



June 8, 2009

Ms. Fiona M. Alexander  
Associate Administrator  
Office of International Affairs  
National Telecommunications and Information Administration  
U.S. Department of Commerce  
1401 Constitution Avenue, NW, Room 4701  
Washington, DC 20230

VIA Email: [DNSTransition@ntia.doc.gov](mailto:DNSTransition@ntia.doc.gov)

Dear Ms. Alexander:

TechAmerica is pleased to submit comments to the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA) in response to its Notice of Inquiry on "Assessment of the Transition of the Technical Coordination and Management of the Internet's Domain Name and Addressing System," reference Docket No. 090420688-9689-01.

### **About TechAmerica**

TechAmerica is the leading voice for the U.S. technology industry, which is the driving force behind productivity growth and jobs creation in the United States and the foundation of the global innovation economy. Representing approximately 1,500 member companies of all sizes from the public and commercial sectors of the economy, it is the industry's largest advocacy organization and is dedicated to helping members' top and bottom lines. It is also the technology industry's only grassroots-to-global advocacy network, with offices in state capitals around the United States, Washington, D.C., Europe (Brussels) and Asia (Beijing). TechAmerica was formed by the merger of AeA (formerly the American Electronics Association), the Cyber Security Industry Alliance (CSIA), the Information Technology Association of America (ITAA) and the Government Electronics & Information Technology Association (GEIA). The association maintains a formal alliance with more than 40 regional groups in the U.S. and Canada, representing 16,000 technology related companies through TECHNIA, as well as with 70 industry associations from around the world as the U.S. member association of the World Information Technology and Services Alliance (WITSA). Learn more at [www.techamerica.org](http://www.techamerica.org).

### **Background on TechAmerica's involvement in ICANN:**

TechAmerica's (and previously ITAA's) members have participated in and led many of the events and consultations with the private sector and governments that led to the creation of ICANN as the private-sector led initiative to coordinate and manage the Internet's domain name and addressing systems, and we continue to support it in that role. TechAmerica remains actively involved in ICANN through its International Policy committee and specific work on Internet Governance, participation in ICANN's

#### **TechAmerica**

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consultative processes, and its membership in WITSA to provide input into global public policy developments regarding the IT sector and the Internet.

### **TechAmerica's Perspective on ICANN:**

TechAmerica (formerly as ITAA) provided input into the Midterm Review of the Joint Project Agreement (JPA) in February 2008. In our submission, we emphasized that our position on the future governance of the Internet's addressing system is based on an underlying principle of private sector leadership in the technical coordination and management of the unique indicators of the domain name system (DNS). We maintain our position and commitment to an ICANN that remains stable, reliable, globally acceptable, and private-sector led as the global Internet continues to evolve in scope and scale while retaining its discrete, technically oriented mission.

Specifically, our submission highlighted three key imperatives for ICANN as it evolves to private sector management, including:

- (1) establishing new mechanisms and continually improving existing ones in several core areas such as accountability and transparency and leveraging the multi-stakeholder model embodied in ICANN;
- (2) addressing the operational challenges, security concerns, and new requirements related to the introduction of internationalized domain names (IDNs) and new generic top level domain names (gTLDs); and
- (3) working with the key stakeholder communities to develop and implement a transition plan toward a stable, private-sector led ICANN that is free from capture by other parties and retains broad-based, global support.

We strongly believe that ICANN's role is to be a trusted steward of the Internet's name and numbering system for the global community. From this perspective, we continue to aver these same imperatives.

### **The Future of ICANN:**

In our response to the mid-term review, we also outlined our comments on key elements for ICANN to which we remain committed: security and stability; accountability and transparency; leveraging the multi-stakeholder model; and the role of governments, international bodies, and international organizations. In this context, we offer the following observations and recommendations for the future of ICANN as we approach the expiration of the JPA.

To address the questions posed in the current NOI, there are two main themes that are key elements regarding the future of ICANN. First and foremost, the private-sector led, multi-stakeholder model that was established as ICANN is the right model for managing the function that makes the Internet possible. Second, a mechanism for accountability is a foundation for the security, stability, and reliability of the organization and the function it provides to the global community.

