July 21, 2006

Ms. Fiona Alexander
Office of International Affairs
National Telecommunications and Information Administration
1401 Constitution Avenue, N.W.
Room 4701
Washington, DC 20230

Dear Ms. Alexander:

On behalf of the Information Technology Association of America (ITAA) and its membership, we respectfully submit the following comments to the US Department of Commerce's National Telecommunications and Information Administration (NTIA) in response to its request for comments on the continuation of the transition of the technical coordination and management of the Internet domain name and addressing system Internet DNS) to the private sector.

Who We Are
ITAA represents approximately 330 information technology companies and, as one of the oldest high technology advocacy organizations in the world, plays a leading role in addressing policy issues of concern to the IT industry including information security, tax policy, digital intellectual property protection, telecommunications competition, the Internet, online privacy and consumer protection, government IT procurement, and e-commerce policy. ITAA members reflect the diversity of this industry, including the smallest IT start-ups as well as industry leaders in the Internet, software, IT services, ASP, digital content, systems integration, telecommunications, and enterprise solution fields. ITAA also serves as the secretariat for the World Information Technology and Services Alliance (WITSA), a consortium of information and communications technology (ICT) industry associations from almost 70 economies, representing more than 15,000 IT companies worldwide.

History of Engagement
Many of our members are actively engaged in the creation of Internet technologies and participated in various ways in the building and adoption of the Internet itself. Today, our members, and other commercial entities around the world continue to innovate, build, and operate the Internet. Our members rely on the Internet's stable functioning and play a critical role in designing and delivering a wide array of applications and services using the Internet.

ITAA participated in the earliest discussions about private sector management of the domain name system, and prior to ICANN's creation, hosted collaborative events that brought industry and non-governmental organization's (NGOs) together to discuss how to ensure private sector leadership in the management and coordination of the unique features of the global Internet. ITAA served as a primary drafter of the DNSO (now GNSO) framework and bylaws and

participated in the DNSO Commercial and Business User Constituency. ITAA is an active participant in ICANN through its membership in WITSA and through ITAA's own Global Public Policy Committee (GPPC).

From the beginning, ITAA members and the broader community have been focused on the importance of ICANN's stability and on its ability to fulfill the public trust inherent in ICANN's role. We remain committed to the narrow technical mission and core values and are concerned that ICANN should take care not to overreach this mission in its activities.

ITAA believes that the guiding principles remain relevant and critical. The initial principles established via the Green Paper and White Paper were thoroughly vetted, including via regional events conducted as part of the International Forum on the White Paper.

Stability
ITAA believes that the first and foremost principle must remain the operational stability of the Internet.

Competition
ICANN has made progress in introducing competition into the registrar services segment. It must further examine how to promote and enhance competition in the provisio of registry services in an environment that is not yet fully competitive. ICANN should enhance its consultations with competition and antitrust authorities, and with the broader community, as it examines how to promote a fair, balanced and stable competitive environment.

Bottom-up Coordination
The policy development process and ICANN's overall legitimacy as the steward of the globally unique indicators is founded on bottom-up coordination and consensus-based policy development. Both should be maintained and respected. Further enhancement and improvement is desirable in these areas. ICANN must strengthen its support to the existing structures in its efforts to broaden and deepen participation.

Representation and informed participation
It remains critical to ICANN's legitimacy to continually encourage informed participation by all interested stakeholders, including present stakeholders and parties who are not yet engaged. However, the use of the term *representation* needs to be fully examined and considered for its meaning and how best to address *representation* in the ICANN processes. It is possible that a priority objective for ICANN is to focus on 'informed participation', not just representation. In creating ICANN, there was a commitment to ensuring geographical diversity and broad representation of interested sectors, and this commitment must continue.

Outreach and Communication
Many players, including the technical community, commercial and non-commercial users, governmental agencies, NGOs and individual users seek a greater understanding of ICANN's role and activities, including the policy development process, in order to enable their informed

participation. ICANN should support building from the strength of its existing base of supporters as it broadens outreach initiatives. These outreach initiatives must remain focused and consistent with ICANN's narrow technical mission.

ICANN should seek a balance across stakeholder views as it continues to define its role in the universe of international entities, mindful of its unique private sector leadership role, its consensus-based decision-making process and the importance of informed participation from a disparate and increasing base of stakeholders. ICANN should continue to seek collaboration and cooperation with other bodies, such as UNESCO, WIPO, and the ITU, as consistent with ICANN's mission and core values. ITAA sees the evolution and acceptance of ICANN within the international community of organizations as a very positive outcome that has been built on the good will, hard work, and collaboration of the stakeholders themselves.

ICANN provides a number of mechanisms by which an organization, business, NGO, government or individual can participate. ICANN informational resources to support informed and meaningful participation must continue to improve and be easily accessible by the diverse range of interested stakeholders. Information should include who ICANN is, but also working initiatives and policy issues. Such information is a prerequisite to building informed and effective participation.   Each of the Supporting Organizations (SOs) has a different function and purpose and each seeks input and participation from a diverse set of interested parties. Yet, there are commonalities of need in informational resources across all the Advisory Committees and the SOs.

