

CCNSO
DRDWG
ICANN BRUSSELS MEETING
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Progress report and
Public consultation

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- Paulos Nyirenda, .mw
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□ Asia-Pacific

- **Keith Davidson .nz (Chair of the working group)**
- Chris Disspain, .au (ccNSO Chair)
- Young-Eum Lee, .kr (ccNSO Vice-Chair)
- Dave Main, .ws
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Members of the WG – cont'd

□ Europe

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- Staffan Jonson, .se
- Annebeth Lange, .no
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- **North America**

- Byron Holland, .ca (ccNSO vice-Chair)
- Dotty Sparks de Blanc, .vi

- **GAC**

- Jayantha Fernando, Sri Lanka
- Suzanne Sene, USA

- **Other**

- Jaap Akkerhuis, expert invited by the Chair
- **Becky Burr, NomCom appointee to the ccNSO Council (Vice-chair of the working group)**
- Erick Iriarte Ahon, LACTLD

Members of the WG – cont'd



□ **ICANN Staff Support**

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Potential Issues and their Classification

document



- The document is made up of three main parts:
 - ▣ Public consultation questions
 - ▣ Methodology to evaluate potentially interesting cases
 - ▣ Analysis of the 16 interesting cases.

Public Consultation



- Is the methodology developed and employed adequate for the purposes of the DRDWG?
- Do the policy statements identified provide an adequate baseline to evaluate the actual practices of IANA and the ICANN Board relative to delegation, redelegation and retirement of ccTLDs?
- Are there other policy statements which are applicable to the work of the DRDWG? Should they be included in the baseline?

Public Consultation – cont'd



- Does the documentation identified provide an adequate representation of the actual practices of IANA and the ICANN Board relative to delegation, redelegation and retirement of ccTLDs?
- Should other cases be included for analyses?
- Is there other documentation which is applicable to the work of the DRDWG which should be analyzed?
- Was the methodology properly applied to the cases?

Public Consultation – cont'd



- The consultation is scheduled to close on September 15th, 2010.

Methodology



- The WG developed a methodology to evaluate and classify the 16 cases.
- The WG used the following classification scheme:
 - ▣ “*Significantly Interesting*” (would strongly support recommendation of a PDP)
 - ▣ “*Interesting*” (may support the recommendation of a PDP)
 - ▣ “*Possibly Interesting*” (would probably not support a recommendation for a PDP)

Methodology – cont'd



- The 16 cases fall into two main categories:
 - ▣ Cases related to policy development (implicit or explicit)
 - ▣ Cases related to the application of policy.

Methodology – cont'd

Combing the two characteristics, Issues can be qualified as falling into one of six classes:

	Significantly interesting	Interesting	Possibly interesting
Issue related to policy	Significantly departs from the Policy Statements.	Departs from the Policy Statements in some ways	Complies with the requirements set out in the Policy Statements in most or all ways.
Application of policy	Significantly departs from the requirements set out in the Policy Statements	Fails to meet some requirements set out in the Policy Statements	Meets most or all requirements set out in the Policy Statements

Methodology – cont'd



- In examining the cases the working group considered the following simple decision tree to assist them in classifying the issues
- First - Do the difference between the Policy Statements and the Documentation (“Issues”) suggest a change in policy applicable to the delegation, redelegation or retirement of ISO 3166-1 ccTLDs?

Methodology – cont'd



- The following questions can be used to determine this:
 - ▣ This differences identified involve an explicit or implicit Board decision that concerns the delegation, redelegation or retirement of a ccTLD (s).
 - ▣ The core elements of the approach reflected in the Documentation appear to be inconsistent with or not addressed by an existing Policy Statement.

Methodology – cont'd



- ▣ Noticeable changes are generated.
- ▣ The differences identified relate to something that could be applied broadly, i.e., involve an approach that is likely to have lasting value or applicability, albeit with the need for occasional updates, and to establish a guide or framework for future decision-making?

Methodology – cont'd



- If the answer to all 4 is yes, the working group considered the differences to be a change in policy.
- If the answer is yes to the first 3 questions, then the working group determined that the differences probably reflected a change in policy.
- Other combinations probably do not policy changes.

