

**auDA Submission to the United States Department of Commerce, National  
Telecommunications and Information Administration Notice of Inquiry –  
“Assessment of the transition of the technical coordination and management  
of the Internet’s domain name and addressing system”  
Docket No. 090420688-9689-01**

**June 2009**

.au Domain Administration Ltd (auDA) is the not-for-profit organisation endorsed by the Australian Government to administer the .au domain space under an industry self-regulatory regime. auDA is an active participant within ICANN and the organisation’s policy development processes.

auDA welcomes the opportunity to provide input to the NTIA’s Notice of Inquiry regarding the transition of the technical coordination and management of the Internet’s domain name and addressing system.

**Key Recommendation**

**auDA recommends the Joint Project Agreement between the Internet Corporation for Assigned Names and Numbers (ICANN) and the United States Department of Commerce be concluded upon its expiry on 30 September 2009. ICANN has developed structures and processes to meet the goals established in the JPA and will be better positioned to move forward and meet new challenges if it granted the opportunity to operate under a finalised, stable and certain governance model.**

**The value of the MoU / JPA arrangements**

Since its establishment nearly eleven years ago, ICANN has drawn guidance for its role as global manager of internet naming and numbering resources from a series of agreements with the US Department of Commerce. The numerous iterations of the Memorandum of Understanding – now known as a “Joint Project Agreement” – between the parties have provided an appropriate accountability framework for ICANN during its formative years.

The JPA has successfully facilitated the development of a unique, multi-stakeholder model for internet governance, with meaningful participation from governments, business stakeholders, and the civil society.

The DoC’s stewardship has also provided appropriate assurances regarding the transparency and accountability of ICANN’s operations, and ensured the ongoing stability and security of the Internet’s system of unique identifiers.

## **The future of ICANN**

As ICANN moves into its second decade, it has matured into a responsible, accountable and recognised corporate model. It has made steady and methodical progress towards meeting the goals established in the JPA. However, it also faces a series of new challenges that must be met with organisational stability and certainty that can only be delivered through concluding the JPA and finalising the transition to full privatisation of DNS management foreseen by the DoC in the original Domain Name Project of 1997.

These challenges include the introduction of Internationalised Domain Names (IDNs) and a potentially unlimited number of new generic Top Level Domains (gTLDs). The success of these initiatives requires meaningful participation from many stakeholders, including national governments and large corporate partners. ICANN's independence will ensure that it is able to engage these stakeholders authoritatively and impartially.

The conclusion of the JPA should not be interpreted as a potential decrease in ICANN's accountability. ICANN has developed a clearly defined, active, engaged group of stakeholders, with defined processes for eliciting their input on key policy processes. ICANN's structure of Supporting Organisations and Advisory Committees ensures the organisation is – and will remain – accountable to these stakeholders.

It is also important to note that ICANN's key responsibility for ensuring the Internet's security and stability is most directly exercised through its operation of the Internet Assigned Numbers Authority (IANA). This function remains contracted through the Department of Commerce and further ensures ongoing accountability of ICANN's operations.

## **Conclusion of the Joint Project Agreement**

auDA recommends the conclusion of the Joint Project Agreement and the announcement of the successful completion of the Domain Name Project initiated in 1997. The announcement should re-affirm that the governance of the Internet's naming and numbering resources should remain independent, private-sector led, multi-stakeholder open, transparent and accountable. auDA believes that the conclusion of the JPA is not merely possible, but essential to the ongoing security and stability of the Internet, and that ICANN has grown to be the organisation best-positioned to deliver this. auDA remains committed to participating in ICANN.

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