

Note from the Chair of the DRDWG

Since the Brussels ICANN meeting, the DRDWG has met regularly. During the meetings members the DRDWG has conducted an in depth analysis to identify issues that, according to the DRDWG need to be resolved in order to create a stable and predictable policy based framework for decision-making.

As stated in the second progress report, the DRDWG intends to treat the delegation, re-delegation and retirement processes and practices in a unified, consolidated manner. However for reasons of efficiency and effectiveness, the in-depth analysis was conducted on a process by process basis, and will be reported on separately.

This report includes the results of the analysis and documents the issues and draft recommendation relating to the current re-delegation (with consent of the incumbent operator) process and practices. The working group would appreciate your feed-back and input, if any, on the report, in particular on the following questions:

- Have all the issues been identified? If not, please indicate what should be included.
- Are all identified issues relevant? If not, please provide a reason
- Will the recommendation of the DRDWG resolve the short and long term issues identified? Would you propose alternate recommendations and if so, why?

Input and feed-back can be provided either during the sessions on this topic at ICANN Cartagena or by submitting a comment at: drdwg-redel@icann.org

Submissions will be archived and can be viewed at: <http://forum.icann.org/lists/drdwg-redel/>

You are kindly requested to submit your comments, if any, by no later than Friday 14 January 2011.

Process

The DRDWG initially adopted a work plan that contemplated completion of its mandate by July 2011. As a result of the progress made since the Nairobi and Brussels ICANN meetings and a change in its working methods, the DRDWG now expects to deliver its final report at an earlier stage. As indicated in the second progress report, the activities of the DRDWG have been broken down into 3 major phases of activity:

- Phase 1: Identify relevant policies, guidelines, procedures and practices regarding delegation, re-delegation and retirement of ccTLDs;
- Phase 2: Analyze the documented processes against the relevant policies and guidelines identified in Phase 1 and define a methodology to identify and classify

areas where the documented actions appear to be inconsistent with or not addressed in the policies and guidelines;

- Phase 3: Identify issues, if any, regarding each of the three phases and develop recommendations to resolve the issues identified. Submit a final report to the ccNSO council, including the recommendations.

As reported in its first progress report (<http://ccNSO.icann.org/workinggroups/report-drd-25feb10-en.pdf>):

- The DRDWG has not identified an authoritative policy document that reflects all relevant policy inputs; and,
- There is no publicly available documentation of the current practices or procedures.

To understand the current policies and practices as reported in the second progress report (<http://ccNSO.icann.org/workinggroups/drd-progress-report-14jun10-en.pdf>), the DRDWG performed an initial analysis of the following documents (“Policy Statements”):

- RFC 1591
- ICP-1
- GAC Principles 2000 and 2005

These policies and guidelines provided a baseline against which to evaluate the actual practices of IANA and the decisions of the ICANN Board as reflected in the following documentation (“Documentation”):

- All available IANA reports on ccTLD delegations, re-delegations and retirements
- All ICANN Board decisions affecting ccTLD delegations, re-delegations and retirements.

If the DRDWG noted a difference between the “Policy Statements” and the processes and outcomes reflected in the “Documentation” and this suggested a change in policy had occurred the DRDWG considered whether or not such a change was implemented in a manner consistent with the procedural requirements covered by the ICANN Bylaws. On this basis, individual cases were identified that the DRDWG considered potentially relevant to its work. A summary of these cases was included in the second progress report and fully documented in the DRDWG analysis report of 14 June 2010 (<http://ccNSO.icann.org/workinggroups/drd-analysis-report-14jun10-en.pdf>).

In September 2010 the DRDWG reconvened and undertook the following activities:

- Review of the results of its public consultation
- Publish a report on the public consultation (<http://forum.icann.org/lists/drd-analysis-report/pdfg9d7XHbtXU.pdf>)

- Develop a work plan for the current session of the DRDWG, based on the separate elements of Retirement, Delegation, “Re-delegation with consent of the incumbent operator” and “Re-delegation without consent of the incumbent operator”.

