the provision of registration services and they can easily change registrars if they choose to do so. See <http://www.icann.org/transfers/policy-12jul04.htm> for ICANN's Inter-Registrar Transfer Policy.

With this degree of competition and consumer choice in the registrar marketplace, it has become increasingly more critical that ICANN, registrars and registries comply with the terms of their agreements to ensure that the domain name system operates in a consistent, orderly manner resulting in clarity and certainty for the global Internet Community. ICANN's Contractual Compliance Program is intended to make certain that both ICANN and its contracted parties fulfill the requirements of their agreements.

Violations of ICANN's Registrar and Registry Agreements (the Agreements) can cause serious detriment to consumers and to the Internet community, both directly and indirectly, by damaging the competitive process that is crucial to a dynamic and healthy market. ICANN therefore seeks to achieve deliberate compliance with the Agreements by taking a firm approach to contractual compliance. ICANN aims to prevent violations of the Agreements from arising and, where they do occur, to address them so as to encourage compliance by the business concerned and registries and registrars generally. By aggressively pursuing possible violations, ICANN also seeks to identify areas for reform to be considered by the ICANN community.

In the past, ICANN's contractual compliance efforts have resulted in bringing noncompliant parties into compliance with informal means and without notification to the public. Despite these successes, the organization has received criticism regarding its perceived failure to enforce its contracts. It is ICANN's goal to incorporate a publication component to its Contractual Compliance Program to keep the public informed of ICANN's contractual compliance efforts and accomplishments. To that end, ICANN will publish contractual compliance audit findings as well as certain information regarding noncompliance that may be beneficial to the public.

The Contractual Compliance program also includes a public input component, so that members of the community can initiate an inquiry regarding alleged instances of noncompliance or constructively comment on any aspect of this program to provide for its ongoing improvement.

In an effort to help promote public understanding and provide direction concerning appropriate recourses for solving problems, ICANN will continue to develop comprehensive consumer guides to the public, answering frequently asked questions, and providing resources for common problems.

Based on market changes and the expectations of the Internet community, ICANN's philosophy regarding contractual compliance has evolved to include the implementation of clear procedures for consistent handling of compliance matters, active investigation of apparent violations, regular contractual compliance audits, including comprehensive Whois enforcement, a willingness to pursue breaches publicly, a strong interest in resolving matters informally and consistent reporting regarding compliance activities. Documented procedures for complaint handling and investigation are fundamental for ensuring fairness and efficiency.

ICANN will, in most cases, attempt to address instances of non-compliance informally with the affected party. When informal resolution methods are unsuccessful, in accordance with its procedures, ICANN will consider utilizing a series of escalating steps based on the seriousness of the breach, up to and including loss of accreditation or termination of an agreement. In keeping with its values of openness and transparency, ICANN will publish various statistics and reports relating to its contractual compliance work.

In accordance with this philosophy and its mission and core values, ICANN staff undertook in 2004 an examination of all agreements under which it conducts operations, with the purpose of designing a comprehensive contractual compliance program for the organization. As a result, ICANN established a new contractual compliance department dedicated to monitoring contract compliance, conducting compliance audits, analyzing compliance data, resolving compliance related disputes, developing procedures for consistent handling of compliance matters and reporting on compliance goals, milestones and achievements.

ICANN will prioritize the dedication of staff members and resources to accomplish the objectives of the contractual compliance program. The compliance staffing plan, including position descriptions, is described below. Finally, contractual compliance procedures will ensure that records of all activities and communications are kept, and regular reviews of the overall program by management are conducted to provide for continual improvement of the contractual compliance program.

#### **IV. Vision**

It is the aim of ICANN to maintain a comprehensive contractual compliance program that is based on contractual obligations, ethical practices and reasonableness that will ultimately benefit all members of the global Internet community by preventing harmful inconsistencies, unauthorized practices and unfair advantages.

Consistent with, and in support of ICANN's mission, the contractual compliance program is designed to ensure adherence by all ICANN accredited registrars and registries with ICANN agreements thereby serving to preserve the DNS operational stability and promoting competition and choice for consumers.

Through the use of technology and skilled staff, ICANN:

### **1. Provides Clear Communications for Registrants and Other Interested Parties**

It is ICANN's goal to provide useful information to registrants on the ICANN website regarding potential resources available to address common issues (i.e., domain name transfer policy information, how to find out who your registrar is, who can assist in addressing a customer service problem, what are the requirements of the consensus policies, what does ICANN have authority to address regarding compliance with the RAA agreement.) <http://icann.org/announcements/announcement-06mar07.htm>

### **2. Monitors Contract Compliance**

Based on the terms and conditions of the registrar and registry agreements, ICANN will conduct annual audits to monitor compliance.

### **3. Analyzes Contractual Compliance Data To Assess Trends**

On a quarterly basis, registrar and registry complaints received by ICANN will be analyzed to determine if trends exist that warrant policy recommendations or further analysis.

### **4. Aggressively Pursues Cases Of Non-Compliance**

Serious harm to consumers and the Internet community may be caused by a registrar's or a registry's failure to adhere to an ICANN agreement. Accordingly, cases of suspected non-compliance will be investigated and pursued in a timely and predictable manner. ICANN's pursuit of non-compliant parties may include the publication of relevant compliance documents.

### **5. Attempts To Resolve Contractual Compliance Related Disputes Before Pursuing Litigation**

It is not the primary goal of ICANN to terminate registrar or registry agreements. As such, ICANN will attempt to amicably resolve contractual compliance related disputes prior to pursuing any remedies available under the agreements.

### **6. Maintains The Highest Standards Of Integrity, Accountability And Professionalism**

It is the aim of ICANN to meet the highest ethical standards and consistently work to strengthen contractual compliance accountability. ICANN is committed to treating all parties with fairness, dignity and respect.

### **7. Develops Procedures For Consistent Handling of Contractual Compliance Matters**

It is the aim of ICANN to have written procedures for all contractual compliance related processes and activities to ensure consistency, reliability and fairness.

### **8. Provides Consistent Reporting Of Contract Compliance Related Activities**

Consistent with ICANN's interest in maintaining transparency, ICANN's contractual compliance goals, progress and achievements will be made known to the public through semi-annual Contractual Compliance Program Reports.

## **V. Operating Plan**

Based on ICANN's review of previous contractual compliance efforts and the Internet community's comments regarding contractual compliance, the 2007 Contractual Compliance Operating Plan was developed to ensure that ICANN successfully reaches its Contractual Compliance goals for 2007.

The Operating plan, enumerated below, includes annual goals, day to day responsibilities, measurement tools and reporting against stated goals.

### **2007 Contractual Compliance Goals**

In the near term, ICANN will aggressively work to complete the following goals in order to achieve our long-term vision:

- Review and edit contractual compliance procedures and processes for the consistent handling of compliance related matters, i.e., consumer complaints processing procedures, compliance escalation procedures and debt collection procedures.
- Publish the 2007 registrar and registry audit schedules and commence audit activities intended to result in meaningful service improvements by the registrar and registry communities and increase contractual compliance.
- In consultation with the Internet community and ICANN's General Counsel's Office, develop proposed escalation remedies for non-compliance with ICANN agreements for consideration by the Board of Directors.
- Sufficiently staff the contractual compliance department to ensure that all compliance-related duties and responsibilities are completed in a timely manner and with the required degree of expertise.

### **How will we achieve our goals? (Measurement)**

Through Operations Project Management, ICANN has established performance measures to track and monitor the progress of all enumerated goals on a monthly, quarterly and annual basis. Goals and performance measures are reviewed regularly to determine if targets are being met and to assess whether changes in approach are necessary to meet ICANN's stated goals.

### **How will you know we achieved our goals? (Reporting)**

ICANN will publish, on a semi-annual basis, Contractual Compliance Program Reports that clearly identify contractual compliance goals, milestone and achievements as well as provide information regarding whether ICANN's contractual compliance statistics have improved when compared to prior years.

### **Ongoing Day-to-Day Contractual Compliance Responsibilities**

- Aggressively pursue known cases of non-compliance by registrars and registries and recommend corrective action when appropriate, up to and including termination.
- Manage consumer complaints. Although ICANN does not provide substantive responses to thousands of customer complaints received regarding matters that fall outside of ICANN's agreements, ICANN forwards those customer complaints to the appropriate registrars and registries for handling.
- Analyze consumer complaints on a quarterly basis to assess trends and recommend policy changes when appropriate.
- Enhance/Upgrade computer software systems to efficiently manage consumer complaints and track statistics.
- Maintain current contractual compliance related information on ICANN's website.



## 10.3.2 2007 Semi-Annual Contractual Compliance Audit Report

<http://www.icann.org/compliance/reports/contractual-compliance-audit-report-18oct07.pdf>

**INTERNET CORPORATION FOR ASSIGNED  
NAMES AND NUMBERS**

**2007 SEMI-ANNUAL CONTRACTUAL  
COMPLIANCE AUDIT REPORT**

**18 October 2007**

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## I. INTRODUCTION

In support of the Internet Corporation for Assigned Names and Numbers' (ICANN) commitment to improve overall contractual compliance by Registrars and Registries, on 25 March 2007, ICANN updated its contractual compliance program to include, among other things, regular registrar and registry contractual compliance audits. ICANN's registrar and registry contractual compliance audits are intended to determine whether ICANN's contracted parties are complying with specific terms of their agreements. ICANN's proposed contractual compliance audit schedule for calendar year 2007, reflected below, was published in March of 2007 on ICANN's website to provide registries, registrars and other interested parties with notice of all contractual compliance audits to be conducted by ICANN. Although audit schedule changes were made since the initial publication in March 2007 to accommodate the priorities of ICANN's executive management and suggestions by the community, ample notice was given to the Registry and Registrar communities regarding ICANN's intention to assess compliance with contractual requirements by way of regular audits.

<b>Proposed 2007 Registrar Audit Schedule</b>			
Q-1	Q-2	Q-3	Q-4
Whois Data Prob. Report Findings	Registrar Fees	Whois Server Accessibility	Insurance Verification
Update Primary Contact Info.	Website Compliance	Registrar Data Retention*	Whois Data Accuracy*
			Inter-Registrar Transfer Policy*

<b>Proposed 2007 Registry Audit Schedule</b>			
Q-1	Q-2	Q-3	Q-4
Code of Conduct	Registry Fees	Whois Data Accuracy	Data Escrow
Non Discriminatory Access	Performance Specifications		Registration Restrictions
*New Audits			

This report summarizes ICANN's audit activities from January through September 2007. During this period, ICANN completed five registrar contractual compliance audits and two registry contractual compliance audits. ICANN conducted each audit by following consistent audit procedures established before each audit commenced. This report contains details of the audit findings, observations and conclusions.

The audits conducted during the reporting period are the foundation for future, more in-depth audits to assess registrar and registry contractual compliance. For example, ICANN conducted a Registrar Data Retention Audit during the reporting period to assess the data retention practices of the registrar community. As part of this audit, registrars were requested to complete a data retention survey. During the 2008 calendar year, ICANN will use the survey data reported by registrars to conduct site visits and request data to verify the information reported in the survey.

During the reporting period, ICANN also conducted a Registry Code of Conduct Audit. As part of this audit, ICANN requested that all Registries and Sponsors verify that they were complying with the terms of their agreements regarding, among other things, the provision of equal access to registry services for all registrars. Similarly, ICANN will use the information provided by the Registries and Sponsors in response to the Code of Conduct Audit to conduct site visits and request information to verify the information provided by the Registries and Sponsors.

ICANN will continue to examine and build its Contractual Compliance program to ensure its continual improvement and to assess its impact on registrar and registry contractual compliance. ICANN will use the audit results from this reporting period and the results from other audits currently underway, to determine how to increase registrar and registry community awareness of contract requirements and best business practices. Your comments regarding this report, ICANN's Contractual Compliance Program, or any other compliance-related comments may be registered at [compliancecomments@icann.org](mailto:compliancecomments@icann.org). Posted comments can be viewed at <http://forum.icann.org/lists/compliancecomments>.

## **II. SCOPE AND OBJECTIVES OF AUDITS**

The registrar contractual compliance audits completed during this reporting period focused on revenue collection, primary contact information verification, data retention practices, website compliance and Whois accuracy. The registry contractual compliance audits completed during the reporting period focused on code of conduct compliance and revenue collection. The contractual compliance audit objectives were to:

- Assess compliance with contract requirements;
- Notify parties identified as noncompliant and provide a reasonable time to cure contract violations;
- Encourage future contractual compliance; and
- Report audit findings to the Internet community.

### **III. SUMMARY OF FINDINGS**

The audits conducted during the reporting period varied in complexity and information revealed. Only the most significant findings are reported in this summary. For detailed information regarding how a particular audit was performed, the intention behind the audit, ICANN's observations, additional findings and follow-up action taken by ICANN, please refer to Section IV, Detailed Audit Findings, starting on page 11.

#### **Registrar Primary Contact Audit**

The first audit conducted by ICANN in 2007 was a Primary Contact Audit. This audit was intended to encourage all registrars to update their primary contact information to ensure that ICANN has current contact information on file for all ICANN-Accredited Registrars. While seemingly one of the more simplistic contractual compliance audits conducted by ICANN in 2007, the Registrar Primary Contact Audit was an important starting point for the 2007 audit schedule, as it assured ICANN staff that the proper parties would receive future audit correspondence.

#### **Findings**

- This audit was not intended to check the accuracy of primary contact information of every registrar. Conversely, it was intended to proactively solicit primary contact changes from registrars. Of the 860 registrars that were sent notices, 57 registrars responded with updated primary contact information.
- Therefore, the Primary Contact Audit resulted in a 6.6% increase in registrar contractual compliance with Registrar Accreditation Agreement (RAA) Section 5.11.

#### **Registrar Website Compliance Audit**

This audit was conducted to assess registrar compliance with working website requirements and Whois service availability requirements as set forth in RAA Section 3.3. Failure to maintain a working website and Whois service availability for public use make it nearly impossible for a registrar to provide adequate customer service to registrants. As part of the Website Compliance Audit, ICANN examined 881 registrars' websites and found that 102 ICANN-Accredited Registrars were not managing any active registered names at the time, and therefore were not required to have an interactive website and Whois service available pursuant to RAA Section 3.3.1. Concerning registrars that were managing active registered names, ICANN found the following:

#### **Findings**

- 19 of the 779 registrars managing active registered names were found to have non-working websites.
- 20 of the 779 registrars managing active registered names with working websites were found to have no Whois service available on their websites.

- 38% of all registrars that were found noncompliant (15 registrars), made changes in a timely manner (within two weeks of receiving notice from ICANN).
- 44% of all registrars that were found noncompliant (17 registrars), made changes late (changes were made 15 days or more after receiving notice from ICANN).
- 18% of all registrars that were found noncompliant with website requirements (7 registrars), failed to respond to ICANN's notice of noncompliance and follow-up correspondence.
- ICANN has escalated the cases of the 7 noncompliant registrars with the intention of exercising all remedies available under the terms of the RAA to bring these parties into compliance.

### **Registrar Fees Audit**

Pursuant to RAA Section 3.9, all registrars are required to pay yearly accreditation fees and quarterly variable fees. ICANN transmits detailed quarterly invoices to all registrars reflecting the amount owed by each registrar regarding the required fees. ICANN staff examined ICANN's financial records related to approximately 889 registrars.

