

FOIWG



ICANN 48
Buenos Aires - Argentina
November 2013

Presentation outline



- Working Group scope
- Processes
- Topics for interpretation
- Activities since ICANN Durban
- Consent
- Significantly Interested Parties (SIP)
- Revocation

Scope



- Applicable policies and guidelines:
 - RFC 1591 and GAC Principles 2005
- Framework of Interpretation to add “*colour and depth*” to existing policies and guidelines
- Out of scope:
 - Changing applicable policies or guidelines
 - The IANA Functions contract, including contract implementation issues or procedures

Process



- WG prepares draft set of interpretations for a specific topic in an Interim Report (e.g. Consent Report).
- WG undertakes a public consultation of the draft interpretation.
- WG reviews comments and input from the public consultation.
- WG prepares a Final Report of Interpretation for a topic.

Process (continued)



- GAC and ccNSO support for Final Report for all topics
 - **Support from both communities required**
- Submission of final report to ICANN Board by ccNSO includes:
 - Confirmation of support by GAC and ccNSO
 - Framework, and its associated recommendations

Topics for interpretation



- **Consent** - for delegation and re-delegation requests (final report complete)
- **Significantly Interested Parties (SIP)** (Public consultation complete)
- **Revocation or un-consented re-delegation** (WG has reached a consensus on recommendations for the revocation of the delegation of a ccTLD – Public consultation ongoing)

Topics for interpretation



- Comprehensive glossary (in progress)
- Recommendations for IANA reports on delegation and re-delegation (The WG will begin this work after completing the Fol)

Activities since ICANN Durban



- WG met by teleconference 5 times
- Published a progress report on activities
- Published public consultation on draft recommendations for revocation.

Status on Consent



- The final report on consent can be found at:
www.ccnso.icann.org/workinggroups/foiwg.htm
- It will be included in the final report from the FOIWG to the ccNSO and GAC.

Status on SIP



- “Significantly Interested Parties” or SIP:
 - Public consultation on these initial recommendations is now complete.
 - The FOIWG will finalise this topic after completing the topic of Revocation.

Status on Revocation



- The FOIWG has reached a consensus on draft recommendations for the revocation of the delegation of a ccTLD and published these as a public consultation:
 - **Comment Open Date:** 28 October 2013
 - **Comment Close Date:** 20 December 2013 - 23:59 UTC
 - **Reply Open Date:** 21 December 2013
 - **Reply Close Date:** 31 January 2014 - 23:59 UTC

Details on Revocation - 1



- RFC 1591 identifies three mechanisms available to the IANA Operator: Delegation, Transfer and Revocation.
- Under RFC 1591, a Transfer requires the consent of the incumbent ccTLD manager.
- “Revocation” refers to the process by which the IANA Operator rescinds responsibility for management of a ccTLD from a manager.

Details on Revocation - 2



- The FOIWG interprets RFC 1591 to limit Revocation to cases where the IANA Operator reasonably demonstrates that there are persistent problems with the operation of the domain, or the manager continues to engage in “substantial misbehaviour”, despite the efforts of the IANA Operator using all means at its disposal to resolve such conduct.

Details on Revocation - 3



- If a manager is engaged in “substantial misbehaviour” or there are “persistent problems in the operation of a ccTLD” and the ccTLD manager is unwilling or unable to rectify the problems to the reasonable satisfaction of the IANA Operator and/or stop the offending conduct, the IANA Operator may propose a Transfer.

Details on Revocation - 4



- If the manager does not consent to a proposed Transfer, the only mechanism available to the IANA Operator to deal with ultimately intractable problems is Revocation.

Details on Revocation - 5



- The FOIWG interprets the intent of RFC 1591 to provide Revocation as the last resort option for the IANA Operator. The IANA Operator should use all means at its disposal to assist the manager to change conduct considered to be substantial misbehaviour by the manager. Revocation should only be considered if the IANA Operator reasonably demonstrates that the manager is unable or unwilling in an appropriate time frame to:
 - resolve specified material failures to carry out its responsibilities under RFC 1591; and/or
 - carry out those responsibilities in the manner required by RFC 1591

Details on Revocation - 6



- If the IANA Operator revokes a delegation it should attempt, in collaboration with the significantly interested parties, to ensure the ccTLD will continue to resolve names until a suitable replacement can take over.
- Revocation does not imply that the ccTLD will be removed from the root.

Details on Revocation - 7



- The FOIWG believes it is consistent general principles of fairness and with RFC1591 to afford an affected manager the opportunity to appeal a notice of revocation issued by the IANA Operator, to an independent body.

Details on Revocation - 8



- The FOIWG notes, however, that the IANA Operator will rarely be in a good position to evaluate the extent to which a manager is carrying out the necessary responsibilities of a ccTLD operator in a manner that is equitable, just, honest, or – except insofar as it compromises the stability and security of the DNS - a competent manner. Accordingly, the FOIWG interprets RFC 1591 to mean that the IANA Operator should not step in regarding issues of equity, justice, honesty, or – except insofar as it compromises the stability and security of the DNS – competency, and that such issues would be better resolved locally.

FOIWG meeting in Buenos Aires



- Thursday 21 November 09:00-12:00 ART (12:00-15:00 UTC) in Aguila
- Main focus of this meeting will be:
 - Discussion of comments received in the public consultation
 - Significantly Interested Parties
- As always, observers are welcome

Links / Thanks



www.ccnso.icann.org/workinggroups/foiwg.htm

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