Methodology – cont'd



- If the working group determined that the gap between the Policy Statements and the Documentation in any particular case did reflect, or probably reflected a change of policy, the working group considered whether or not the change was undertaken in accordance with the applicable procedural requirements for policy changes.

Methodology – cont'd



- Where the working group identified no change of policy, it considered whether or not the Documentation reflected an implementation of policy.

Methodology – cont'd



- Absence of policy

- In an organisation such as ICANN, where the Board of Directors makes a decision that can be cited in the future, such decisions should be viewed as affecting policy, even if under the circumstances, the decision only applies to a single ccTLD because this decision sets a precedent.

September 25th, 2000 - ISO 3166 Reserved List Decision

- ICANN Board Minutes (September 25th 2000)
 - It is therefore RESOLVED [00.74] that the IANA staff is advised that alpha-2 codes not on the ISO 3166-1 list are delegable as ccTLDs only in cases where the ISO 3166 Maintenance Agency, on its exceptional reservation list, has issued a reservation of the code that covers any application of ISO 3166-1 that needs a coded representation in the name of the country, territory, or area involved ;

September 25th, 2000 - ISO 3166

Reserved List Decision – cont'd

□ Evaluation:

- This is an explicit decision by the Board that concerns the delegation of ccTLDs.
- Allowing for a new class of ccTLDs is a significant change for ccTLDs. The decision will generate noticeable changes.
- This Board decision is not specific to a given ccTLD but to all that qualify going forward.

September 25th, 2000 - ISO 3166

Reserved List Decision – cont'd

- The core elements of this decision were not covered by existing policies at the time of the decision.
 - No ccTLDs from the ISO 3166-1 Exceptionally Reserved List had been allocated since the inception of ICP1.
 - IANA has approved ccTLDs from this list in the past however this was prior to RFC1591 and ICANN. (Note: there is some information that when IANA did allocate ccTLDs from the ISO3166 Reserved list that it required these to be codes that were in current use by the Universal Postal Union).

September 25th, 2000 - ISO 3166

Reserved List Decision – cont'd

□ Conclusion

- This explicit decision by the Board meets the four criteria from the decision tree and supports the DRDWG classifying this decision as a change in policy that is applicable to the delegation, redelegation or retirement-revocation of ccTLDs.

September 25th, 2000 - ISO 3166

Reserved List Decision – cont'd

- Did this meet the requirements for policy development?
 - The date of this decision, September 25th, 2000
 - This would limit the policy development requirements to Section 3. NOTICE AND COMMENT PROVISIONS.
 - (i) provide public notice on the Web Site explaining what policies are being considered for adoption and why;
 - (ii) provide a reasonable opportunity for parties to comment on the adoption of the proposed policies, to see the comments of others, and to reply to those comments; and
 - (iii) hold a public forum at which the proposed policy would be discussed.
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September 25th, 2000 - ISO 3166

Reserved List Decision – cont'd

□ Evaluation:

- There is no record of a public consultation on this topic.
- There is no record of a public forum discussion on this topic.
- There is no record of any communications between the Board and the DNSO on this matter that could be considered advice.

□ Conclusion

- This policy decision failed to meet all of the requirements for policy development in effect at the time. This supports the DRDWG classifying this as Significantly Interesting.

September 25th, 2000 - ISO 3166

Reserved List Decision – cont'd

- Although this Board decision is a modification to the policies applicable to ccTLDs it was never incorporated into ICP1 and there were never any follow on documents to ICP1. This is an interesting meta issue to the work of the DRD WG given ICP1 continued to be referred to as the only policy document applicable to ccTLDs within ICANN.

Summary - Possibly Interesting



- September 10th, 2001 – .AU Redelegation
 - ▣ The .AU redelegation was the first redelegation requiring a sponsorship agreement. The analysis identifies the relevant policies and examines how they were applied.

- March 21st, 2005 – .EU Delegation
 - ▣ The .EU delegation was the first delegation of an ISO 3166 Reserved List element as a ccTLD since ICANN's creation. The analysis identifies the relevant policies and examines how they were applied.