### **Findings**

- During the audit, ICANN found that 697 registrars, or 78.4%, were compliant with RAA Section 3.9 regarding the timely payment of required fees.
- ICANN found 192 registrars, or 21.6%, had invoices 30 days or more past due.
- Of the 192 registrars initially identified as delinquent, 178, or 93%, either paid their delinquent fees or made arrangements to pay their delinquent fees after being contacted by ICANN. This figure brought the total percentage of registrars in compliance with RAA requirements regarding the payment of required fees to 98%.
- ICANN collected approximately \$750,000.00 in delinquent fees and \$572,000.00 was committed to ICANN as a result of payment arrangements made with registrars.
- ICANN's delinquent debt was reduced to approximately \$149,000.00 from the original delinquent debt total of \$1,471,000.00 as a result of the implementation of a collections procedure to address delinquent accounts.

### **Registry Fees Audit**

ICANN conducted an internal Registry Fees Audit to assess whether registries and sponsors are complying with the terms of their agreements regarding the payment of required fees in a timely manner. ICANN audited registry operators/sponsors for the following top-level domains: .aero, .biz, .cat, .com,

.coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, and .travel. ICANN did not audit the .tel and .asia TLDs, as they did not have any registrations at the time of ICANN's audit.

### **Findings**

- 12 out of 14 registries'/sponsors' accounts were found current.
- 2 of 14 registries/sponsors had entered into payment arrangements with ICANN and were performing based on those payment arrangements.
- ICANN will continue to closely monitor those registries/sponsors that have made payment arrangements to ensure that they fulfill their payment promises.

### **Data Retention Audit**

Pursuant to RAA Section 3.4, registrars are required to maintain an electronic database and records for each active Registered Name Sponsored by the registrar within each top-level domain (TLD) for which it is accredited. The Data Retention Audit was conducted to assess the data retention practices within the registrar community, including, but was not limited to, whether registrars have written contingency plans in place, whether registrars have sufficient insurance coverage and whether registrars maintain backup data.

### **Findings**

- 99.8% of active registrars reported that they are maintaining registration data submitted in electronic form to the registry operators for at least the term of the RAA, plus three years, pursuant to RAA Section 3.4.2.
- 99.8% of active registrars reported that they are maintaining in electronic form records of the accounts of all registered name holders with registrar, including dates and amounts of all payments and refunds for at least the term of the RAA, plus three years, pursuant to RAA Section 3.4.2.
- 93.3% of registrars responded yes when asked if they could make registration data available for inspection by ICANN if given seven days' notice.
- 84% of registrars reported that they have a written continuity plan to address potential natural disasters, operational/technical failures, malicious business interference (hacking), acts of terrorism, or other violence.
- 100% of registrars reported that they maintain a commercial general liability insurance policy of at least US\$500,000.00 (or the foreign equivalent) as required by RAA Section 3.10. A significant number of registrars, 49%, reported that they maintain an insurance policy that exceeds the contract required minimum.
- ICANN has escalated the cases of those registrars that reported that they are not compliant with registrar data retention practices with the intention

of exercising all remedies available under the terms of the RAA to bring those parties into compliance.

- To verify the registrar data retention practices reported, in 2008 ICANN will randomly select a representative number of registrars and conduct site visits and request documentation to verify the information provided as part of this audit.

### **Registry Code of Conduct Audit**

ICANN conducted a Registry Code of Conduct Audit to assess whether registries and sponsors are complying with the terms of their agreements by abstaining from sharing employees, data, storage facilities, and account management functions. ICANN also inquired about the systems each registry or sponsor had in place to ensure equal access to registry services by all registrars. ICANN audited registry operators/sponsors for the following top-level domains: .aero, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, and .travel. ICANN did not audit the .tel and .asia TLDs, as they did not have any registrations at the time of ICANN's audit.

### **Findings**

- 86% of registries/sponsors reported that they provide equal treatment with respect to registry services to all ICANN-Accredited Registrars.
- 86% of registries/sponsors reported that they provide the same level of access to customer support personnel to all ICANN-Accredited Registrars.
- 86% of registries/sponsors reported that all ICANN-Accredited Registrars were sent the most recent version of the toolkit software.
- 86% of registries/sponsors reported having sufficient protective measures in place to prevent access to proprietary registrar data by affiliates, subsidiaries or other related entities.
- 86% of registries/sponsors reported that they do not have any employees that are also employees of an ICANN-Accredited Registrar.
- ICANN is currently in communication with the remaining two registries/sponsors that have not provided sufficient information to verify compliance to ensure that these registries/sponsors are aware of what is needed to be considered compliant and are given a sufficient time period to correct the problems identified by ICANN.
- To verify the registry Code of Conduct practices reported, in 2008 ICANN will conduct registry site visits and request documentation to verify the information provided as part of this audit.

### **Whois Data Problem Report System**

This report summarizes ICANN's experience with the operation of the Whois Data Problem Report System (WDPRS) during the 12-month period that ended 28 February 2007. This system receives and tracks complaints about inaccurate or incomplete Whois data entries. When members of the public discover what

appear to be inaccurate or incomplete Whois data entries, they can inform ICANN by completing an online form, which is forwarded to the registrar of record for appropriate action. The WDPRS is one of the tools ICANN uses to improve Whois data accuracy. Through the WDPRS, ICANN can track how many reports are filed and confirmed by the reporter so they can be sent to the registrar of record. After 45 days, ICANN asks the person or entity that reported the error to complete the process by performing a follow-up review, which involves checking the Whois data again and indicating whether (1) the data was corrected; (2) the domain name was deleted; (3) the data was unchanged; or (4) there is some other disposition.

### **Findings**

- During the reporting period there were 50,189 reports filed that included follow-up responses. Of those, 34,029 unique domain names were the subject of reports, indicating that 16,160 duplicate reports were filed.
- 35% of the domain names reported as either inaccurate or incomplete were corrected, suspended or are no longer registered.
- Of the 50,189 reports received during the reporting period, one individual filed nearly 40% of these reports.
- Complete findings regarding the WDPRS can be found at:  
<http://www.icann.org/whois/whois-data-accuracy-program-27apr07.pdf>.
- ICANN has implemented additional tools that address Whois inaccuracy going forward, including a new Whois Data Accuracy Audit.

## **IV. DETAILED AUDIT FINDINGS**

- A. Primary Contact Audit**
- B. Registrar Website Compliance Audit**
- C. Registrar Fees Audit**
- D: Registry Fees Audit**
- E. Data Retention Audit**
- F. Registry Code of Conduct Audit**
- G. Whois Data Problem Report System**

### **A. PRIMARY CONTACT AUDIT**

#### **Executive Summary**

ICANN conducted a Registrar Primary Contact Audit to ensure that ICANN-Accredited Registrars provide and maintain current primary contact information. This audit was based on the requirements contained in RAA Section 5.11. ICANN transmits all notices under the RAA in writing to registrars at the address provided by registrars at the time of contract execution. Unfortunately, registrars move and change contact information without providing updated information to ICANN. Without current primary contact information, ICANN has difficulty contacting registrars for billing purposes, compliance investigations, audit correspondence and a host of other business purposes. ICANN sent each registrar, via email, the contact information on file at ICANN, requesting that the registrar contact ICANN if their primary contact information had changed. Of the 860 registrars that were sent notices, 57 registrars responded with updated primary contact information.

#### **Introduction**

To ensure that all correspondence from ICANN reaches registrars and to minimize the number of nonresponsive registrars, ICANN conducted a Registrar Primary Contact Audit. The Registrar Primary Contact Audit was considered necessary because ICANN had begun experiencing significant problems contacting certain registrars. As part of the Registrar Primary Contact Audit, it was ICANN's goal to inform registrars of the prescribed method for submitting primary contact changes as set forth in the RAA and to alert registrars of upcoming compliance audits.

#### **Audit Objectives**

- Obtain current primary contact information from all ICANN-Accredited Registrars.
- Provide registrars with the current method to submit change of contact information prescribed by the RAA.
- Remind registrars of the importance of responding to upcoming audits and surveys.
- Ensure that all correspondence from ICANN is received by registrars.

## **Methodology**

This report summarizes the steps ICANN took to assist registrars with updating contact information. The Registrar Primary Contact Audit required assistance from ICANN's Information Technology Department to electronically transmit the audit notification letter to each registrar (see the notice letter in Appendix A-I). The audit notification letter contained the current contact information officially on file at ICANN for each registrar, including the registrar's mailing address, primary contact, primary contact email address, telephone number and fax number. If the registrar's primary contact information was inaccurate, registrars were asked to provide current primary contact information. Registrars were also reminded that ICANN would be conducting a series of registrar compliance audits to encourage compliance with the RAA.

## **Findings**

- Of the 860 registrars that were sent notices, 57 registrars responded with updated primary contact information.
- The Primary Contact Audit resulted in a 6.6% increase in registrar compliance with RAA Section 5.11.
- Approximately 49% of the 57 ICANN-Accredited Registrars that responded to the audit with updated contact information responded after the deadline established by ICANN.

## **Follow Up Actions**

- Registrar Primary Contact Audits may not be necessary in the near future as ICANN will encourage the use of its new RADAR system which will allow registrars to update their own contact information electronically.
- ICANN will continue to encourage registrars to maintain current primary contact information through various communication methods, including email reminders and website reminders.

## Appendix A-I

Dear Registrar,

My name is Stacy Burnette and I am ICANN's Director of Contractual Compliance. In the coming months, ICANN will be conducting a series of registrar compliance audits to encourage compliance with the Registrar Accreditation Agreement (RAA).

Registrars will be notified in advance before ICANN performs these routine compliance checks. To ensure that all ICANN correspondence reaches you, we are asking all ICANN-accredited registrars to review their current primary contact information listed below. If any of your contact information is inaccurate, you must correct it by 19 March 2007.

Current Contact Information:

Registrar Name:

IANA ID:

Primary Contact Name:

Email Address:

Postal Address:

Country:

Phone:

Fax:

In accordance with section 5.11 of the RAA, a change of primary contact is considered a change to the agreement itself. All notices of change in contact information must be sent to ICANN in writing, on company letterhead and signed by an officer or director of the company. You must transmit this letter by fax or courier to:

Internet Corporation for Assigned Names and Numbers  
4676 Admiralty Way, Suite 330  
Marina del Rey, California 90292-6601  
USA

Fax: +1-310-823-8649, attention Compliance Department.

We anticipate your timely response to this request and your cooperation in future audits. In keeping with our goal of maintaining transparency, ICANN will publish all Contractual Compliance audit findings on our website. I look forward to working with you to ensure that ICANN's Contractual Compliance Program will help identify areas to be considered for reform and highlight successful practices.

Please contact me or Connie Brown, ICANN's Contractual Compliance Specialist, at (310) 301-3855, should you have any questions.

Kind regards,

Stacy K. Burnette  
Director, Contractual Compliance  
Internet Corporation for Assigned Names and Numbers  
4676 Admiralty Way, Suite 330  
Marina del Rey, CA 90292  
(310) 301-3860

## **B. REGISTRAR WEBSITE COMPLIANCE AUDIT**

### **Executive Summary**

ICANN performed a Registrar Website Compliance Audit of all ICANN-Accredited Registrars' websites to determine compliance with RAA requirements. Among active ICANN-Accredited Registrars, the audit team found 19 registrars with non-working websites and 20 registrars with no Whois service available on their websites. All active ICANN-Accredited Registrars found out of compliance with RAA website requirements were notified and given an opportunity to cure cited violations.

### **Audit Objectives**

The general objectives of the Registrar Website Compliance Audit were to:

- Assess how many active ICANN-Accredited Registrars have non-working websites in violation of the website requirements as set forth in RAA Section 3.3.[\[1\]](#)
- Assess how many active ICANN-Accredited Registrars do not provide Whois service on their websites for public use as required by RAA Section 3.3.
- Notify active registrars identified as noncompliant with RAA website requirements and provide a reasonable time for cure.
- Encourage compliance with RAA requirements regarding the provision of working websites and working Whois service by publishing a report regarding ICANN's audit findings.
- Report observations made from the audit findings and provide follow-up actions to be taken by ICANN.

### **Methodology**

The methodology for the Registrar Website Compliance Audit was determined by ICANN staff in consultation with registrar community members before the audit commenced.[\[2\]](#) The staff members that undertook the audit tasks were familiar with registrar websites and the navigational tools frequently used by registrars to provide public information regarding various registrar services. To maintain focus on the objectives of the Registrar Website Compliance Audit, ICANN staff performed the audit by completing three sequential tasks.

#### **1. Website Examination**

ICANN staff examined every ICANN-Accredited Registrar's website. At the time of the audit, there were approximately 881 ICANN-Accredited Registrars. If a registrar had a website, the website was deemed working if it was interactive. Registrars with working websites were deemed in compliance with this portion of the audit. In those cases where registrars were found not to have working websites, ICANN staff noted that information for the purpose of later notifying those registrars of the apparent RAA violation.

## **2. Assessment Regarding the Availability of Whois Service on Websites**

Of those registrars that had working websites, ICANN staff looked for Whois service on their websites. If Whois service was found on a registrar's website, ICANN staff tested the Whois service to determine operability. ICANN staff input a registered domain name in each Whois service to test whether the service would provide a responsive message. Referral messages that included the name of the sponsoring registrar and other pertinent information regarding the domain names as well as messages with complete whois data were considered compliant. When acceptable responsive messages were returned, the registrar was deemed in compliance with this portion of the audit. In those cases where registrars were found not to have any Whois service available on their sites or the Whois service was inoperable, ICANN staff noted that information for the purpose of later notifying those registrars of the apparent RAA violation.

## **3. Transmission of Notices to Registrars Found out of Compliance with RAA Requirements**

Before transmitting notices of noncompliance, ICANN staff compiled a list of all registrars that did not have working websites and a list of registrars that did not have Whois service available for public use. These lists were checked against ICANN's list of registrars currently managing active registered names. Those registrars that were not managing any active registered names at the time of the audit were excluded from the list of registrars considered for notification of noncompliance. As explained in the Findings section of this report, RAA Section 3.3.1 only requires registrars that are managing active registered names to comply with the website requirements. There were approximately 32 registrars that were not managing active registered domain names at the time of the audit, but were found to have either non-working websites or no Whois service available on their websites.

Upon finalizing the list of active registrars thought to be out of compliance with RAA website requirements, ICANN notified those registrars via email. Below is a sample noncompliance notice transmitted by ICANN as part of the Registrar Website Compliance Audit.

## Sample Noncompliance Notice

Dear Registrar Representative:

Over the past six weeks ICANN conducted an audit to determine whether Registrars are in compliance with website requirements as provided by the Registrar Accreditation Agreement. Specifically, ICANN looked at each Registrar's website to assess whether:

1. There was a working website as required by section 3.3 of the RAA; and
2. There was a working Whois service available on the website as required by section 3.3 of the RAA.

ICANN audited your company's website between 5 April 2007 and 12 April 2007. ICANN determined that your company is not in compliance with Section 3.3 of the RAA because your company does not have a working website.

Failure to have all of the information and services required by the RAA on your website constitutes a breach of the RAA. On or before 18 May 2007, please respond to this electronic mail message by providing an explanation as to when this problem was corrected. Failure to cure breaches within the time period specified in the RAA is grounds for termination of your registrar accreditation agreement. We intend to look at your company's website again after 18 May 2007 to determine if these violations of the RAA have been cured.

