Response to NTIA questionnaire

On behalf of Nominet UK, 7 July 2006

Nominet is pleased to respond to the NTIA's questionnaire. Nominet, the registry for .uk domain names, this year celebrates its 10th year in business and has achieved the landmark of 5 million registrations.

A not-for-profit private company, Nominet has been closely involved in the ICANN framework since 1998, and has recently announced an exchange of letters with ICANN, and that it will join ICANN's country code Names Support Organisation (ccNSO).

1. *The DNS White Paper articulated principles (i.e., stability; competition; private, bottom-up coordination; and representation) necessary for guiding the transition to private sector management of the Internet DNS. Are these principles still relevant? Should additional principles be considered in light of: the advance in Internet technology; the expanded global reach of the Internet; the experience gained over the eight years since the Department of Commerce issued the DNS White Paper; and the international dialogue, including the discussions related to Internet governance at the United Nations World Summit on the Information Society (WSIS)?*

Response:

The principles of stability; competition; private, bottom-up coordination; and representation still hold good. What remains a challenge in light of the WSIS discussions, is how to translate those principles successfully into practice. We will be following the "process towards enhanced cooperation", and have made written submissions to Nitin Desai. We believe that the principle of "representation" will be particularly relevant in discussions about enhanced cooperation.

2. *The DNS White Paper articulated a number of actions that should be taken in order for the US Government to transition its Internet DNS technical coordination and management responsibilities to the private sector. These actions appear in the MOU as a series of core tasks and milestones. Has ICANN achieved sufficient progress in its tasks, as agreed in the MOU, for the transition to take place by September 30, 2006?*

3. *Are these core tasks and milestones still relevant to facilitate this transition and meet the goals outlined in the DNS White Paper and the US Principles on the Internet's Domain Name and Addressing System? Should new or revised tasks/methods be considered in order for the transition to occur? And on what time frame and by what method should a transition occur?*

Response:

We respond to questions 2 and 3 together.

ICANN has made progress on many key tasks articulated in the MoU, but there still much to do. Moreover, as is evident in the ongoing process towards enhanced cooperation, there remains intense debate about how best to transition the current US Government role, and what it should transition to.

In this context, decisions about timing of the transition cannot be based on ICANN's progress alone.

4. *The DNS White Paper listed several key stakeholder groups whose meaningful participation is necessary for effective technical coordination and management of the Internet DNS. Are all of these groups involved effectively in the ICANN process? If not, how could their involvement be improved? Are there key stakeholder groups not listed in the DNS White Paper, such as those with expertise in the area of Internet security or infrastructure technologies, that could provide valuable input into the technical coordination and management of the Internet DNS? If so, how could their involvement be facilitated?*

Response:

Reflecting the predominantly technical nature of the Internet community of the time, the stakeholders listed in the White Paper tend to be part of the technical community. Since the late 1990s, the Internet's reach and influence has extended considerably, and likewise the "internet community" has evolved. At the UK level, this evolution can be seen the change in membership of Nominet's Policy Advisory Board, and the increase in representation from government, business, academia and civil society.

The ICANN process needs to remain flexible to respond to the changing nature of the Internet community. In particular, real progress needs to made in creating an inclusive environment for dialogue, in which all stakeholders - especially those from developing countries - can participate. It is necessary to make progress on multilingualism in the root, in order to demonstrate that ICANN is responsive to the needs of non-English speaking Internet users.

5. *The DNS White Paper listed principles and mechanisms for technical coordination and management of the Internet DNS to encourage meaningful participation and representation of key stakeholders. ICANN, in conjunction with many of these key stakeholders, has created various supporting organizations and committees to facilitate stakeholder participation in ICANN processes. Is participation in these organizations meeting the needs of key stakeholders and the Internet community? Are there ways to improve or expand participation in these organizations and committees?*

Response:

The establishment of a support organisation for ccTLDs was a welcome step in ICANN's development, as it recognised that gTLDs and ccTLDs have different interests in and requirements of ICANN.

We welcome recent improvements to the bylaws relating to the ccNSO. This has removed key concerns which had previously prevented Nominet from joining. We recently announced that we have applied to join the ccNSO, and hope that recent changes to the bylaws as well as continuing work to clarify the scope of the ccNSO may encourage other colleagues from the ccTLD community to join. However, as it currently stands, there are only 6 ccNSO members from the European region (including the Cayman Islands!), out of a possible 75 (according to ICANN's categorisation at http://www.wwtld.org/elections/20030718.geography.html)..

> 6.   *What methods and/or processes should be considered to encourage greater efficiency and responsiveness to governments and ccTLD managers in processing root management requests to address public policy and sovereignty concerns? Please keep in mind the need to preserve the security and stability of the Internet DNS and the goal of decision-making at the local level. Are there new technology tools available that could improve this process, such as automation of request processing?*

Response:

In our view, there have been a number of encouraging developments in this area, notably the publication of the revised GAC Principles (2005). We support the view that "*delegation and re-delegation is a national issue and should be resolved nationally and in accordance with national laws, taking into account the views of all local stakeholders and the rights of the existing ccTLD Registry*".

Moreover, we are encouraged by efficiency improvements that have been made in the IANA function and the potential for greater automation of the IANA. We do not believe that automation is appropriate for every aspect of the IANA management, but the key benefit is the potential to decentralise its operation, placing responsibility for decisions relating to ccTLDs where they belong: at the local level. Depending on arrangements at the national level, decisions relating to the ccTLD may or may not involve the relevant national government. Through implementation of technologies, whilst the root database would continue to be held centrally, it could be managed in a distributed manner. This would be a flexible and improved framework which also avoids a single point of failure.

7.   *Many public and private organizations have various roles and responsibilities related to the Internet DNS, and more broadly, to Internet governance. How can information exchange, collaboration and enhanced cooperation among these organizations be achieved as called for by the WSIS?*

Response:

Internet Governance Forum

Nominet welcomes the formation of the Internet Governance Forum, and looks forward to playing an active role in a successful inaugural meeting. In our view, the fact that debate during the WSIS focused so heavily on management of the Domain Name System was an opportunity lost, particularly given the lofty ambitions articulated in the Geneva Principles (2003), such as creating an enabling environment, bridging the digital divide, and providing access to information and knowledge for all.

We believe the Internet Governance Forum will provide a much needed space for dialogue, and should focus on those issues which are most of concern to Internet users, for example the use and misuse of the Internet, international connectivity costs, free-flow of information and local language content.

Enhanced cooperation

The process towards enhanced cooperation should do nothing to undermine the stability, security and continuity of the Internet.

We believe that "enhanced cooperation" means better cooperation between existing actors and institutions, and that no new organisations need to be created. However, it does mean that existing actors and institutions (including ICANN) need to explore ways in which mechanisms and structures may need to evolve in order to facilitate enhanced cooperation. For example, whilst ICANN is a multi-stakeholder environment, in many cases this has taken the form of parallel meetings, rather than engagement across traditional sector boundaries. We welcome the increase in cross-stakeholder meetings within the ICANN framework.

We see the role of the Governmental Advisory Committee (GAC) to ICANN as key to the process towards enhanced cooperation. In particular, we call on all governments to participate in the GAC at a senior level, and for the GAC to review the way that it inputs into the ICANN dialogue. A consensus position can make a strong impact. At present, however, consensus is difficult, if not impossible, to reach on many issues facing the global Internet community. It would be more valuable for the GAC to

advance understanding by setting out the range of legitimate positions held by governments on subjects such as WHOIS, multilingualism, or new namespace.