There should be no question that the private-sector led, multi-stakeholder model is the right model for technical coordination and management of the unique indicators of the DNS. It is the private sector that provides the required functions and services, coordinates with other industry partners to implement them, and evolves as nimbly as required to meet increasing and changing demands. It is the private sector that has, and will continue, to drive the growth of the Internet to reach the next billion users in every corner of the globe.

The second key element that addresses many of the questions posed in the NOI is the continued need for greater, sustained accountability of ICANN to its stakeholder community.

As described in the NOI, the DHS White Paper outlined four principles for guiding the transition to private sector management of the DNS: stability; competition; private, bottom-up coordination; and representation. These four principles are still appropriate and relevant, and they are all embodied in the overarching need for greater, sustained accountability. The principles are being integrated into ICANN's existing processes and structures, but that integration is in the planning stages in many areas, rather than fully implemented.

With regard to stability, we have stated before that ICANN's responsibility for the stability of the DNS is not only a technical requirement, but an organizational one as well. Therefore, ICANN truly needs to put in place the structures and procedures that support its operations. This includes ensuring an organization that is free from internal or external capture, ensuring transparency in proceedings and processes, complying with contracting agreements and other obligations, and managing its priorities and projects effectively. ICANN can only do these things by abiding by the other three principles in all areas of its operations.

We applaud ICANN for its efforts to integrate these principles into its operations, including (1) increasing transparency by developing tools to inform stakeholders about proceedings and decisions; (2) facilitating stakeholder outreach and increasing engagement in decision-making and policy development processes; and (3) considering accountability mechanisms. However, there are still significant gaps and a lack of an accountability mechanism that provides safeguards in key areas.

To ensure trust and confidence ICANN's organizational efforts and in the global community, there are three overarching strategic goals that must be reflected in all of its work:

- A clear expression of a priority focus on security and stability of the Internet;
- Significant improvements to procedures for accountability; and
- Preservation of ICANN as a private-sector led, multi-stakeholder organization.

With regard to the first of these strategic goals, security and stability of the Internet, ICANN must demonstrate that it has the capacity to manage not only the organization, but the functions it provides on sustained basis. For example, it needs to clearly articulate how it will support the exponential growth of the Internet, including the proposals for new internationalized domain names, or new gTLDs, for instance.

With regard to significant improvements in procedures for accountability, there are both strategic and tactical changes that need to be made. Tactically, ICANN needs to ensure easy and timely access to decisions of the Board, effective and timely enforcement of contractual arrangements, and improvements in transparency – such as comment and reconsideration procedures. Strategically, ICANN must take the steps necessary to create an appeals mechanism that is independent of ICANN staff and board and extends beyond access to decisions of the Board. It must also include a revision of its bylaws to reflect safeguards against capture, formalized structures and procedures, and a clear, effective decision-making system. The U.S. Administrative Procedure Act may provide a good decision-making model. Importantly, it must also include a mechanism that enables the ability to not only challenge but also overturn decisions of the Board. Such a mechanism should ensure that members of ICANN's broad stakeholder community, including non contracted parties, have the requisite standing in that regard.

With regard to preservation of ICANN as a private-sector led, multi-stakeholder organization, the needs are two-fold. First, the security, stability, and accountability measures discussed above must enable and leverage the private sector leadership in the technical, tactical, and strategic efforts underway. Specifically, that would require deepening the involvement of broader business in the decision making structures described above. Second, ICANN should continue its outreach to global stakeholder groups for their information and participation in its efforts including, importantly, greater participation by governments in the Government Advisory Council (GAC).

**Next Steps:**

ICANN has made strides in many areas to meet its objectives and the spirit of the JPA. However, in many important ways it still has much to do, as we have outlined, to make fundamental structural changes and to make significant progress. Further, making those fundamental changes will require engagement with its stakeholder groups for effective operation of the organization into the future on a concerted and deliberative basis. That engagement and the structural change required cannot be done effectively in the span of just a few months. We believe that deliberative process and resulting structure is paramount to the future paradigm for ICANN, and it should be undertaken as soon as possible.

**Conclusion:**

Thank you for the opportunity to provide our input into this important process. We will continue to monitor and contribute to the global dialogue on Internet issues, and we look forward to continuing to work with all interested parties as we go forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip J. Bond". The signature is fluid and cursive, with the first name "Philip" and last name "Bond" clearly distinguishable.

Philip J. Bond  
President