ICANN will be engaged in other website audit checks in the coming months to determine whether registrars have information on their websites concerning their deletion and renewal policies as required by the RAA. You are encouraged to make whatever adjustments are necessary to your website now to ensure compliance and avoid future notices of this kind.

Please contact me at the telephone number below if you have any questions.

Regards,

Stacy Burnette  
Director,  
Contractual Compliance  
ICANN  
4676 Admiralty Way  
Marina del Rey, CA 90292

Although several registrars are currently engaged in discussions with ICANN regarding the notices of noncompliance and their interpretations of the RAA website requirements, a significant number of noncompliant registrars cured the RAA violations cited in the notices of noncompliance within days after receiving the notices. Complete information regarding time to cure the violations cited by ICANN will be published on ICANN's website within the next 30 days.

### **Updated Information Regarding Timeliness of Registrar Responses (October 2007)**

- 19 of the 779 registrars managing active registered names were found to have non-working websites.
- 20 of the 779 registrars managing active registered names with working websites were found to have no Whois service available on their websites.
- 38% of all registrars that were found noncompliant (15 registrars), made changes in a timely manner (within two weeks of receiving notice from ICANN).

- 44% of all registrars that were found noncompliant (17 registrars), made changes late (changes were made 15 days or more after receiving notice from ICANN).
- 18% of all registrars that were found noncompliant with website requirements (7 registrars), failed to respond to ICANN's notice of noncompliance and follow-up correspondence.
- ICANN has escalated the cases of the 7 noncompliant registrars with the intention of exercising all remedies available under the terms of the RAA to bring these parties into compliance.

## Findings

As part of the Registrar Website Compliance Audit process, ICANN examined 881 registrars' websites. At the time of the audit, the audit team found that there were 102 ICANN-Accredited Registrars that were not managing any active registered names, and therefore were not required to have interactive websites and Whois service available on their websites pursuant to RAA Section 3.3.1.<sup>[3]</sup>

The audit team found 19 registrars managing active registered names with non-working websites. In those instances when ICANN staff attempted to examine a registrar's website and found a non-working website, the server returned either an error message or a place holder page with a message such as "This site is under construction" or "Coming Soon."

The audit team found 20 registrars managing active registered names with working websites but no Whois service available on their websites. The audit team carefully searched these websites and used all of the navigational tools available on these sites to find Whois service.

Figure IV-1 illustrates the Registrar Website Compliance Audit findings.

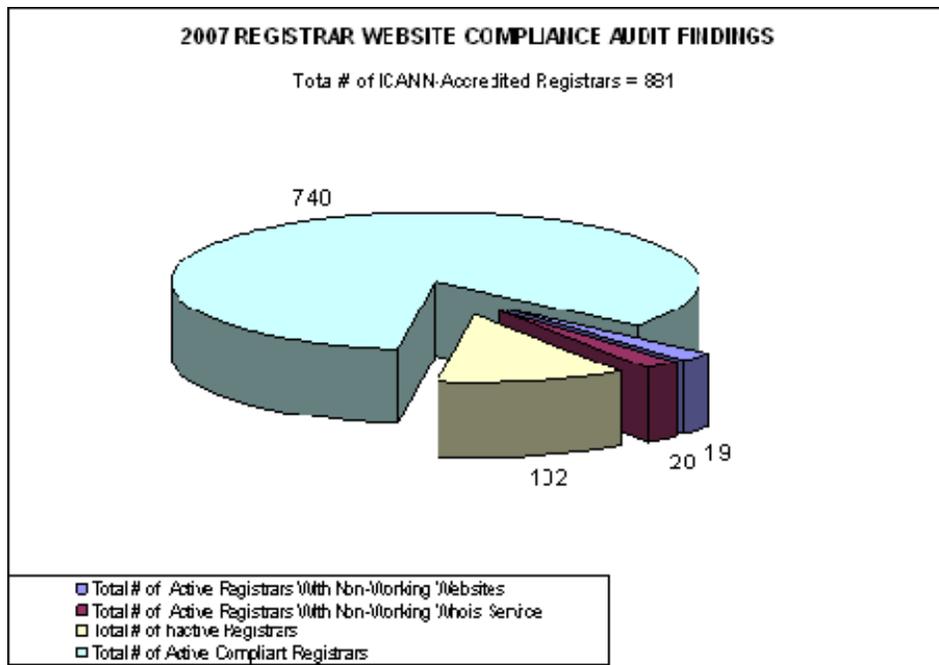
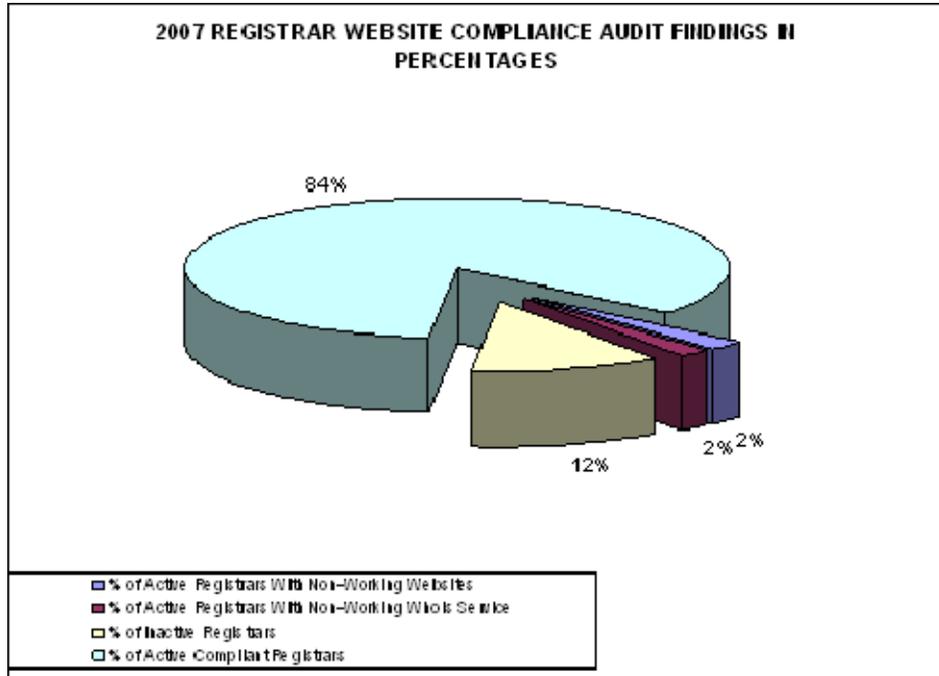
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[1] ICANN considers a registrar active if the registrar is currently managing active registered names. Conversely, those registrars that are ICANN-Accredited, but are not managing active registered names, are considered inactive.

[2] The methodology was modified slightly after the audit commenced due to unforeseen complexities and lessons learned during the course of the audit.

[3] A Registered Name is defined in RAA Section 1.7 as,  
 ...a domain name within the domain of a TLD that is the subject of an appendix to the Agreement, whether consisting of two or more (e.g., john.smith.name) levels, about which a TLD Registry Operator (or an affiliate engaged in providing Registry Services) maintains data in a Registry Database, arranges for such maintenance, or derives revenue from such maintenance. A name in a Registry Database may be a Registered Name even though it does not appear in the zone file (e.g., a registered but inactive name).

Section 3.3.1 of the RAA states in relevant part, "At its expense, Registrar shall provide an interactive web page and a port 43 Whois service providing free public query-based access to up-to-date (i.e., updated at least daily) data concerning all **active Registered Names** sponsored by Registrar for each TLD in which it is accredited." Emphasis added.



**Figure IV-1 – Registrar Website Compliance Audit Findings**

**Observations**

- Approximately 4% of all ICANN-Accredited Registrars are not in compliance with the studied RAA website requirements.
- Twelve of 19 active registrars that do not have working websites have been accredited by ICANN for two years or less.

- Eleven of 19 active registrars that do not have working websites are based in North America.
- Ten of 20 active registrars found to have no working Whois service available on their websites have been accredited by ICANN for two years or less.
- Ten of 20 active registrars found to have no working Whois service available on their websites are based in North America and the remaining ten are located in China, Germany, Portugal, Australia, Russia, Turkey, Jordan, Israel and Sweden.

#### **Follow-Up Actions**

- ICANN requires remedial action by those registrars found to be non-compliant. Registrars that do not take this action will be sent formal notices that they are in breach of their agreement.
- ICANN, in consultation with the registrar constituency, will develop registrar compliance materials for newly accredited registrars to assist them in understanding their contractual obligations as ICANN-Accredited Registrars.
- ICANN will engage in annual Registrar Website Compliance Audits as such audits serve as a valuable tool in assessing website compliance by the registrar community.

## **C. REGISTRAR FEES AUDIT**

### **Executive Summary**

Pursuant to RAA Section 3.9, all registrars are required to pay yearly accreditation fees and quarterly variable fees. Failure to pay required fees constitutes a breach of the RAA. ICANN performed a Registrar Financial Audit to assess the number of ICANN-Accredited Registrars with delinquent invoices (invoices that are 30 days or more past due) and to implement procedures for collecting delinquent funds. The audit resulted in the following:

- ICANN found that 192 registrars had invoices that were delinquent at the time the audit commenced in February 2007.
- Following the receipt of notices from ICANN, payments were received or payment arrangements were made with 165 registrars.
- ICANN transmitted breach notices to 27 registrars that failed to respond to ICANN's notice of delinquency.
- Following the receipt of breach notices, 10 registrars made payments or payment arrangements with ICANN.
- Based on the results from this audit, ICANN is considering termination for 11 delinquent registrars.
- ICANN collected approximately \$750,000.00 in delinquent fees as a result of the audit and an additional \$572,000.00 was committed based on payment arrangements made with various registrars.

### **Audit Objectives**

The general objectives of the Registrar Financial Audit were to:

- Assess how many ICANN-Accredited Registrars had delinquent accounts in violation of RAA Section 3.9.
- Notify registrars identified as delinquent and provide a reasonable time for cure.
- Encourage compliance with RAA requirements regarding the timely payment of invoices.
- Report findings from the Registrar Fees Audit and provide follow-up actions to be taken by ICANN.

### **Methodology**

The methodology for the Registrar Fees Audit was determined by ICANN staff before the audit commenced. Compliance staff, in consultation with ICANN's Office of General Counsel, Registrar Liaison staff and Financial Management staff, developed a collections procedure for consistent handling of delinquent registrars. The next step involved the development of a comprehensive list of registrars with delinquent accounts by ICANN's Financial Management staff. The Financial Management staff also provided a total amount owed in delinquent

funds. Consistent with the collections procedure, notice of delinquency letters were transmitted to all delinquent registrars informing them of (1) their delinquent status; (2) the amount owed; (3) the availability of payment arrangements; (4) the next steps to be taken by ICANN if the amount owed was not paid in 30 days or payment arrangements were not made (see sample notice of delinquency letter below).

### **Sample Notice of Delinquency Letter**

Date

Registrar's Name and Address

**Re: 30 days or More Past-Due Invoices**

Dear \_\_\_\_\_:

This letter is to inform you that [insert company name here] has ICANN registrar accreditation fee invoice(s) that are 30 days or more past due. Please bring this account into a current status immediately. Our records show that the over 30 days past due invoices total \$\_\_\_\_\_. For your reference we have enclosed a customer statement.

If we do not receive payment for all past due invoices within 30 days from the date of this letter, we will take further action, consistent with the terms of the Registrar Accreditation Agreement, to collect this debt.

Please contact ICANN immediately if you believe there is an error in our payment records. If you are not able to make full payment immediately, contact Komaki Takekoshi at [komaki.takekoshi@icann.org](mailto:komaki.takekoshi@icann.org) so that possible payment arrangements can be discussed.

Thank you for your immediate attention to this matter.

Sincerely,

Accounting Department  
[accounting@icann.org](mailto:accounting@icann.org)

cc: ICANN Legal Department  
ICANN Compliance Department

Those registrars that paid or made payment arrangements within the 30-day period provided in the notice of delinquency letters were removed from the list of delinquent registrars and no further action was taken. Those registrars that failed to respond to ICANN's delinquency letters after 30 days were sent Notice of Breach letters that clearly warned each registrar that failure to pay past due fees may result in termination (see sample Notice of Breach letter below).

Those registrars that failed to respond to ICANN's Notice of Breach letter are being considered for termination by ICANN. To determine the reasons for noncompliance, Compliance staff attempted to contact all of the registrars being considered for termination by telephone. In some cases, registrars stated that they were no longer interested in being ICANN-Accredited Registrars and requested transition assistance. Other registrars made payment arrangements once they were contacted by phone. However, in the vast majority of cases, ICANN was unable to make telephone contact with registrars being considered

for termination. As of the date of this report, approximately 11 registrars are being considered for termination based on failure to pay fees as required by RAA Section 3.9.

### Sample Notice of Breach Letter

Date

Registrar's Name and Address

#### FINAL NOTICE

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear \_\_\_\_\_:

This letter is formal notice of breach of Section 3.9 of the Registrar Accreditation Agreement which requires registrars to pay accreditation fees to ICANN. This breach results from (XYZ's) failure to pay past-due accreditation fees in the amount of \$\_\_\_\_\_.

If this breach is not cured within fifteen working days, ICANN may exercise any and all remedies available to it pursuant to the Registrar Accreditation Agreement, including termination.

On (date) a 30 Days or More Past Due Invoices letter was sent to you and on (date) a Second Notice of Past Due Invoices letter was sent to you requesting that XYZ bring this account up to date. ICANN did not receive full payment in the amount stated in these letters, nor was an arrangement for a payment plan made with ICANN regarding the past-due amount.

A copy of the customer statement for XZY is enclosed for your review. Payment instructions for ICANN can be found at <http://www.icann.org/ffinancials/payments.htm>. Please send an email message to [accounting@icann.org](mailto:accounting@icann.org) upon payment to ensure proper application of payment. All inquiries may also be directed to the same email address.