Once the report on “Re-delegation without consent of the incumbent operator” is finalized the DRDWG will generate a draft Final Report on all the elements for a formal public consultation during 2011. After this consultation has been completed the DRDWG will finalize its Report, and submit it for discussion and adoption to the ccNSO.

All Reports follow the same methodology, based on the previous work and the public consultation document issued before the Brussels meeting:

- All relevant documentation relating to policies, guidelines and procedures for each given element (such as retirement) are identified and listed.
- All documentation of relevant cases for a given element (such as delegation), which were noted to be of interest to the DRDWG are identified and listed.
- Each element of documentation that is relevant is analysed for conformity and applicability
- A list of issues is generated from the analyses.
- A recommendation is generated based on the analyses and issues.

ICANN-CCNSO-DRDWG

**Report on the Re-delegation of ccTLDs with the consent
of the incumbent operator**

DRDWG Final Report on re-delegations with the consent of the incumbent operator that are of interest to the DRDWG and have been approved by ICANN.

Note: An incumbent consented re-delegation is defined, for the purposes of this report, as a re-delegation where:

- The ccTLD is operating satisfactorily
- There is a valid Manager and a valid and active administrative contact.
- The manager and administrative contact support the re-delegation request
- There is no competing re-delegation request that is submitted to ICANN while the initial request is being processed.

1. Current processes, procedures or practices

1.1. Current processes, procedures or practices in use by ICANN and IANA that are documented.

1.1.1. RFC 1591

This document contains several sections which deal with the re-delegation of a ccTLD. Please see Annex A for a highlighted version of the relevant sections.

1.1.2. News Memo #1 (addendum to RFC 1591)

1.1.2.1. “An additional factor has become very important since RFC 1591 was written: the desires of the government of the country. The IANA takes the desires of the government of the country very seriously, and will take them as a major consideration in any transition discussion.

On a few occasions, the parties involved have not been able to reach an agreement and the IANA has been required to resolve the matter. This is usually a long drawn out process, leaving at least one party unhappy, so it is far better when the parties can reach an agreement among themselves.”

1.1.3. ICP1

1.1.3.1. “(a) Delegation of a New Top Level Domain. Delegation of a new top level domain requires the completion of a number of procedures, including the identification of a TLD manager with the requisite skills and authority to operate the TLD appropriately. The desires of the government of a country with regard to delegation of a ccTLD are taken very seriously. The IANA will make them a major consideration in any TLD delegation/transfer discussions.”

- 1.1.3.2. *“(d) Operational Capability. The TLD manager must do a satisfactory job of operating the DNS service for the domain. Duties such as the assignment of domain names, delegation of subdomains and operation of nameservers must be done with technical competence. This includes keeping the IANA or other higher-level domain manager advised of the status of the domain, responding to requests in a timely manner, and operating the database with accuracy, robustness, and resilience. Because of its responsibilities for the DNS, the IANA must be granted access to all TLD zones on a continuing basis.”*
- 1.1.3.3. *“(e) Transfers and Disputes over Delegations. For transfer of TLD management from one organization to another, the higher-level domain manager (the IANA in the case of TLDs), must receive communications from both the old organization and the new organization that assure the IANA that the transfer is mutually agreed, and that the proposed new manager understands its responsibilities. It is also very helpful for the IANA to receive communications from other parties that may be concerned or affected by the transfer.”*

