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Nominet Response to the Notice of Inquiry on the Assessment of the Transition of the Technical Coordination and Management of the Internet's Domain Name Addressing System

Dear Ms Alexander

Nominet is the registry for .uk Internet domain names: we are the third largest country-code top-level domain (behind China and Germany) with almost eight million registered domain names. We have been an active participant in ICANN since its inception and play a leading role in the ccNSO community.

We are pleased to have the opportunity to respond to the United States government's Notice of Inquiry on the assessment of the transition of the technical coordination and management of the Internet's domain name and addressing system.

Nominet submitted comments to the mid-term review of the Joint Project Agreement (JPA) (<http://www.nominet.org.uk/news/latest/2008/?contentId=4767>), which remain relevant.

We continue to strongly support the goal of the Memorandum of Understanding/Joint Project Agreement process of a transition of responsibilities for the coordination of the DNS to private sector management. We believe that this remains the goal of the Department of Commerce and we welcome this continued commitment.

The 1998 DNS White Paper (Management of Internet Domain Name and Addresses) set a good framework for the coordination of the DNS and remains relevant today. In particular, we believe that the four principles for the transition to private sector management of the DNS remain fundamental to the management and coordination of the DNS.

We recognise that the MOU/JPA does not give the Department of Commerce the ability to exercise 'oversight' of ICANN. However, we would note that there is a general expectation that the Department continues to have a role to "jointly design, develop, and test the mechanisms that will achieve the transition...". We believe that the Department of

Commerce should maintain this role until such time as it is clear that ICANN has in place the safeguards needed to ensure a stable and accountable private sector ICANN in a post-JPA environment.

Since the DNS White Paper, the Internet has significantly grown in economic and social importance. The political importance of the Internet has been underlined by the World Summit on the Information Society (2003, 2005) and by the OECD's ministerial meeting on the Future of the Internet Economy (2008). The environment that ICANN works in today is massively different from that at its creation in 1998, and the expectation from all parts of the economy is for ICANN's decisions to be made in a way that reflects this wider interest.

In particular, the domain name system has an impact on all Internet users worldwide: meeting user needs should be a key focus for ICANN. This means that ICANN needs to be able to look beyond the "Internet community" and ensure that these wider interests and concerns are at the core of developing policy and setting ICANN's priorities. A wider vision of accountability, with a responsibility to make decisions in the interests of the global user community, will need to be fully in place. Providing global accountability to all Internet users is a major challenge, given the diversity of interests across different stakeholder groups and through the international community. Much progress has been made in this and, while inevitably the ICANN model is imperfect, it does provide accessibility to its decision-making processes in a way that no other organisation has ever done before.

The multi-stakeholder process has allowed ICANN to make progress on key challenges, but, with the global growth of the Internet and its commercial and social impact, we believe that there are increasing expectations on ICANN. In particular there needs to be more reliable and trusted mechanisms in place to ensure institutional confidence.

This was a clear message from the mid-term review of the JPA, which identified a number of concerns and, in particular highlighted the need for ICANN to do additional work in improving institutional confidence: we share many of those concerns.

While ICANN has started the important process of addressing these concerns, it has yet to fully identify what mechanisms it will put in place. It is of considerable concern that the future model of ICANN is still not clear to the ICANN community and that we do not know how the future demands and expectations on ICANN will be addressed.

A key principle in the DNS White Paper was to reflect the diversity of the users of the Internet and of their needs. We recognise the work that has been done in preparing for the introduction of domain names in non-ASCII scripts, but we are concerned that many countries are now waiting on ICANN for the implementation of internationalised domain names. Any unjustified delays will impact billions of users around the globe and could lead to serious questions about ICANN's ability to respond to wider international needs.

While we recognise that ICANN has improved its communications in recent years, there is much that still needs to be done, not least in targeting its messages to those most likely to be concerned by decisions at an early stage, in proactively engaging discussions with those communities, and in responding to concerns and comments from those likely to be affected by ICANN's decisions. This is fundamental in ensuring effective representation and showing that ICANN represents more than just the Internet community.

ICANN has grown massively in recent years – in the number of staff and in its total budget – reflecting the wide range of current issues it is addressing. We believe that this has made it more difficult for those not directly involved in the industry to follow what is going on and works as a barrier to effective participation by those from outside the domain name sector.

It is essential that ICANN develop better participation going forward, for example, from the business user community. This may be facilitated by issues based policy development.

On some policy issues, there has been good visibility to encourage wide participation and comment. On the other hand, there has been relatively little visibility in the process of preparing for the exhaustion of the IPv4 Internet address space: this is a serious issue for the future stability of the Internet, yet has hardly featured on recent ICANN agendas.

We are pleased to see the recent progress on interim arrangements for the signing of the root, which will support the implementation of DNSSEC. (Nominet responded to the NTIA NoI on DNSSEC in early 2009.)

In conclusion, Nominet welcomes the opportunity to comment on the transition of the technical coordination and management of the Internet's domain name and addressing system. We continue to support the privatisation of the management of the DNS based on the four principles identified in the DNS White Paper and we agree that ICANN has made good progress in fulfilling most of the obligations of the MoU and the JPA. However, we feel that ICANN has yet to fully define a model for its accountability in a post-JPA environment and has yet to identify how its structure might change in order to achieve the confidence of the wider community dependent on the DNS. We are concerned about the way ICANN establishes its priorities and how it will ensure effective representation from beyond the traditional Internet community in future. We are concerned at the relatively slow progress that has been made in responding to the introduction of internationalised domain names in the root and in preparing for the exhaustion of IPv4 address space, both of which have a potentially major impact on the effective operation of the Internet.

We would welcome clear assurances about how these concerns will be addressed before the final conclusion of the JPA, and these could perhaps be specifically addressed in the final DNS Project Report.

Yours sincerely,



Lesley Cowley
Chief Executive