Very truly yours,

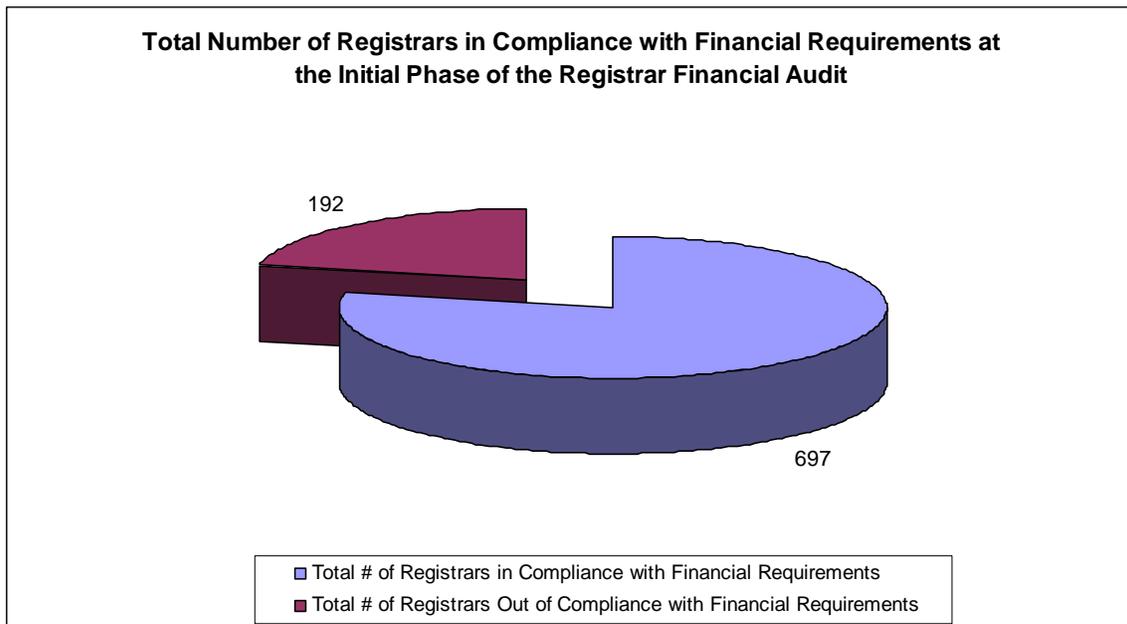
Stacy K. Burnette  
Director  
Contractual Compliance

### Findings

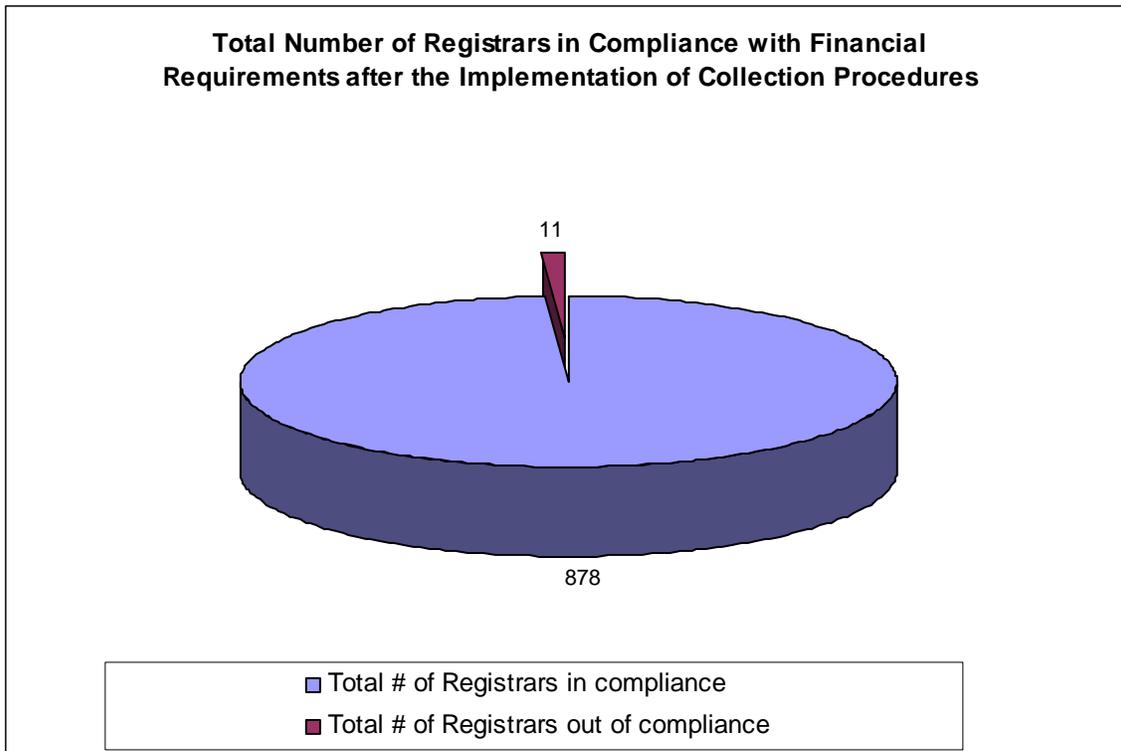
- As part of the Registrar Financial Audit process, ICANN staff examined ICANN's financial records related to approximately 889 registrars. During the audit, ICANN found that 697 registrars, or 78.4%, were compliant with RAA Section 3.9 regarding the timely payment of yearly accreditation fees and variable accreditation fees.
- As part of the Registrar Financial Audit process, ICANN found 192 registrars, or 21.6%, had invoices that were 30 days or more past due.
- After issuing notices of delinquency to 192 registrars having invoices that were 30 days or more overdue, 165 registrars made payments or payment arrangements with ICANN.
- After issuing notice of breach letters to 27 registrars, 9 registrars made payments or payment arrangements.

- ICANN collected approximately \$750,000.00 in delinquent fees and \$572,000.00 was committed to ICANN as a result of payment arrangements made with registrars.
- ICANN's delinquent debt was reduced to approximately \$149,000.00 from the original delinquent debt total of \$1,471,000.00 as a result of the implementation of a collections procedure to address delinquent accounts.
- After contacting registrars via telephone that received notice of breach letters, 7 registrars made payments or payment arrangements.
- This audit resulted in 11 registrars being considered for termination based on their failure to pay fees as required by RAA Section 3.9.
- Of the 192 registrars initially identified as delinquent, 181, or 94%, either paid their delinquent fees or made arrangements, and are performing based on those arrangements, to pay their delinquent fees. This figure brought the total percentage of registrars in compliance with RAA requirements regarding the payment of fees to 98.7%.

Figure IV-2 illustrates the number of registrars found in compliance before collection procedures were implemented and the number of registrars found in compliance after the implementation of collection procedures.



**Figure IV-2(a) – Number of Registrars Found in Compliance Before Collection Procedures were Implemented**



**Figure IV-2(b) – Number of Registrars Found in Compliance After Collection Procedures were Implemented**

**Follow-Up Actions**

- ICANN will closely monitor those registrars that made payment arrangements to ensure that they fulfill their payment promises.
- ICANN will consider the facts in each of the 11 termination cases and determine the best way to proceed with the protection of registrants as a primary focus.
- ICANN will provide transition assistance to those registrars that no longer wish to own and operate ICANN-Accredited Registrars while concurrently pursuing payment for past due invoices.
- ICANN will engage in quarterly Registrar Fee Audits as such audits have resulted in increased financial responsibility and compliance by the registrar community.

**Information Regarding Registrars Being Considered for Termination**

- One registrar currently being considered for termination has approximately 6,700 names under management;
- Two registrars currently being considered for termination have approximately 1500 names under management; and
- The remaining eight registrars currently being considered for termination have 400 or less names under management.

## **D. REGISTRY FEES AUDIT**

ICANN conducted an internal Registry Fees Audit to assess whether registries and sponsors are complying with the terms of their agreements regarding the timely payment of required fees. ICANN audited registry operators/sponsors for the following top-level domains: .aero, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, and .travel. ICANN did not audit the .tel and .asia TLDs, as they did not have any registrations at the time of ICANN's audit.

### **Audit Objectives**

The general objectives of the Registry Fees Audit were to:

- Assess how many registries and sponsors had delinquent accounts in violation of their agreements;
- Notify registries and sponsors identified as delinquent and provide a reasonable time for cure;
- Encourage compliance with Registry and Sponsorship Agreement requirements regarding the timely payment of fees;
- Report findings from the audit and provide information regarding the follow-up actions taken.

### **Methodology**

The methodology for the Registry Fees Audit was determined by staff before the audit commenced. ICANN's Financial Management staff developed a customer aging document that included the current status of all registries' and sponsors' accounts. An analysis of the customer aging document revealed that all of the registries' and sponsors' accounts were current except for two companies that had previously made payment arrangements with ICANN and were performing based on those payment arrangements. As a result, ICANN did not send any notices of delinquency or notices of breach to any registries or sponsors because all were deemed compliant.

### **Findings**

- 12 out of 14 registries'/sponsors' accounts were found current;
- 2 of 14 registries/sponsors had entered into payment arrangements with ICANN and were performing based on those payment arrangements;
- ICANN will continue to closely monitor those registries/sponsors that made payment arrangements to ensure that they fulfill their payment promises.

## E. DATA RETENTION AUDIT

### Executive Summary

ICANN conducted a Data Retention Audit of all ICANN-Accredited Registrars to assess the data retention and disaster recovery practices of the registrar community. This audit was based on requirements contained in RAA Section 3.4, titled *Retention of Registered Name Holder and Registration Data*. A registrar is required to maintain its own electronic database for each active registered name sponsored within each TLD for which the registrar is accredited. Registrar responsibilities concerning the maintenance of records relating to dealings with the registry operators and registered name holders can be found at <http://www.icann.org/registrars/ra-agreement-17may01.htm>.

The Data Retention and Disaster Recovery Questionnaire was designed to obtain information from registrars about whether they have processes in place to regain access to data necessary to resume critical business operations after a natural or human-induced disaster and to verify compliance with RAA requirements for data retention. Each registrar was provided with a unique data retention audit identification number and directed to a designated URL to complete the online survey questions pertaining to their disaster recovery retention plan. Of the 895 registrars that were sent notices, 449 responded by the 18 June 2007 deadline. After follow-up notices were transmitted, 304 registrars responded by the extended deadline, 28 June 2007, and an additional 60 registrars responded after the extended deadline, bringing the response rate to 91%. The Contractual Compliance staff then contacted the remaining 82 nonresponsive registrars again by email, fax and telephone. An additional 50 registrars responded after ICANN's third attempt to contact nonresponsive registrars, bringing the total response rate to 96%.

ICANN found the following:

- 99.8% of active registrars reported that they are maintaining registration data submitted in electronic form to the registry operators for at least the term of the RAA, plus three years, pursuant to RAA Section 3.4.2.
- 99.8% of active registrars reported that they are maintaining in electronic form records of the accounts of all registered name holders with registrar, including dates and amounts of all payments and refunds for at least the term of the RAA, plus three years, pursuant to RAA Section 3.4.2.
- 93.3% of registrars responded yes when asked if they could make registration data available for inspection by ICANN if given seven days notice.
- 84% of registrars reported that they have a written continuity plan to address potential natural disasters, operational/technical failures, malicious business interference (hacking), acts of terrorism or other violence.

These statistics are based on the registrar responses to the Data Retention and Disaster Recovery Survey questions. The registrars that do not have names under their management are deemed inactive by ICANN. These inactive registrars represent 5.4% of the total number of registrar responses.

### **Introduction**

One of the ways in which ICANN monitors contractual compliance with RAA requirements is through contract audits. The Data Retention Audit was designed to assess the data retention practices within the registrar community.

With the increasing reliance on computer software systems to store registrant registration data, protective measures are critical to aid data recovery in a natural or human-induced disaster. This audit was intended to determine which registrars are in compliance with RAA requirements and to emphasize the importance of having a contingency plan in place. Additionally, the Data Retention Audit was intended to encourage registrars to authenticate backup of critical registrant data, to ensure that data is backed up on a reasonably frequent basis, and to encourage registrars to follow consistent verification procedures to ensure the integrity of data after the transmission or storage of data. Finally, it was ICANN's intention to assess whether registrars have protective measures in place to secure registration data. These areas of inquiry and the responses received have assisted ICANN in identifying potential issues that could impact the stability, reliability and security of the Internet.

The findings of this audit were based exclusively on registrar responses to survey questions and, in certain cases, responses to follow-up questions posed by Contractual Compliance staff. ICANN's Contractual Compliance Department would like to thank all registrars that participated in the Data Retention Audit.

### **Audit Objectives**

The general objectives of the Data Retention Audit were to:

- Assess data retention and disaster recovery practices of the registrar community.
- Assess registrar compliance with data retention requirements found in RAA Section 3.4.
- Verify that all registrars are maintaining records in electronic form as required in RAA Section 3.4.2.
- Determine how backup data is maintained and what registration data is currently stored.
- Follow-up with registrars identified as noncompliant with RAA requirements.
- Initiate breach proceedings against noncompliant registrars that fail to come into compliance within a reasonable period of time.

## **Methodology**

ICANN staff determined the methodology used for the Data Retention Audit based on collaborative input from the Compliance, Registrar Liaison, and Information Technology Departments to construct a survey that would best assess registrar data retention compliance requirements and registrar disaster recovery contingency planning. The initial planning phase required a thorough examination of RAA Section 3.4 to create survey questions that would allow registrars to report on their data retention practices. The Registrar Data Retention and Disaster Recovery survey contained 14 multiple choice questions divided into four categories:

- Registrar Accreditation Requirements Regarding Data Retention
- Contingency Planning and how back-up data is maintained
- Level of insurance coverage
- Demographic Data

ICANN's IT Department completed the following tasks:

- Generated the online survey
- Created the link for all registrars to access the survey
- Provided a unique data retention audit number for each registrar
- Transmitted an electronic notice to all registrars

## **Findings**

### **I. Registrar Accreditation Requirements Regarding Data Retention**

The first set of multiple choice questions were composed from requirements contained in RAA Section 3.4, titled *Retention of Registered Name Holder and Registration Data*. Registrars are required to maintain records such as registration data, registration applications, confirmations, modifications or terminations, as well as records of the accounts of all registered name holders including dates and amounts of all payments and refunds for at least the term of the RAA, plus three years. A total of 863 registrars responded to the audit, with an approximate 96% compliance rate among registrars. The majority of registrars maintained these records by using a database.

Table IV-1 reflects the percentage/number of registrars that responded to Q01–Q05 in Category I. Registrar Accreditation Requirements Regarding Data Retention.

**Table IV-1 – Category I: Registrar Accreditation Requirements Regarding Data Retention**

<b>Data Retention Audit and Disaster Recovery Questions</b>		
<b>Question Number</b>	<b>Survey Questions</b>	<b>% or #of Registrar Responses</b>
Q01	Pursuant to Section 3.4.2 of the RAA, your registrar is required to maintain specific records relating to its dealings with registry operators and registered name holders. Is your registrar maintaining records, in electronic form, of the submission date and time, and the content, of all registration data (including updates) submitted in electronic form to the registry operators for at least the term of the RAA, plus three years?	Yes = 95.4% No = 2.9% Not Sure = 1.7%
Q02	As required by Section 3.4.2 of the RAA, is your registrar maintaining records, in electronic, paper or microfilm form, of all written communications constituting registration applications, confirmations, modifications or terminations and related correspondence with Registered Name Holders, including registration contracts for at least the term of the RAA, plus three years?	Yes = 96% No = 3% Not Sure = 1%
Q03	As required by Section 3.4.2 of the RAA, is your registrar maintaining, in electronic form, records of the accounts of all Registered Name Holders with Registrar, including dates and amounts of all payments and refunds for at least the term of the RAA, plus three years?	Yes = 96% No = 2.9% Not Sure = 1.1%
Q04	Regarding your answers to questions 1, 2, and 3, in what form are these records retained? (check all that apply) *	Database = 805 Flat file = 128 Other = 122
Q05	If given 7 days notice, can your registrar make the records described in questions 1, 2 and 3 above available for inspection by ICANN?	Yes = 93.3% No = 6.7%

## **II. Contingency Planning and How Backup Data Is Maintained**

The second set of multiple choice questions were aimed at assessing contingency planning mechanisms in place by registrars and to determine how backup data is maintained and verified. ICANN observed that 82.5% of the 863 registrars that responded to the survey have a contingency plan in place to address a potential natural or human-induced disaster. Registrars that did not have a contingency plan in place were contacted by ICANN staff. Some of the contingency plans provided by registrars that required further follow-up consisted of the use of Network Operations Centers (NOCs) to monitor, log and redirect reported problems; retention of off-site and on-site backup procedures and verification practices of all business and operational data; as well as archiving data and mirroring the database in different geographical locations. The majority

of registrars that were contacted to provide further explanation or a corrective action plan reported processes in place to provide provisions for registration data and the ability to transfer the data if necessary. The registrars that did not have a contingency plan in place either worked with their information technology department to construct one, or were unaware that a contingency plan was necessary or did not have a contingency plan based on the low volume of customers under their management.