1.1.4. GAC Principles 2005

- 1.1.4.1. *“3.4 ‘Re-delegation’ means the change of the person or body responsible for the administration of a ccTLD Registry effected by ICANN/IANA upon receipt of an authoritative request.”*
- 1.1.4.2. *“3.5 ‘Authoritative request’ for the purposes of this document is the request for the delegation or re-delegation concerning a ccTLD Registry addressed to ICANN/IANA by the appropriate body, according to national law, showing that the request is correctly made, authoritative and is in line with applicable law or, in the absence of such law, RFC 1591.”*
- 1.1.4.3. *“5.2.1. Any intellectual property rights that the ccTLD Registry may have acquired as the result of delegation or which any entity may have acquired as a result of the management, administration or marketing of the ccTLD shall be taken into account and dealt with in accordance with applicable law in the case of a re-delegation. Such rights should not be exercised in a way that unnecessarily impedes re-delegation of a ccTLD Registry decided according to national law or under the circumstances described under clause 7 below.”*
- 1.1.4.4. *“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. Once a final formal decision has been reached, ICANN should act promptly to initiate the process of delegation or re-delegation in line with authoritative instructions showing the basis for the decision.”*

1.1.5. Understanding the Delegation and Re-delegation procedure (Annex E)

1.1.5.1. <http://www.iana.org/domains/root/delegation-guide/>

1.1.5.1.1. *“2. Documentation showing that the request serves the local interest*

Crucial to the request are statements of support from the local Internet community. This documentation should provide information demonstrating that the request would be in the interests of the Internet community served by the ccTLD.

Good examples of this documentation include statements from national ISPs and ISP associations, Internet user groups, and Internet Society chapters showing support for the request. Other possibilities include statements from national consortia of electronic commerce providers or trademark and intellectual property holders. It would also be instructive to summarise the usage of Internet in the country, and an explanation on why the statements provided (and the organisations they are from) are representative of the community. If there is disagreement about how the ccTLD is run within the community, explain the circumstances and the different points of view, and why your application is the most appropriate path to serve the Internet community’s interests.”

1.1.6. Sponsorship agreement decision by the ICANN Board – September 25th 2000

1.1.6.1. <http://www.icann.org/en/minutes/minutes-25sep00.htm>

1.1.6.1.1. *“[11] It is further RESOLVED that in view of the state of ongoing discussions directed toward reaching stable and appropriate agreements between ICANN and the ccTLD organizations, delegation of additional ccTLDs should be finalized only upon achievement of stable and appropriate agreements between ICANN and the ccTLD organization, in a form approved by the Board.”*

1.1.7. No longer allowing individuals as delegees for ccTLDs – September 2001.

1.1.7.1. Original version of the Sponsorship Agreement:
<http://web.archive.org/web/20020201225356/www.icann.org/cctlds/model-tscsa-02sep01.htm>

1.1.7.1.1. “2.9 The "Sponsoring Organization" and "[insert acronym of Sponsoring Organization if applicable]" refer to the [insert formal name of Sponsoring Organization], [describe form of Sponsoring Organization] created under the laws of [insert name of country/territory], a party to this Agreement, or its assignee.”

1.1.8. April 2010 approval of IDN ccTLDs by the ICANN Board

1.1.8.1. ICANN Board minutes: <http://icann.org/en/minutes/minutes-22apr10-en.htm>

1.1.8.1.1. “*The Chair invited the Board to ask questions of staff regarding the written reports on the four proposed IDN ccTLD delegations before the Board.*

Kim Davies provided the Board with a summary of the requirement for documentation of community support for IDN ccTLD delegation requests, and other information on the process for handling delegation requests.

The Chair noted the ongoing work in the ccNSO on the delegation process.

Janis Karklins cautioned that without full definition of the community support requirements, there is a risk that some countries and territories are differently organized and it would be unfair to impose an undefined standard.

The CEO confirmed the need for respect for different governmental positions and acknowledged that re-examination of ICANN’s practices may be necessary on a going-forward basis.

Doug Brent acknowledged that staff has been very careful in its evaluations and applying the same methodology as used in the ASCII ccTLD realm, and recommends approval of all four of the requested delegations.

Harald Alvestrand noted his support for moving forward with the delegations of the first four IDN ccTLDs.