Summary - Interesting

- September 25th, 2000 – Sponsorship Agreements Decision
 - ▣ In September of 2000, the ICANN Board issued its first policy statement applicable to ccTLDs since ICP1. This raises issues about how the policy requiring sponsorship agreements or MOUs for delegation or redelegation of ccTLDs was developed and approved.
- September 10th, 2001 – Not allowing individuals as delegees for ccTLDs
 - ▣ Analysis of the .AU redelegation under the regime of sponsorship agreements which no longer allowed individuals to be the recipients of ccTLD delegations. The analysis classifies this as an implicit policy decision and examines how it the manner in which it was considered diverged from the procedural requirements for policy development set out in the ICANN Bylaws.

Summary - Interesting



- July 18th, 2006 – .GD Redelegation
 - ▣ The .GD redelegation appears to be one of the first redelegations where the applicant did not provide direct evidence of local internet community support. The analysis identifies the relevant Policy Statements and examines how they were applied.
- November 20th, 2007 – .BB Redelegation
 - ▣ The .BB redelegation appears to be one of the first redelegations where the applicant did not meet the technical requirements. The analysis identifies the relevant Policy Statements and examines how they were applied.

Summary – Significantly Interesting

- May 1999 ICP1
 - ▣ ICP-1 appears to be ICANN's first implicit policy statement concerning the redelegation and/or revocation of ccTLDs by ICANN. The analysis classifies this as an implicit policy decision and examines the degree to which its adoption was inconsistent with the various procedural requirements for policy development.
- September 25th, 2000 - ISO 3166 Reserved List Decision
 - ▣ The Board's decision in this instance appears to be the first policy statement by the ICANN Board applicable to ccTLDs since ICP1. This decision reflects what appears to be Board-developed policy for delegating ISO 3166-1 Reserved List entries as ccTLDs. Accordingly, the working group classified this as an implicit policy decision, and examined the process by which the decision was made in light of ICANN's requirements for policy development.

Summary – Significantly Interesting

□ November 19th, 2001 – .US Redelegation

- ▣ The redelegation of .US in 2001 appears to be the first “emergency” redelegation by ICANN. Until this action, the Policy Statements do not include “emergency redelegations.” Accordingly, the working group classified this as an implicit policy decision, and examined the process by which the redelegation decision was made in light of ICANN’s requirements for policy development. .

□ June 9th, 2004 – .LY Redelegation

- ▣ The redelegation of .LY in 2004 appears to be the first “provisional” redelegation of a ccTLD by ICANN. Accordingly, the working group classified this as an implicit policy decision, and examined the process by which the redelegation decision was made in light of ICANN’s requirements for policy development.

Summary – Significantly Interesting

- July 28th, 2005 – .KZ Redelegation
 - ▣ The redelegation of .KZ appears to be the first redelegation where ICANN did not require a sponsorship agreement since the inception of the policy requiring this in September 2000 (other than the emergency redelegation in the case of .US). Accordingly, the working group classified this as an implicit policy decision, and examined the process by which the redelegation decision was made in light of ICANN's requirements for policy development.
- January 16th, 2007 – .UM Undelegation
 - ▣ First removal from the root of an active ISO3166-1 code by ICANN. Accordingly, the working group classified this as an implicit policy decision, and examined the process by which the redelegation decision was made in light of ICANN's requirements for policy development.

Summary – Significantly Interesting

- September 11th, 2007 – .YU Redelegation
 - ▣ First “temporary caretaker” redelegation of a ccTLD by ICANN. Accordingly, the working group classified this as an implicit policy decision, and examined the process by which the redelegation decision was made in light of ICANN’s requirements for policy development.
- September 11th, 2007 – .YU Retirement (revocation)
 - ▣ First decision by ICANN on the retirement of a ccTLD and the conditions for implementing this. Accordingly, the working group classified this as an implicit policy decision, and examined the process by which the redelegation decision was made in light of ICANN’s requirements for policy development.

Summary – Significantly Interesting



- January 23rd, 2008 – .AE Redelegation
 - ▣ Further case of redelegation without local internet community support. Minutes record the strong concerns of an ICANN Director with respect to this. Accordingly, the working group classified this as an implicit policy decision, and examined the process by which the redelegation decision was made in light of ICANN's requirements for policy development.

Reference



- Progress Report:

- <http://ccnso.icann.org/workinggroups/drd-progress-report-14jun10-en.pdf>

- Draft Analysis Report:

- <http://ccnso.icann.org/workinggroups/drd-analysis-report-14jun10-en.pdf>

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