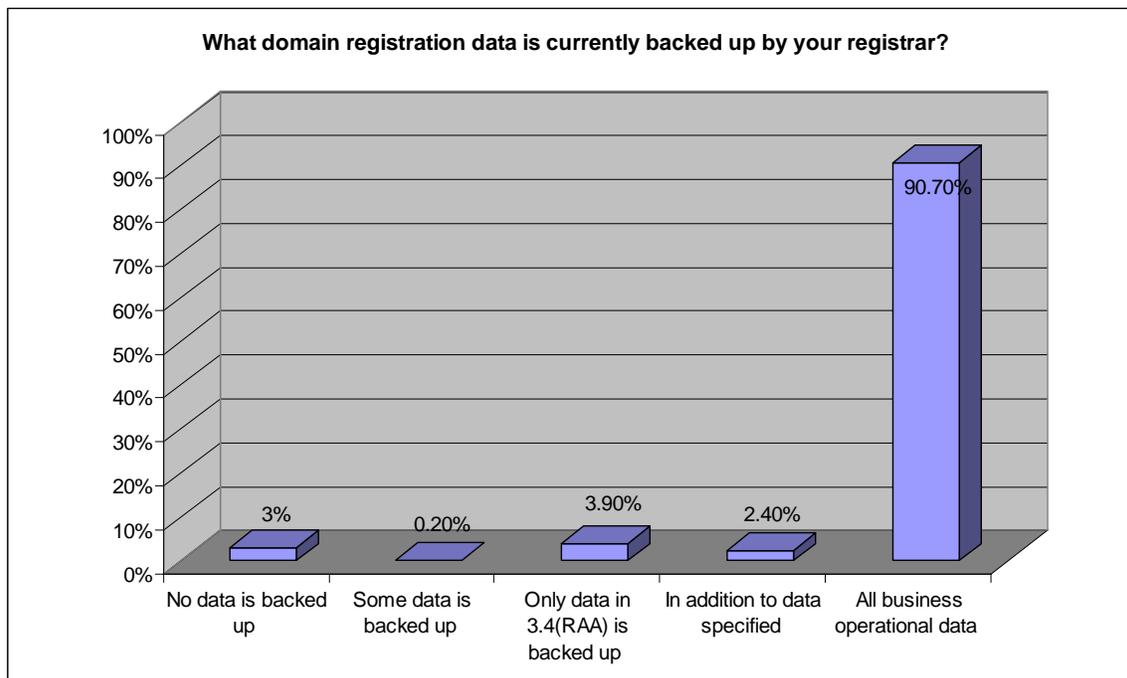
Table IV-2 reflects the number of registrars that responded to Q06-Q13 in Category II. Contingency Planning and how back-up data is maintained.

**Table IV-2 – Category II: Contingency Planning and How Backup Data Is Maintained**

<b>Data Retention Audit and Disaster Recovery Questions</b>		
<b>Question Number</b>	<b>Survey Questions</b>	<b>% or #of Registrar Responses</b>
Q06	Does your registrar have a written continuity plan to address potential: (check all that apply)*	Natural Disaster = 499 Operational Failures = 711 Malicious interference = 687 Terrorism = 573 N/A (no contingency plan) = 135
Q07	Does your contingency planning, if any, direct or allow provision of registration data to ICANN or an accredited registrar in the event of a longer than temporary business disruption?	Yes =82.5% No = 7.5% N/A = 10%
Q08	Does your contingency planning, if any, direct or allow provision of registration data to ICANN or an accredited registrar in the event of a longer than temporary business disruption?	More freq than daily = 46.9% Daily = 45.4% Weekly = 3.3% Monthly = .35% Less freq than monthly = .35% Never = 3% Non-time based schedule =.71%
Q09	What domain registration data is currently backed up by your registrar?	No data is backed up = 3% Some data is backed up = .2% Only data in 3.4(RAA) is backed up = 3.9% In addition to data specified = 2.4% All business operational data = 90.7%
Q010	Which of the following non-domain-registration data, if any, is currently backed up by your registrar(s)? (check all that apply) *	Hosted data = 652 Zone data = 647 N/A (registrar does not provide hosting or DNS services) = 111
Q11	How is backup data maintained? (check all that apply)*	Data backups are retained on-site = 553 Data backups are retained off-site = 446 Data backups are retained off-site geo div = 269 Data backups off-site third party = 96 Data backups off-site service provider = 54

Data Retention Audit and Disaster Recovery Questions		
Question Number	Survey Questions	% or #of Registrar Responses
Q012	Is backed up data validated or otherwise verified to ensure its integrity after transmission or storage?	Yes = 73.2% No = 21.3% Not sure = 5.1% N/A (no back-ups) = .4%
Q13	Besides performing backups, to what extent, if any, does/do your registrar(s) utilize redundant technology to minimize disruption in the event of technical failure? (check all that apply)*	Redundant local storage (e.g. RAID) = 741 Redundant or clustered servers = 630 Redundant connectivity = 699 Miscellaneous redundant = 726 Other = 139
*(check all that apply) Registrars were allowed to answer more than once.		

Figure IV-3 illustrates the domain registration back-up practices of the registrar community revealed in response to Q9.



**Figure IV-3 – Registrar Domain Registration Backup Practices**

### III. Level of Insurance Coverage

Pursuant to RAA Section 3.10, registrars are required to maintain a commercial general liability insurance policy of at least US\$500,000 (or the foreign equivalent) for the term of their agreement. ICANN observed that 49.2% of the registrars that responded to the survey exceed the minimum requirement and 42.8% had commercial general liability policy with at least the minimum required liability limit (\$500,000USD) and additional coverage for Errors and Omissions.

Table IV-3 reflects the percentage of registrars that responded to Q14 in Category III. Level of Insurance Coverage.

**Table IV-3 – Category III. Level of Insurance Coverage**

Data Retention Audit and Disaster Recovery Questions		
Question Number	Survey Questions	% or #of Registrar Responses
Q14	What level of insurance coverage does your registrar maintain?	Minimum = 8% Exceeding minimum =49.2% Additional = 42.8%

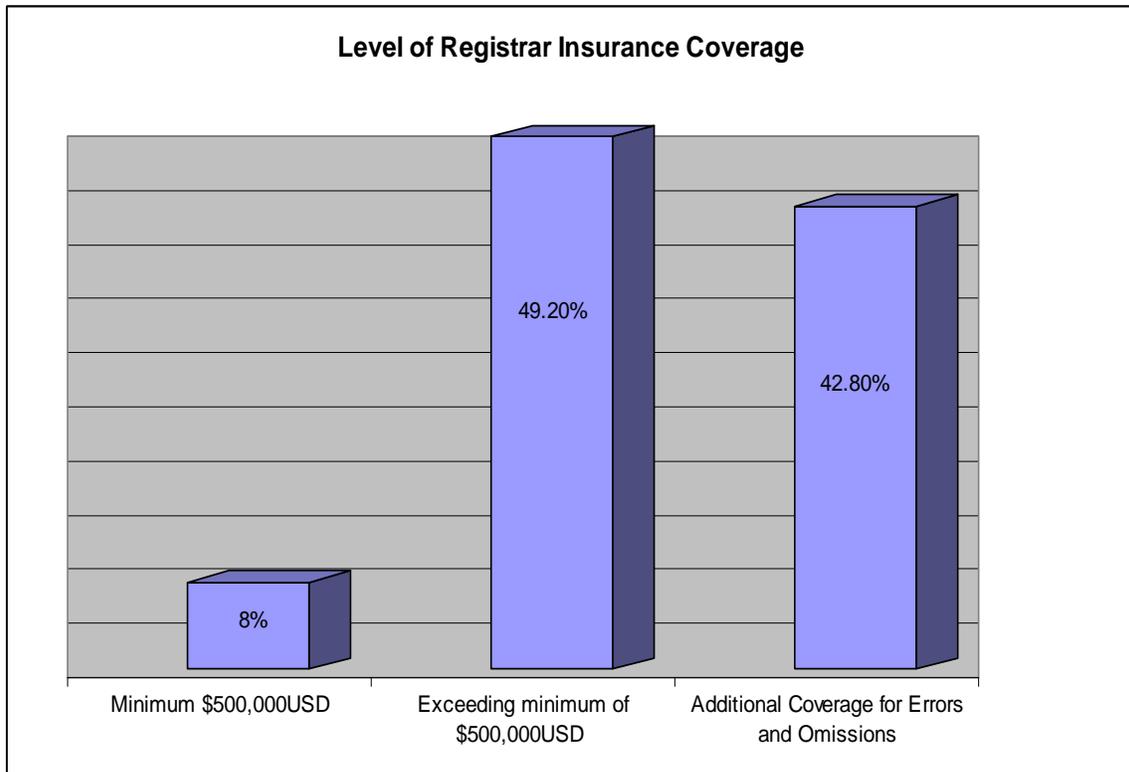


Table IV-4 reflects the percentage of registrars that responded to Q15-Q17 in Category IV. Demographic Data.

**Table IV-4 – Category IV. Demographic Data**

<b>Data Retention Audit and Disaster Recovery Questions</b>		
<b>Question Number</b>	<b>Survey Questions</b>	<b>% or #of Registrar Responses</b>
Q15	Approximately how many gTLD registrations are affected by your registrar's data retention procedures?	Less than 1,000 = 44.2% 1,000-9,999 = 19.4% 10,000 - 99,999 = 8.6% 100,000-999,999 = 7.3% 1,000,000+ = 20.5%
Q16	Approximately how many ccTLD registrations are affected by your registrar's data retention procedures?	Less than 1,000 = 63.3% 1,000-9,999 = 5.3% 10,000 - 99,999 = 14.7% 100,000-999,999 = 16.7% 1,000,000+ = 17.2%
Q17	Approximately how many domain name customers are affected by your registrar's data retention procedures?	Less than 100 = 21% 100-999 = 29.5% 1,000-9,999 = 17.2% 10,000+ = 32.3%

A copy of the Registrar Data Retention Audit Survey appears on the following pages.



**Registrar Data Retention Audit  
Response Date: 18 June 2007,**

**Registrar:  
IANA-ID:**

**Please respond by 18 June 2007**

**Pre-question**

**0. Does your registrar have any domain names under management?**

- Yes
- No

**Registrar Accreditation Agreement Requirements Regarding Data Retention**

**1. Pursuant to Section 3.4.2 of the RAA, your registrar is required to maintain specific records relating to its dealings with registry operators and registered name holders. Is your registrar maintaining records, in electronic form, of the submission date and time, and the content, of all registration data (including updates) submitted in electronic form to the registry operators for at least the term of the RAA, plus three years?**

- Yes
- No
- Not sure

**2. As required by Section 3.4.2 of the RAA, is your registrar maintaining records, in electronic, paper or microfilm form, of all written communications constituting registration applications, confirmations, modifications or terminations and related correspondence with Registered Name Holders, including registration contracts for at least the term of the RAA, plus three years?**

- Yes
- No
- Not sure

**3. As required by Section 3.4.2 of the RAA, is your registrar maintaining, in electronic form, records of the accounts of all Registered Name Holders with Registrar, including dates and amounts of all payments and refunds for at least the term of the RAA, plus three years?**

- Yes
- No
- Not sure

**4. Regarding your answers to questions 1, 2, and 3, in what form are these records retained? (check all that apply)**

- a. Database
- b. Flat file
- c. Other

**5. If given 7 days notice, can your registrar make the records described in questions 1, 2, and 3 above available for inspection by ICANN?**

- Yes
- No

#### **Contingency Planning**

**6. Does your registrar have a written continuity plan to address potential: (check all that apply)**

- a. Natural disasters
- b. Operational/technical failures
- c. Malicious business interference (hacking)
- d. Acts of terrorism or other violence
- e. n/a (no written continuity plan)

**7. Does your contingency planning, if any, direct or allow provision of registration data to ICANN or an accredited registrar in the event of a longer than temporary business disruption?**

- yes

- no
- n/a (no contingency planning)

**8. How frequently does your registrar perform backup of critical registrant data (i.e. the data fields that must be retained pursuant to section [3.4 of the Registrar Accreditation Agreement](#))?**

- More frequently than daily
- Daily
- Weekly
- Monthly
- Less frequently than monthly
- Never
- According to a non-time-based schedule (e.g. after every N transactions)

**9. What domain registration data is currently backed up by your registrar?**

- No data is backed up
- Some of the data specified in section 3.4 of the RAA is backed up
- Only the data specified in section 3.4 of the RAA is backed up
- In addition to the data specified in section 3.4 of the RAA, all underlying customer data (in the case of “private” or “proxy” registrations) is backed up
- All business operational data is backed up (including the data elements specified in section 3.4 of the RAA and all other domain name customer data)

**10. Which of the following non-domain-registration data, if any, is currently backed up by your registrar(s)? (check all that apply)**

- a. Hosted data (in the case of web, email, and other hosting customers)
- b. Zone data (for customers using your nameservers)
- c. n/a (registrar does not provide hosting or DNS services)

**11. How is backup data maintained? (check all that apply)**

- a. Data backups are retained on-site
- b. Data backups are retained off-site
- c. Data backups are retained off-site in a distinct and geographically diverse location
- d. Data backups are retained off-site by a third party data storage provider
- e. Data backups are retained off-site by a registrar service provider other than a registry (e.g. back-end provider or batch pool operator retains an additional copy of registrant or other data)

**12. Is backed up data validated or otherwise verified to ensure its integrity after transmission or storage?**

- Yes
- No
- Not sure
- n/a (no backups)

**13. Besides performing backups, to what extent, if any, does/do your registrar(s) utilize redundant technology to minimize disruption in the event of technical failure? (check all that apply)**

- a. Redundant local storage (e.g. RAID) of registration data
- b. Redundant or clustered servers
- c. Redundant connectivity
- d. Miscellaneous redundant infrastructure (e.g. power, HVAC, etc.)
- e. Other (please specify: )

**14. What level of insurance coverage does your registrar maintain?**

- Only the minimum required by the RAA (\$500,000 USD Commercial General Liability policy (or the foreign equivalent))
- A Commercial General Liability policy (or the foreign equivalent) with policy limits exceeding the minimum (\$500,000 USD)
- A Commercial General Liability policy with at least the minimum

required liability limit (\$500,000 USD) and additional coverage for Errors and Omissions