Mike Silber noted a concern for imposing requirements that are not clearly stated, and that criteria need to be well-established prior to attempting to evaluate requests against those criteria.

Jean-Jacques echoed Janis and the CEO’s comments regarding cultural differences, and that the Board and staff need to determine how the criteria can appropriately evolve.

Rita Rodin Johnston also supported a future look at processes to develop more crisp criteria for applicants to meet.

Ram Mohan supported Rita's comments, and encouraged the Board to clarify that IDN ccTLD delegations are conducted on a basis similar to ASCII ccTLD delegations.

The Chair noted his agreement with Ram, and that the ASCII process needs to be clarified in the criteria as well.

Jonne Soininen expressed his support for Harald, Rita and Ram's comments and moving forward with the delegations. Jonne also requested that the Board agree that "what is community support" should be a matter for ccNSO policy development, so that the Board is not trying to define such policies on its own.

Vanda Scartezini and Katim Touray also expressed their support for moving forward with the delegations. Katim noted that experience might assist in future clarification of the process.

Jean-Jacques noted his support for Jonne's suggestion for ccNSO advice on this topic.

The Chair confirmed that the timing of the ongoing work at the ccNSO would not provide answers on these issues for a couple of years to come."

- 1.1.8.2. Requirement by the ICANN Board that the CCNSO look into formalizing the criteria for "community support".

1.2. Inferred processes, procedures or practices

Current processes, procedures or practices can be inferred from ICANN decisions regarding the re-delegation of ccTLDs over the years. The following is a list of delegations of ccTLDs:

1.2.1. .KZ re-delegation June 2005

1.2.1.1. IANA Report - <http://www.iana.org/reports/kz-report-05aug05.pdf>

1.2.1.2. ICANN Board Decision - <http://www.icann.org/en/minutes/minutes-28jul05.htm>

1.2.1.2.1. "Michael Palage raised the following three points regarding ccTLD redelegations in general. First, Mr. Palage reinforced the second point in the US Principles on the Internet

Domain Name and Addressing System which state that "governments have a legitimate interest in the management of their ccTLDs". Second, Mr. Palage raised a question regarding revisions to the step-by-step guidelines regarding ccTLD redelegations that would remove any confusion regarding the requirement for a ccTLD-ICANN agreement. Third, Mr. Palage stressed the need for ICANN/IANA to move forward expeditiously with the translations of these key documents to help all countries, but particularly developing countries, in this vital task.

In response to Michael Palage's comments, ICANN staff noted that ICANN/IANA had already implemented changes to the ccTLD guidelines appearing on the ICANN website to address the concern about the requirement for an agreement. Agreements between ccTLD operators and ICANN are desirable but not necessary to finalize a redelegation."

1.2.2. .GD Re-delegation July 2006

1.2.2.1. IANA Report - <http://www.iana.org/reports/2006/gd-report-24jul2006.html>

1.2.2.1.1. "Community/Governmental support.

The ICANN Government Advisory Committee Principles observes that the Internet's naming system is "a public resource ... administered in the public or common interest." In general, ICANN's GAC recognizes that each government has the ultimate responsibility within its territory for its national public policy objectives, however in the case of a redelegation, this may be tempered by ICANN's responsibility to ensure the Internet DNS continues to provide an effective and interoperable global naming system.

The Government has been the initiator of the request, and actively supports the reassignment. The Supporting Organisation is proposed to be an arm of the government, with day-to-day operation outsourced to a competent registry operator."

1.2.2.2. ICANN Board Decision - <http://www.icann.org/en/minutes/minutes-18jul06.htm>

1.2.3. .BB Re-delegation November 2007

1.2.3.1. IANA Report - <http://www.iana.org/reports/2007/bb-report-20nov2007.html>

1.2.3.1.1. *“Operational and technical skills*

The operator will be the Telecommunications Unit of the Government of Barbados Ministry of Economic Affairs and Development. The applicant has been building internal skills within the organisation for the role, and documented its plans in relation to ensuring the entity has the requisite skills to operate the top-level domain registry.”