ICANN has pioneered and instituted an extremely effective tool for informing the community about proceedings and workshops in its face-to-face meetings through the use of real time transcripts that are widely available. These are extremely useful for documenting the interactions and information exchanged at in-person meetings. ICANN should examine further mechanisms to make its work fully and contemporaneously accessible and understandable in generic materials that can be translated and used by all stakeholders.

As a relatively young organization, ICANN has established credibility with the support of global Internet stakeholders and with the good will and support of a number of Internet-friendly governments. This credibility is built on the stakeholders' commitment and participation. Of course, broad, informed participation is still evolving and needs further support and enhancement. This is under examination within ICANN's formal processes and should be given a chance to evolve.

ITAA recommends that further attention should be given to building senior relationships into the ICT community consistent with its technical mission. ICANN's role in security of the DNS involves more than inclusion of the contracted parties engaged already via the security and stability advisory committee (SSAC). ICANN must also embrace outreach to the core infrastructure builders and suppliers of the technologies, networks, and software that make up the Internet. As the Internet broadens and deepens its reach, it is appropriate for ICANN to continue its advocacy for a secure DNS via DNSSEC. ITAA believes that including and expanding

outreach to the Internet's infrastructure providers, regarding this and other relevant security issues within ICANN's narrow mission, will contribute to enhancing the security and stability of the Internet, but maintain the narrow technical mission and role of ICANN.

Transparency and Accountability
ICANN must continue to improve its overall transparency and accountability and interact in a responsive, timely manner with stakeholders on decisions that affect ICANN's stability, and indeed, the stability of the Internet. Both issues are part of the existing core MOU tasks and should continue to receive attention.

Independent role
ICANN has shown tremendous growth in its ability to carry out its existing mandate and must continue to evolve and improve, as it addresses its existing mission, guided by the informed consensus of Internet users and safeguarded against capture by parties whom it governs via contract, or by special interests of any segment of the stakeholders, including governments and technical experts of the DNS. It is the careful balance of interests that best protects ICANN and ensures the stability of its role. In maintaining this careful balance, principles of transparency and accountability will support ICANN's continued improvement and evolution.

WHOIS database
There are milestones in the present MOU that are not complete, and remain highly relevant, such as the accuracy of WHOIS data, as a specific example. WHOIS is a valuable community resource, relied upon by individuals, organizations, and governmental agencies as a resource in dealing with a wide variety of legitimate needs, including consumer protection, network attacks, trademark collisions, and illegal actions on the Internet. ICANN should be tasked to continue the availability of the gTLD WHOIS data and to take steps to continue to improve accuracy.

Internationalization
The MOU tasks associated with continued internationalization of ICANN in order to increase the Internet's accessibility to users around the world should be enhanced to include a more direct focus and identification of the importance of internationalized domain names. ICANN is presently finalizing policy for the introduction of further ASCII tlds, but it is unclear whether it has completed the needed assessment of lessons learned before striving to introduce further new ASCII gTLDS. ITAA suggests that the analysis of 'lessons learned' should be completed.

In the area of further gTLDs, ITAA is concerned that priority be given to addressing the technical and policy issues related to the introduction of Internationalized Domain Names (IDNs). One of ICANN's priorities in gTLD policy should be to invest further resources in support of understanding and addressing IDNs.

ITAA's members are of the view that while the Internet will not break if there is a slow roll out of further ASCII TLDs, the Internet's stability can be at risk if ICANN does not find a balanced way to move forward on IDNs in a manner that is acceptable to the global community. ICANN has made some steps forward in this area and has made some initial investments, but much more

work is needed. We further note the importance of cooperation and collaboration with other responsible bodies in this key area.

Conclusion

An ICANN based on bottom-up participation, collaboration and cooperation with other global stakeholders that draws on the advice, participation and support of governments through their advisory role in the Government Advisory Committee (GAC) continues to be the best model for ICANN as it transitions to full private sector management. We believe that growth has taken place since ITAA and many of its members helped to found newco, now known as ICANN. Improvements, evolution, and strengthening of ICANN are the result of hard work by the supporting community, and the backstop of the USG has been a critical platform upon which to build. ITAA supports a further evolution toward a transition of the DNS management to ICANN as a private sector body, advised, supported, and with participation by governments.

Achieving an ICANN that is a trusted, transparent, and accountable party responsible for the technical management and coordination of the unique indicators of the Internet remains a high priority to our members. We support ICANN's continued narrow technical mission and core values and we are fully committed to continuing private sector leadership as embodied in the white paper that led to ICANN's creation. ITAA supports the continuation of the MOU for a defined timeframe and respectfully recommends that the U.S. Department of Commerce and ICANN develop and publish a defined work plan and timeline to achieve the continued goal of the transition to full private sector management.

Sincerely,

Robert Laurence
President

Cc: Mr. Joseph Tasker, Senior Vice President, Government Affairs, and General Counsel, ITAA
      Ms. Marilyn Cade, Chair, Global Public Policy Committee, ITAA
      Mr. David Olive, Vice Chair, Global Public Policy Committee, ITAA
      Ms. Stephanie Childs, Vice President, Global Public Policy, ITAA