### Demographic Data

**15. Approximately how many gTLD registrations are affected by your registrar's data retention procedures?**

- Less than 1,000
- 1,000-9,999
- 10,000-99,999
- 100,000-999,999
- 1,000,000+

**16. Approximately how many ccTLD registrations are affected by your registrar's data retention procedures?**

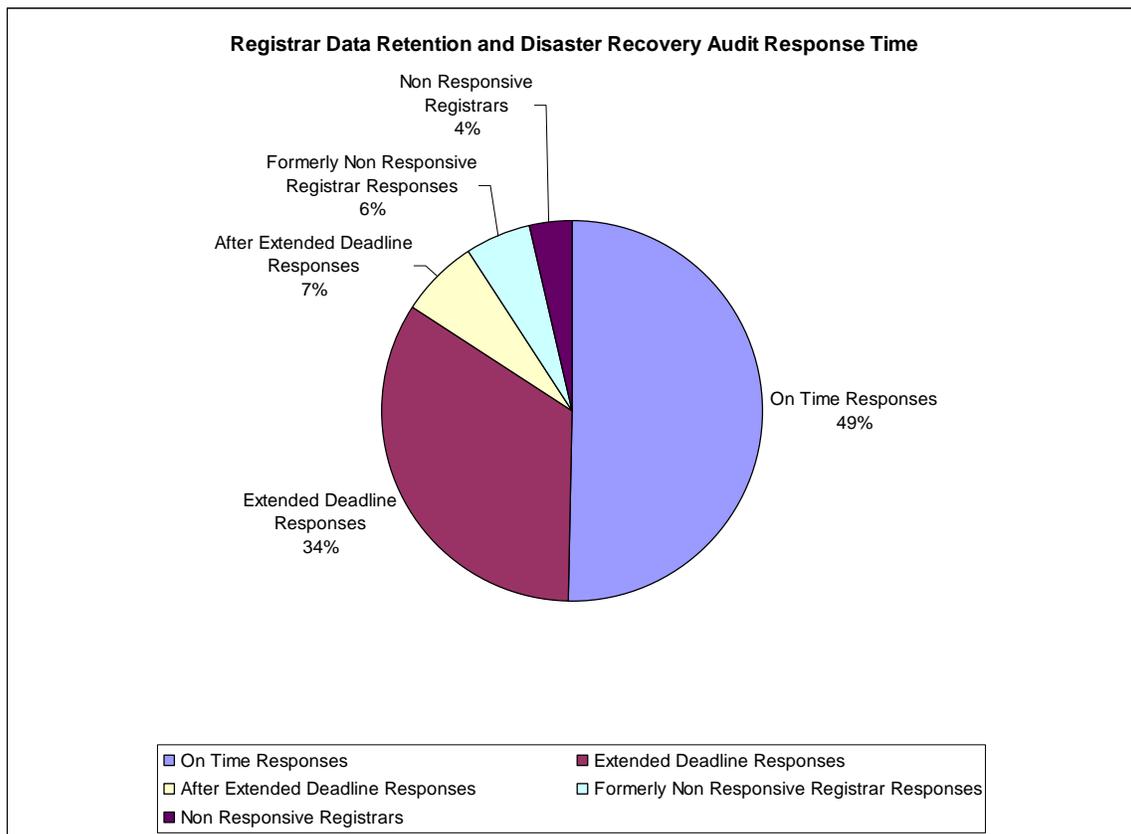
- less than 1,000
- 1,000-9,999
- 10,000-99,999
- 100,000-999,999
- 1,000,000+

**17. Approximately how many domain name customers are affected by your registrar's data retention procedures?**

- less than 100
- 100-999
- 1,000-9,999
- 10,000+

Registrars were given a deadline to respond to the Registrar Data Retention and Disaster Recovery Audit Survey. Of the 895 registrars that were sent notices, 449 responded by the deadline. After follow-up notices were transmitted, 304 registrars responded by the extended deadline and an additional 60 registrars responded after the extended deadline bringing the response rate to 91%. The Compliance staff then contacted the remaining 82 nonresponsive registrars again by email, fax and telephone. An additional 50 registrars responded after the third attempt bringing the total response rate to 96%.

Figure IV-4 illustrates the Registrar Data Retention and Disaster Recovery Audit Response.



**Figure IV-4 – Registrar Data Retention and Disaster Recovery Audit Response**

The analysis of the audit results was broken down into several components. The preliminary question was designed to categorize registrars that had no domain names under their management. Registrars that had no names under their management are deemed inactive by ICANN. Inactive registrars are not expected to have a contingency plan in place because they have no names to manage. Consequently, the Compliance team decided not to follow-up with inactive registrars that consistently responded “no” to all questions pertaining to

the following sections: Registrar Accreditation Requirements Regarding Data Retention, and Contingency Planning and How Backup Data Is Maintained. The remaining registrars that answered “N/A,” “No,” “Never,” “Less frequently than monthly,” “Non-time based schedule,” “Some,” “None” and “Not sure” to Questions 1–12 were contacted by ICANN staff to provide an explanation or a corrective action plan.

### **Observations**

- The survey results reveal that almost all ICANN-Accredited Registrars reported that they are compliant with registrar data retention requirements.
- The response rate to the Data Retention Audit was high.
- 42 of the initial 82 nonresponsive registrars are located in North America.
- 18 of the initial 82 nonresponsive registrars are located in Europe.
- Eleven of the initial 82 nonresponsive registrars are located in Asia.
- Eight of the initial 82 nonresponsive registrars are located in the Middle East.
- Three of the initial 82 nonresponsive registrars are located in Australia/Pacific.

### **Follow-Up Actions**

In 2008, ICANN will conduct site visits and request data from registrars to verify the information provided in the Data Retention Audit.

Nonresponsive registrars remain a focus for the Contractual Compliance Department. ICANN’s Compliance Department informed registrars that failure to respond to the survey may lead to further investigation by ICANN, including site visits and comprehensive compliance assessments. ICANN has commenced investigations regarding the 32 nonresponsive registrars.

ICANN’s Compliance Department will continue to take aggressive steps to ensure compliance and to improve the overall responsiveness from registrars when contacted by ICANN. ICANN requests that registrars respond to all communications sent from ICANN’s Contractual Compliance Department in a timely manner.

## **F. REGISTRY CODE OF CONDUCT AUDIT**

### **Executive Summary**

ICANN performed a Registry Code of Conduct Audit for all registries and sponsors to determine whether possible contract violations occurred due to the sharing of employees, data, storage facilities and account management functions with registrars.

Each registry and sponsor was given a certification letter related to specific provisions in the respective agreements and was asked to submit a formal sworn statement signed by a corporate officer and witnessed by a notary public or by an officer who can administer oaths and declarations signed and stamped to authenticate the documents. In addition to the certification letters, the registries and sponsors were given a Request for Information that contained pertinent questions addressing the process taken by each registry and sponsor to provide equivalent access to registrars under their respective registry management.

Due to the confidential nature of the information submitted by each registry or sponsor concerning their specific business practices and operations, detailed information regarding their business operations is not included in this report. However, information regarding specific areas of compliance is reported here. Among the 14 registries and sponsors examined, 12 were found in compliance with the terms and conditions stated in their Registry and Sponsorship Agreements regarding Code of Conduct matters.

### **Audit Objectives**

The general objectives of the Registry Code of Conduct Audit were to:

- Ensure equivalent treatment with respect to registry services to all ICANN-Accredited Registrars.
- Specify how many IP addresses had been allotted for each ICANN-Accredited Registrar to connect to the shared registration system gateway for the TLD via the Internet.
- Verify that all ICANN-Accredited Registrars were sent the most recent version of the toolkit software.
- Explain how the customer support personnel were made available to each registrar in the registry.
- Determine what protective measures are in place to prevent registry access to proprietary registrar data by affiliates, subsidiaries, or other related entities.

### **Methodology**

The methodology for the Code of Conduct Audit required a thorough analysis of the registry operators' and sponsors' agreements to create certification letters verifying that the registries and sponsors were compliant with the terms and conditions stated in their agreements.

Each registry operator and sponsorship agreement is different. Accordingly, each audit was tailored to address the specific shared registration system gateway for the TLD stipulated in the agreements defined as Access to Registry Services in Article VII of the Registry Agreement, *Use of ICANN-Accredited Registrars*, as set forth in Section 3.6 of the Sponsorship Agreement, and/or Code of Conduct in Appendix I of the Registry Agreement.

All registries and sponsors were asked to have the certification letters signed by a corporate officer and notarized. Comprehensive and detailed responses were requested from each registry or sponsor to the Request for Information. All documents were to be sent via courier to ICANN by 11 June 2007.

ICANN staff completed the following tasks:

- Drafted certification letters based on specific requirements in the relevant registry/sponsor agreements.
- Transmitted the Request for Information and certification letters to each registry and sponsor.
- Logged all notarized certification letters and analyzed all registries and sponsors responses submitted from the Request for Information.
- Completed follow-up action with registries and sponsors for further explanation as needed.

ICANN sent each registry or sponsor a Request for Information questionnaire and a certification letter based on the specific terms and conditions set forth in each registry or sponsor agreement. The Code of Conduct Audit was classified under the three separate headings defined according to the registry or sponsor's respective registry agreements. A copy of the audit notification letter, the declaration statement and the Request for Information is provided below:

## **I. Access to Registry Services**

Dear Registries and Sponsors:

ICANN is conducting an Access to Registry Services Audit. Attached hereto you will find an Access to Registry Services Certification letter and a Request for Information. The letter must be signed by a corporate officer and notarized. Your responses to the Request for Information should be comprehensive. All documents must be sent by courier to:

The Internet Corporation for Assigned Names and Numbers  
Attention: Stacy Burnette  
4676 Admiralty Way, Suite 330  
Marina del Rey, California 90292  
USA

We ask that all correspondence is postmarked by 11 June 2007. Thank you for your prompt attention to this matter. Please feel free to contact Constance Brown at (310) XXX-XXXX should you have any questions.

Regards,

Stacy K. Burnette  
Director  
Contractual Compliance  
The Internet Corporation for Assigned Names and Numbers  
4676 Admiralty Way  
Suite 330  
Marina del Rey, CA 90292

## Access to Registry Services Certification

(Insert registry or sponsor), acting in its capacity as the Registry Operator, certifies that (insert registry or sponsor) is complying with the terms and conditions as set forth in Article VII of the Registry Agreement titled *Access to Registry Services*.

- (i) All registrars (including any registrar affiliated with Registry Operator) were able to connect to the shared registration system gateway for the TLD via the Internet by utilizing the same maximum number of IP addresses and SSL certificate authentication;
  - (ii) Registry Operator has made the current version of the registrar toolkit software accessible to all registrars and has made any updates available to all registrars on the same schedule;
  - (iii) All registrars had the same level of access to customer support personnel via telephone, email and Registry Operator's website;
  - (iv) All registrars had the same level of access to registry resources to resolve registry/registrar or registrar/registrar disputes and technical and/or administrative customer service issues;
  - (v) All registrars had the same level of access to data generated by Registry Operator to reconcile their registration activities from Registry Operator's Web and ftp servers;
  - (vi) All registrars were able to perform basic automated registrar account management functions using the same registrar tool made available to all registrars by Registry Operator; and
  - (vii) The shared registration system has not included, for purposes of providing discriminatory access, any algorithms or protocols that differentiate among registrars with respect to functionality, including database access, system priorities and overall performance.
- (b) Registry Operator has not acted as a registrar with respect to the TLD.
- (c) Registry Operator has not acquired, directly or indirectly, control of, or a greater than fifteen percent ownership interest in, any ICANN-Accredited Registrar.

This Certification is dated this the \_\_\_\_ day of June, 2007.

(insert registry or sponsor) By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

The Access to Registry Services certification letter was sent to nine registries or sponsors. A copy of the Request for Information questions is provided below:

## Request for Information

1. What procedures are followed by (insert registry name) and its subcontractors to ensure that all ICANN-Accredited Registrars in the (insert TLD) registry are provided nondiscriminatory access to registry services?
2. Please specify how many IP addresses (insert Registry name) has allotted for each ICANN-Accredited Registrar to connect to the shared registration system gateway for the TLD via the Internet.
3. Please verify that all ICANN-Accredited Registrars in the (insert TLD) registry have been sent updates to the most recent version of the toolkit software.
4. Please explain how (insert registry name) customer support personnel are made available to each registrar in the (insert TLD) registry.
5. What resources does (insert registry name) make available to registrars to resolve issues, such as, registry/registrar disputes, registrar/registrar disputes or technical and/or administrative customer service issues?
6. How do you ensure that registrars in the (insert TLD) registry have equivalent access to data generated by (insert registry name) to reconcile their registration activities?

## **II. Use of ICANN-Accredited Registrars**

Dear Registries and Sponsors:

ICANN is conducting an audit regarding the Use of ICANN-Accredited Registrars. Attached hereto you will find a Certification letter regarding the Use of ICANN-Accredited Registrars and a Request for Information. The letter must be signed by a corporate officer and notarized. Your responses to the Request for Information should be comprehensive. All documents must be sent by courier to:

The Internet Corporation for Assigned Names and Numbers  
Attention: Stacy Burnette  
4676 Admiralty Way, Suite 330  
Marina del Rey, California 90292  
USA

We ask that all correspondence is postmarked by 11 June 2007. Thank you for your prompt attention to this matter. Please feel free to contact Constance Brown at (310) XXX-XXXX should you have any questions.

Regards,

Stacy K. Burnette  
Director  
Contractual Compliance  
The Internet Corporation for Assigned Names and Numbers  
4676 Admiralty Way  
Suite 330  
Marina del Rey, CA 90292

### **Certification Re: Use of ICANN-Accredited Registrars**

(Insert sponsor) acting in its capacity as the Sponsor, certifies that (insert sponsor) is complying with the terms and conditions as set forth in section 3.6 of the Sponsorship Agreement titled *Use of ICANN-Accredited Registrars*.

1. Sponsor has entered its standard written agreement authorizing the provision of Registry Services (its Authorizing Agreement) with any ICANN-Accredited Registrar so selected that wishes to enter an Authorizing Agreement and is able to comply with its terms.
2. Sponsor has required Registry Operator to provide equivalent treatment with respect to Registry Services to all ICANN-Accredited Registrars that are in compliance with a currently effective Authorizing Agreement.

This Certification is dated this the \_\_\_\_\_ day of June, 2007.

(insert sponsor) By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

The Use of ICANN-Accredited Registrars certification letter was sent to three sponsoring organizations. A copy of the Request for Information question is provided below:

#### **Request for Information**

What steps are taken by (insert registry name) to ensure that the Registry Operator is providing equivalent treatment with respect to Registry Services to all ICANN-Accredited Registrars that are in compliance with a currently effective Authorizing Agreement?

### III. Code of Conduct

#### Code of Conduct Certification

The (insert registry or sponsor), acting in its capacity as the Registry Operator, certifies that (insert registry or sponsor) is complying with the terms and conditions as set forth in Appendix I of the Registry Agreement titled *Registry Code of Conduct*.

1. Other than in connection with the distribution of dividends or other profits to (insert registry or sponsor) members and shareholders, (insert registry or sponsor) has not, and have not required that its subcontractors directly or indirectly, show any preference or provide any special consideration to any DNS registry operator or ICANN-Accredited Registrars in the (insert tld) Registry versus any other DNS registry operator or ICANN-Accredited Registrars in the (insert TLD) Registry, as those terms are defined by ICANN, including the registry or registrar owned by a member of (insert registry or sponsor).
2. All ICANN-Accredited Registrars in the (insert tld) Registry had equal access to Registry Services provided by (insert registry or sponsor) as set forth in Appendix H.
3. (Insert registry or sponsor) and its members and subcontractors have not in any way attempted to warehouse or register domain names in their own right, except for names designated for operational purposes in compliance with Subsections 3.6.1 and 3.6.2 of the Registry Agreement. In its Monthly Report to ICANN, (insert registry or sponsor) included a list of all names designated for operational purposes.
4. Any shareholder, subsidiary, affiliate, or other related entity of (insert registry or sponsor) that also operates as a provider of registrar services has maintained separate books of account with respect to its registrar operations separate from those of (insert registry or sponsor).
5. Neither (insert registry or sponsor), nor its shareholders, subsidiaries, affiliates, or other related entities have not had access to user data or proprietary information of an ICANN-Accredited Registrar, except as necessary for registry management and operations.
6. (Insert registry or sponsor) has ensured that no user data or proprietary information from any ICANN-Accredited Registrar is disclosed to its affiliates, subsidiaries, or other related entities, except as necessary for registry management and operations.
7. Confidential information about (insert registry or sponsor)'s business services has not been shared with employees of any DNS registry operator or ICANN-Accredited Registrars, except as necessary for registry management and operations.

8. No member of (insert registry or sponsor)'s Board of Directors has simultaneously served on the Board of Directors of an ICANN-Accredited Registrar that obtains Registry Services from (insert registry or sponsor).
9. No employee of (insert registry or sponsor) holds greater than 5% interest, financial or otherwise in a company that obtains Registry Services from (insert registry or sponsor).
10. No employee of (insert registry) is also an employee of any (insert registry) subsidiary, affiliate or other related entity that also operates as an ICANN-Accredited Registrar.
11. (Insert registry) has ensured that no user data from or proprietary information of any registry operated or controlled by (insert registry) is disclosed to any other registry operated or controlled by (insert registry).
12. (Insert registry) has not attempted to itself determine any entity's right to a particular domain name, and does not have means to verify such rights.
13. (Insert registry) has conducted internal neutrality reviews on a regular basis.

This Certification is dated this the \_\_\_\_ day of June, 2007.

(Insert registry)

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

The Code of Conduct certification letter was sent to two registries. A copy of the Request for Information questions is provided below:

## Request for Information

1. What procedures are followed by (insert name) and its subcontractors to ensure that all ICANN-Accredited Registrars in the (insert TLD) registry are shown nonpreferential treatment?
2. Please send the most current (insert registry name) Equivalent Access Certificate pursuant to section 3.5.2, "Registry Operator shall certify to ICANN every six months, using the objective criteria set forth in Appendix H, that Registry Operator is providing all such ICANN-Accredited Registrars with equivalent access to its Registry Services, including to its shared registration system."
3. What protective measures are in place to ensure that any shareholder, subsidiary affiliates or other related entity of (insert registry name) maintains separate books of account with respect to its registrar operations?
4. Please specify what protective measures are in place to prevent registry access to proprietary registrar data by (insert registry name) affiliates, subsidiaries, or other related entities.
5. Have there been any cases where disclosure of proprietary information from any ICANN-Accredited Registrar was necessary per items 5 and 6 of Appendix I? If so, please provide details.
6. What protective measures are in place to control confidential information? How can you ensure that shareholders, subsidiary affiliates or other related entities of (insert registry name) are not given access to user data or proprietary information?
7. Please confirm that no member of (insert registry name) Board of Directors simultaneously serves on the Board of Directors of an ICANN-Accredited Registrar that obtains Registry Services from (insert registry name).
8. Are there any employees of (insert registry name) that hold a more than 5% interest, financial or otherwise in a company that obtains Registry Services from GNR?
9. Are there any employees of (insert registry name) that are also employees of any (insert registry name) subsidiary, affiliate or other related entity that also operates as an ICANN-Accredited Registrar?
10. Please provide a copy of the most current internal neutrality review conducted by (insert registry name).

At the conclusion of the audit, each registry and sponsor was given its results, an explanation of any areas in need of further explanation and a deadline to respond.

## **Findings**

ICANN examined responses received from 14 registries and sponsors to the Request for Information documents transmitted in conjunction with the Code of Conduct Audit. The following is an overview showing the various issues ICANN encountered during the compliance review associated with the Code of Conduct requirements. These statistics are based on results compiled from data received by the registries and sponsors:

- 86% of registries/sponsors reported that they provide equal treatment with respect to registry services to all ICANN-Accredited Registrars.
- 86% of registries/sponsors reported that they provide the same level of access to customer support personnel to all ICANN-Accredited Registrars.
- 86% of registries/sponsors reported that all ICANN-Accredited Registrars were sent the most recent version of the toolkit software.
- 86% of registries/sponsors reported having sufficient protective measures in place to prevent access to proprietary registrar data by affiliates, subsidiaries or other related entities.
- 86% of registries/sponsors reported that they do not have any employees that are also employees of an ICANN-Accredited Registrar.
- ICANN is currently in communication with the remaining two registries/sponsors that have not provided sufficient information to verify compliance to ensure that these registries/sponsors are aware of what is needed to be considered compliant and are given a sufficient time period to correct the problems identified by ICANN.
- To verify the registry Code of Conduct practices reported, in 2008 ICANN will conduct registry site visits and request documentation to verify the information provided as part of this audit.

The following categories required further follow-up by ICANN to assess compliance:

### **IP Address Allocation and Distribution**

Four registries or sponsors were asked to provide extensive information regarding IP address allocation or distribution. Specifically, the eligibility requirements in place to determine how to receive more IP addresses; how many total IP addresses are allocated for all registrars; and how do you restrict access to registrars' respective allocated IP addresses.

### **Nonpreferential Treatment**

Two registries or sponsors were asked to explain the technical and procedural measures involved in the eligibility and name selection process for registrars under the registry's management to ensure equivalent treatment; registries or sponsors were asked to include the steps taken and the security measures in place to ensure the registry is providing equivalent treatment; finally, how do you

ensure that registrars in the registry have equivalent access to data generated by the registry to reconcile their registration services.

### **Protective Measures and Discriminatory Access**

Eight registries or sponsors were asked to describe what measures are in place to prevent shareholders, subsidiary affiliates or other related entities from looking at data; provide a detailed description of the processes in place to ensure that the books of accounts are kept separately; provide a detailed description of the processes used by registrars to prevent discriminatory access to registry services; provide a detailed response outlining the protective measures that are in place to prevent registry access to proprietary registrar data and include the technical measures that are in place.

### **Recent Version of the Toolkit Software**

Two registries or sponsors were asked how registrars can access the most recent toolkit and if it is available to the public and to provide the URL.

### **Neutrality Review Certification**

One registry or sponsor was asked to provide adequate detail about the steps undertaken in the review to ensure that the registry or sponsor was complying with all the provisions in their agreement.

### **External Registry Operator**

Two registries or sponsors were asked to provide further explanation to the responses submitted.

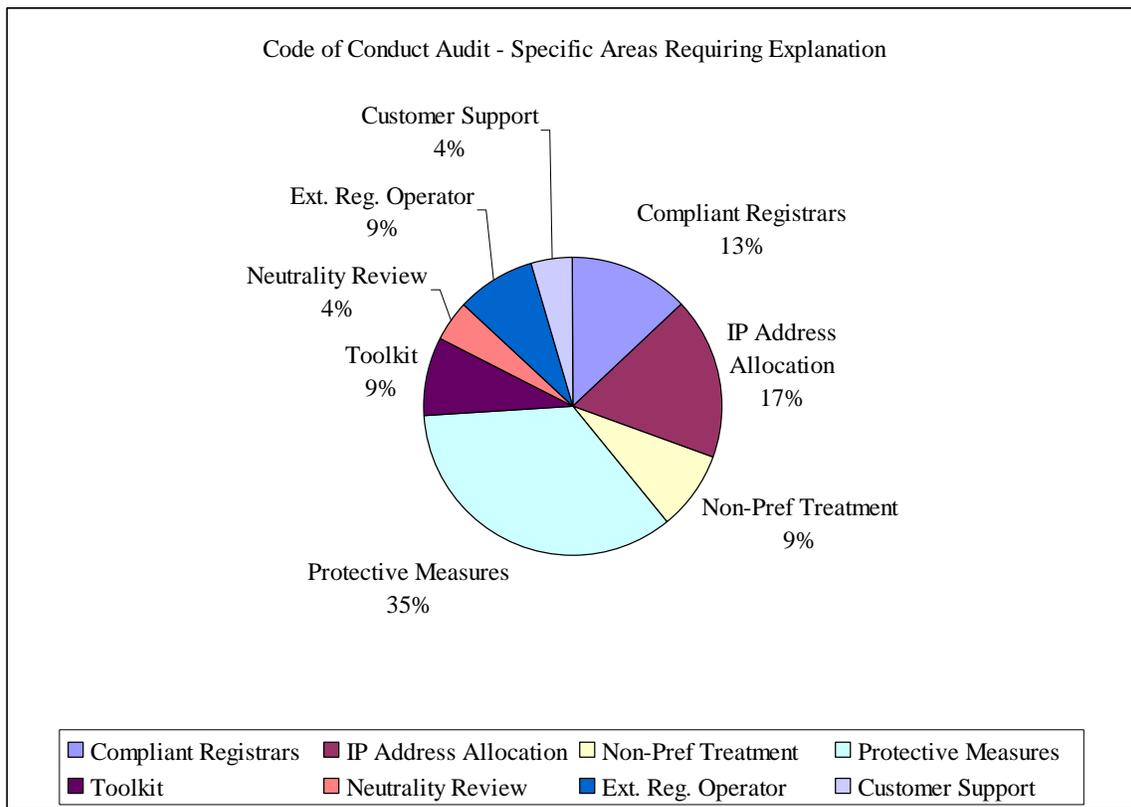
ICANN is aware of the type of arrangement in which registries use an external registry operator; however, we address our correspondence with the entity that has the agreement with ICANN. To provide ICANN with the level of detail required to be considered compliant, ICANN allowed the registries and sponsors to forward questions to the external registry operator for assistance as needed.

### **Customer Support/Resolving Disputes**

One registry or sponsor was asked what resources does the registry or sponsor make available to registrars to resolve issues such as registry/registrar disputes, registrar/registrar disputes or technical and/or administrative customer service issues.

After the initial analysis, three registries or sponsors were in compliance with all areas tested. ICANN staff requested the remaining 11 registries or sponsors to provide extensive information about their operations.

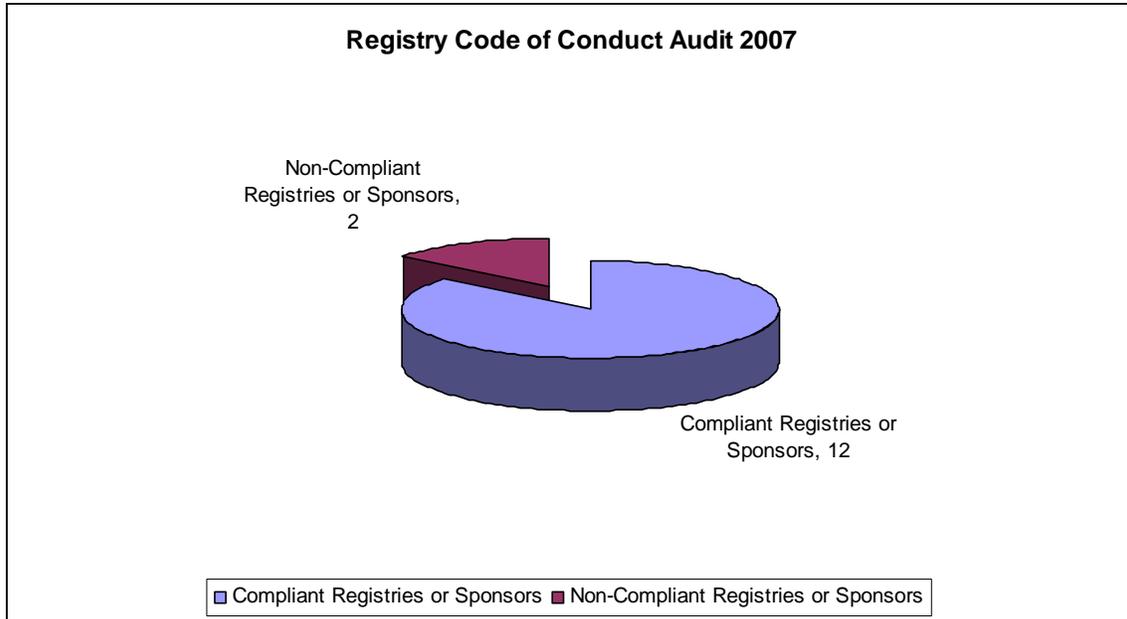
Figure IV-5 displays the compliance areas that required follow-up:



**Figure IV-5 – Compliance Areas Requiring Follow-Up**

After all compliance efforts were completed, of the remaining 11 registries and sponsors, nine were considered compliant after providing ICANN with the requested follow-up information.

Figure IV-6 illustrates the Registry Code of Conduct Compliance findings:



**Figure IV-6 – Registry Code of Conduct Compliance Findings**

Based on the requirements in each agreement, registries and sponsors were considered compliant if they:

- Provided the notarized certification letter signed by a corporate officer.
- Ensured equivalent treatment with respect to registry services to all ICANN-Accredited Registrars.
- Specified how many IP addresses had been allotted for each ICANN-Accredited Registrar to connect to the shared registration system gateway for the TLD via the Internet.
- Verified that all ICANN-Accredited Registrars were sent the most recent version of the toolkit software.
- Explained how the customer support personnel were made available to each registrar in the registry.
- Determined what protective measures are in place to prevent registry access to proprietary registrar data by affiliates, subsidiaries, or other related entities.
- Provided a neutrality review certification document that provided adequate detail about steps undertaken in the review to ensure that the registry or sponsor and its owners complied with all the provisions of the registry or sponsor's agreement.

**Follow-Up Actions**

- ICANN will contact the registries and sponsors that have outstanding information needed to complete this audit.
- ICANN will use the information provided by the registries and sponsors from this audit to evaluate and identify potential areas of reform to be considered by the ICANN community.
- ICANN will use the data provided in this audit as an accountability framework mechanism to assess future compliance work including on-site audit visits by ICANN staff.

## **G. WHOIS DATA PROBLEM REPORT SYSTEM**

### **Community Experiences with the InterNIC Whois Data Problem Report System**

#### **Executive Summary**

This report summarizes ICANN's experience with the operation of the Whois Data Problem Report System (WDPRS) during a 12-month reporting period that ended 28 February 2007. ICANN developed this system to receive and track complaints about inaccurate or incomplete Whois data entries. Individuals who encounter such entries can notify ICANN by completing an online form, which is then forwarded to the registrar of record for appropriate action. The WDPRS is one of the tools that ICANN uses to improve the accuracy of Whois data.

Through the WDPRS, ICANN can track how many reports are filed and confirmed by the reporter so they may be sent to the registrar of record. After 45 days, ICANN asks the person filing the report to complete the process by performing a follow-up review, which involves checking the Whois data again and indicating whether (1) the data was corrected; (2) the domain name was deleted; (3) the data was unchanged; or (4) there is some other disposition.

The WDPRS is one of the tools used by ICANN to improve Whois data accuracy and assist users in resolving Whois data accuracy disputes. In collaboration with the Internet community, ICANN will continue to explore measures to improve compliance with Whois provisions in ICANN agreements. The information provided through this report indicates that ICANN's current tools, including the WDPRS, continue to serve as valuable resources for users attempting to resolve Whois data accuracy claims.

In the most recent reporting period, there were 50,189 reports for which ICANN received follow-up responses during the year. Of these, 34,029 unique domain names were subject to reports. Thus, 16,160 duplicate reports were submitted.

As in previous years, a great majority of reports were filed by a small number of individuals. One individual this year filed nearly 40% of all reports received. The top 20 contributing individuals accounted for over 83% of the 50,189 reports. The fact that less than 1% of reporters accounted for almost 90% the reports presents an issue for statistical analysis of the data. The methodology we use for analysis depends on the judgments of the reporters, and hence any bias or skew in the judgments of that industrious 1% may affect the conclusions drawn. Because of this concern, ICANN staff did an independent analysis of approximately 16,000 of the domain names (described below) and the report indicates differences between the data sets.

The analysis performed on the data indicates that approximately 35% of the names reported were corrected, suspended, or are no longer registered (a total of 11,910 names fall in these categories). This number of names identified as corrected is 3,978 lower than the number in last year's report. This drop is believed to be due primarily to three reasons: ICANN tightened the definition of

names qualifying as “suspended,” reducing that number; rather than deleting names, some registrars are believed to “park” the names, with the registrant’s use of the name apparently disabled; and a reduction in the preciseness of reports furnished by reporters.

The total number of reports handled by the WDPRS during this reporting period (50,189) was slightly lower than the number of reports handled by the WDPRS in the last reporting period (51,664). This was likely due to the implementation of a limiter that prevents users from filing reports regarding domain names that were reported within the prior five days. On 1 June 2006, ICANN initiated use of a “limiter” at <http://wdprs.internic.net> to prevent abusive report submissions. ICANN has noted previously that some users of the WDPRS have abused the system by filing redundant, repetitive reports in short amounts of time. Registrars have complained that these notices can often be attributed to the manner in which a domain name is used (e.g., to send spam), but not necessarily to inaccurate Whois data. Registrars further observed that these redundant reports adversely impact their ability to timely act on legitimate, unique complaints. The use of the limiter has allowed the WDPRS to handle reports involving an additional 8,810 domain names over last year, while decreasing the aggregate number of reports by 1,475.

### **Applicable Provisions of the ICANN Registrar Accreditation Agreement**

The [RAA](#), which governs the relationship between ICANN and all accredited registrars, sets out several obligations for registrars with regard to Whois data accuracy. Specifically, registrars must:

- Require each registrant to submit (and keep updated) accurate contact details (RAA ¶ 3.7.7.1 <<http://www.icann.org/registrars/ra-agreement-17may01.htm#3.7.7.1>>).
- Provide both a web-based and Port 43 Whois service providing access to complete contact information for all TLDs covered under the RAA (RAA ¶ 3.3.1 <<http://www.icann.org/registrars/ra-agreement-17may01.htm#3.7.7>>).
- Require registrants to agree that willfully submitting inaccurate contact details (or failing to respond within 15 days to an inquiry regarding accuracy) shall be a basis for cancellation of the registration (RAA ¶ 3.7.7.2 <<http://www.icann.org/registrars/ra-agreement-17may01.htm#3.7.7.2>>).
- Take reasonable steps to investigate and correct the contact details in response to any reported inaccuracy (RAA ¶ 3.7.8 <<http://www.icann.org/registrars/ra-agreement-17may01.htm#3.7.8>>).

### **Implementation of the Whois Data Problem Report System (WDPRS)**

To assist registrars in complying with the contractual obligations outlined above, ICANN implemented the Whois Data Problem Report System (WDPRS) on 3 September 2002. The goal of the WDPRS is to streamline the process for receiving and tracking complaints about inaccurate and incomplete Whois data,

and thereby help improve the accuracy of Whois data. Since launching the WDPRS, several improvements were made to simplify the reporting process and automate the report investigation and registrar notification processes. Further technical enhancements are planned that will allow for enhanced statistical reporting of registrar report handling to ICANN Compliance staff.

Reports of inaccurate Whois data under the WDPRS are submitted through the InterNIC website, operated by ICANN as a public resource containing information relating to domain registration services. The centerpiece of the WDPRS is a centralized online form, available at <http://wdprs.internic.net>, for submitting reports about Whois data inaccuracies. The form requests Internet users (called “reporters” in this context) to specify the domain name they believe is inaccurate and their name and email address. After submitting this information, the reporter is shown the Whois record for that domain name, and asked to specify the inaccuracy or inaccuracies. The system then sends the reporter an email request for confirmation of the report. The reporter then has five days to acknowledge the request or the report will be deleted.

Once the report is confirmed by the reporter, it is automatically forwarded to the registrar of record for handling. Forty-five days later, a follow-up questionnaire is sent to the reporter, asking whether the inaccurate data was corrected, whether the name was deleted, whether there was no change, or whether there was some other disposition. The aggregate data collected during this final step is used by ICANN compliance staff to follow up with registrars as needed to ensure compliance with the requirements of the Registrar Accreditation Agreement.

### **Statistics from Operation of the WDPRS**

The following sections provide a statistical summary of operation of the Whois Data Problem Report System. These statistics cover the operation of the system from the last report’s cut-off date of 28 February 2006 until this year’s cut-off date of 28 February 2007. It includes information concerning (1) the number of Whois data inaccuracies reported; (2) the number of unique domain names with reported inaccuracies; and (3) registrar handling of the submitted reports.

#### **Reported Data Inaccuracies**

A total of 50,189 confirmed Whois Data Problem Reports, involving 34,029 unique domain names, were completed by the submission of a follow-up report by the reporter during this reporting period. The 2006 report indicated that 51,664 submissions had been confirmed during that reporting period, involving 25,219 unique domain names.

On a per TLD basis, .com represented 74.43% of confirmed reports, with .net and .info constituting 13.36% and 8.28%, respectively. When scaled by the total number of registrations in each TLD, .info domain names were the subject of the most reports. Approximately 7 domain names were subject to report(s) for every 10,000 .info registrations. The statistics for these and the other gTLDs are included in Table IV-5.

**Table IV-5 – Reports of Inaccuracies by Total Number and Percentage by Registry**

TLD	# Reports	% Reports	Reports per 10,000 registrations	# Unique Reports	% Unique Reports	Unique Reports per 10,000 registrations*
.com	37,357	74.43%	6.35	25,136	73.87%	4.27
.net	6,707	13.36%	7.75	4,734	13.91%	5.47
.info	4,154	8.287%	10.98	2,563	7.53%	6.77
.biz	484	.97%	3.10	311	.91%	1.98
.org	1,482	2.95%	2.70	1281	3.76%	2.33
.name	4	< .01%	0.18	4	< 0.01%	0.175
<b>Total</b>	<b>50,189</b>	<b>100%</b>	<b>6.39</b>	<b>34,029</b>	<b>100%</b>	<b>4.33</b>

\* Based on registrations as of 30 November 2006.

It is unclear why .info names were the subject of more WDPRS reports per 10,000 registrations than the other TLDs. (The .info ratio has dropped from last year.) This TLD has been offered by some registrars at promotional prices—in some cases .info names have been offered at no cost—but further research into the relationship between domain price and Whois data accuracy is needed before any conclusions are made.

A total of 2,437 different individuals submitted reports. On average, each reporter submitted approximately 24 reports, while some individuals submitted significantly more. Out of a total of 50,189 confirmed reports, the number of reports per individual for the top 20 reporters is as follows:

**Table IV-6 – Number of Reports Submitted by Top 20 Reporters**

Top 20 Reporters	# Reports Submitted
1	19,873
2	3,408
3	2,926
4	2,848
5	2,366
6	2,282
7	2,261
8	1,412

<b>Top 20 Reporters</b>	<b># Reports Submitted</b>
9	1,394
10	1,263
<b>Total</b>	<b>40,033</b>

As this table shows, fewer than 0.5% of all those who filed reports (10 people) were responsible for over 87% (40,033 out of 50,189) of all Whois inaccuracy reports submitted to ICANN during the reporting period. The 2006 report indicated that the top 20 reporters were responsible for over 59% (30,843 out of 51,664) of Whois inaccuracy reports. It is interesting to note that during the most recent reporting period, one user filed approximately 40% (19,873 out of 50,189) of all the Whois inaccuracy reports submitted to ICANN—a record. Nevertheless, individuals are also reporting single domains when they discover a problem—there were 1,086 individuals who submitted exactly one report.

From both anecdotal information received by ICANN and text accompanying the body of WDPRS reports received, we conclude that most, if not all, of the high volume reporters are driven by a concern about abuses involving email. In approximately 53% of the reports filed, the reporter indicated “spam,” “phishing,” or “fraud” in the comments accompanying the reports.

### **Unique Domain Names**

A total of 34,029 unique domain names were the subject of Whois Data Problem Reports during this review period. As reported above, there were a total of 50,189 reports confirmed and completed. Accordingly, 16,160 of the reports were duplicate submissions.

In reviewing the 20 most-reported domain names, it appears that all were appropriately deleted, suspended, or corrected.

### **Registrar Handling**

The following table characterizes the state of the reported Whois records as indicated by the follow-up reports provided to ICANN by the reporter.

**Table IV-7 – Status of Reported Whois Records**

<b>Status</b>	<b>Domain Names</b>	<b>%</b>
Inaccuracy Corrected	1,152	3.4 %
Domain Deleted	1,973	5.8 %
Other	1,917	5.6 %
Data Unchanged	28,978	85.2 %
<b>Total</b>	<b>34,029</b>	<b>100 %</b>

To better understand the nature of the reports marked “Other” or “Data Unchanged” ICANN staff reviewed 16,471 of the underlying Whois records and made the following observations: approximately 29% had in fact been deleted or suspended. Approximately 40% of them had Whois data that appeared to be accurate (note, however, that it is quite possible to supply Whois information that looks completely plausible, but is in fact bad). About 31% of the records appeared incomplete or clearly inaccurate.

**Table IV-8 – ICANN Findings of Status of Whois Records**

	<b>“Unchanged” or “Other” Domains Reviewed by ICANN Staff</b>	
<b>Actual Status</b>	<b>Domain Names</b>	<b>%</b>
Suspended	3,240	19.7 %
Domain Deleted	1,514	9.2 %
Incomplete or Clearly Inaccurate Data	5,080	30.8 %
Whois Contained Plausible Data	6,637	40.3 %
<b>Total Domains Reviewed</b>	<b>16,471</b>	<b>100 %</b>

Combining the suspended or deleted domain names noted by ICANN staff with the user reports of corrected, suspended, or deleted domain names, we arrive at an estimate of 35% of reported domain names with bad data that were corrected, suspended, or no longer registered. An additional 28% of domains with clearly bad information were not changed. This leaves approximately 37% of reported domains’ Whois data without obvious errors.

**Table IV-9 – Disposition of Unique Domains**

	<b>Estimated Disposition of Unique Domains</b>
Whois Corrected	3.4%
Domain Deleted	14.2%
Domain Suspended	17.9%
Whois Inaccurate or Incomplete	27.9%
Plausible Whois	36.6%

There are a number of explanations for the relatively high number of “unchanged” dispositions reported. The reporter may not have correctly interpreted the Whois data. Similarly, the domain name in question may have been placed in Registrar Hold status by the registrar, which would effectively prevent the domain name from functioning in any meaningful way, but this might

not have been understood by the reporter. Additionally, a reporter might have been motivated to inaccurately report an “unchanged” status, believing this would punish a registrant or registrar perceived to be causing or allowing the transmission of spam or phishing email. Anecdotal evidence also indicates some registrars or their resellers may have effectively suspended users’ use of domain names without deleting the names or placing them in clientHold status by resetting the nameservers to cause the domain name not to resolve or to resolve to a page controlled by the registrar. This apparent practice will be more closely investigated by ICANN to ascertain whether such measures comply with the Whois data accuracy requirements of the Registrar Accreditation Agreement.

In reviewing the number of reports filed per registrar, no pattern emerged in relation to registrar size and number of reports. Those registrars with larger numbers of unresolved WDPRS reports will be subjected to additional auditing later in the year.

### **Impact of WDPRS**

Several conclusions can be drawn concerning the impact of the WDPRS.

ICANN’s Whois Data Problem Report System continues to have a measurable impact on the accuracy of Whois data. Of the 34,029 unique domain names subject to WDPRS reports during this review period, we estimate that approximately 12,054 (35.4%) were deleted or suspended, or had correct Whois data supplied. An additional 12,449 (36.6%) domains had what appeared to be plausible Whois data, although practical constraints limited our ability to verify their accuracy with certainty.

The number of unique domain names subject to WDPRS reports increased.

Through ongoing monitoring of WDPRS complaints, ICANN has learned that some registrars did not purportedly receive forwarded complaints from ICANN due to spam-filtering or similar problems. ICANN has worked with several registrars to address this problem and will continue educational efforts to ensure greater compliance going forward.

ICANN will commence comprehensive Whois public access and data accuracy audits in 2007 as part of its updated Contractual Compliance Program. Scheduled dates for these audits have been published on ICANN’s compliance webpage at <http://www.icann.org/compliance/>. These audits are intended to ensure compliance with ICANN agreements; registrar/registry outreach events are also planned throughout 2007 to aid in these efforts.

Although the 34,029 reported names with inaccurate Whois comprise a small fraction of the nearly 80 million gTLD registrations, ICANN continues its resolve to improve Whois data accuracy through community education and enforcement of its contracts with registrars. In addition, there is a presumption that these 34,000-plus complaints were targeted at registrations that are sources of improper behavior and therefore curtailed that activity from those domain names.

Going forward, ICANN will continue to improve the WDPRS tool and take steps to improve Whois accuracy overall. Areas of improvement will include increased implementation of and reliance on automation and on-line reporting tools and augmented staffing of the ICANN contractual compliance function so that patterns of noncompliance can be aggressively pursued.

## V. CONCLUSION

The Contractual Compliance Department conducted its first series of registrar and registry contractual compliance audits since the creation of the Contractual Compliance Department in November 2006. The seven audits conducted during the reporting period, Registrar Primary Contact Audit, Registrar Website Audit, Registrar Fees Audit, Registry Fees Audit, Registrar Data Retention Audit, Registry Code of Conduct Audit and the Report on the Whois Data Problem Report System, resulted in the collection of valuable registrar and registry data that will be used to conduct future, more in-depth audits and to determine the validity of information provided by registrars and registries in response to ICANN inquiries.

During the process of conducting the registry and registrar contractual compliance audits, the Contractual Compliance Department learned several lessons including, but not limited to the following:

1. Most registrars and registries are polite and are genuinely interested in coming into compliance and remaining in compliance;
2. An appreciable number of registrars do not respond to ICANN's contractual compliance audit notices until ICANN sends repeated notices;
3. Significant staff time must be allotted to follow up with nonresponsive registrars;
4. The growing population of registrars often presents challenges in terms of data collection and data analysis; and
5. Site visits are necessary to verify contractual compliance audit responses.

The Contractual Compliance Department has analyzed the lessons learned during the reporting period to develop systems and processes to better address problems when they arise in the future.

The Contractual Compliance Department's experience with the Registrar and Registry communities during the reporting period was positive and the audit results reported herein reveal that overall registrar and registry compliance has improved. The Contractual Compliance Department will use its past experiences as building blocks to develop and maintain a Contractual Compliance Department that will benefit all members of the global Internet community by preventing harmful inconsistencies, unauthorized practices and unfair advantages.

To ensure that the Contractual Compliance Program continues to improve and address matters of interest to the community, ICANN encourages the community to register comments at [compliancecomments@icann.org](mailto:compliancecomments@icann.org). Posted comments can be viewed at <http://forum.icann.org/lists/compliancecomments>.