1.2.3.1.2. *“ICANN’s Global Partnerships team has performed consultation in the community and determined there is no significant opposition to the request.”*

1.2.3.1.3. *“In its research, IANA believes that there are grounds for reassignment of the domain name under the relevant criteria. The current operators have stated that they are no longer managing the domain and that the proposed operators have been the entity in charge for a number of years.”*

1.2.3.2. ICANN Board Decision -

<http://www.icann.org/en/minutes/minutes-20nov07.htm>

1.2.3.2.1. *“Kim Davies advised by way of background for new Board members that the Board is regularly asked to approve redelegations of ccTLDs and in more recent times there has been at least one per Board meeting for consideration. IANA Staff prepares a report that provides a recommendation to the Board. The report is considered confidential but on approval by the Board a version of the report is made public on the website. Some portions of the analysis of the request for redelegation are not made public.*

The redelegation application for .BB (Barbados) meets all of the necessary criteria. The current operator supports the transfer as does the Government, who is the proposed operator. There is limited support from the local Internet community; however, Staff have visited Barbados and discussed matters locally. Staff also met with the proposed operators at ICANN’s San Juan meeting. Currently the nameservers do not meet the technical test; however, these will be made more robust, and Staff recommends the redelegation be approved. IANA will review nameservers performance to ensure compliance if the Board approves the request.”

1.2.4. .AE Re-delegation January 2008

1.2.4.1. IANA Report <http://www.iana.org/reports/2008/ae-report-23jan2008.html>

1.2.4.1.1. *“In accordance with ICANN’s performance of these functions, IANA received a request for the redelegation of the .AE top-level domain on 31 July 2007. This domain is designated in the ISO 3166-1 standard for United Arab Emirates, a country located on the Persian Gulf with a population of four and a half million people. It is estimated that Internet is used by 31% of the population in the country†. According to RIPE NCC, as at November 2007 there are 331,953 Internet hosts in the .AE zone†.”*

1.2.4.1.2. *“Community sentiment*

In its supporting documentation, the applicant has stated that “the Internet community is underdeveloped”, and therefore “it is difficult to canvass Internet users with any authority or outcome. There are only two ISPs, so a survey or study doesn’t seem worthwhile or appropriate. There are no organized public interest groups. The TRA does understand the value of the input of these groups into the process, however it doesn’t seem feasible nor warranted given the lack [of] organisation and clear response they would or could provide.”

1.2.4.2. ICANN Board Decision - <http://www.icann.org/en/minutes/minutes-23jan08.htm>

1.2.4.2.1. *“...Local Internet community support for this application has been provided from the Emirates Internet Group. Given the local cultural issues, it was not considered likely that substantial additional support would be forthcoming.*

The Chair noted that the original report said no local Internet community support was available, but that additional correspondence was received just prior to the meeting.

Kim Davies advised that this is the case and noted that IANA had not had the opportunity to investigate the legitimacy and substance of the letter, but advised that the ICANN Regional Liaison, Baher Esmat, had confirmed it as legitimate.”

1.2.4.2.2. *“Jean-Jacques Subrenat raised concerns about the trend towards moving domains to regulators without local consultation, and that it related to a central issue of governance. Noting that in this particular case, in the findings put forward by Staff, local consultation had not been found satisfactory, Jean-Jacques*

expressed the view that ICANN should ask for further information or action. He added that ICANN should state preferred policy orientations when it has the opportunity.

Dennis Jennings indicated his support of Jean-Jacques Subrenat's views. He noted that territories will pass laws that appoint the regulator as the manager irrespective of the views of the local Internet community, and that ICANN will have to work out how to deal with that.”

1.2.4.2.3. *“Jean-Jacques Subrenat set out his reasons for abstaining in a written statement to the Secretary following the Board Meeting as follows: “IANA, in its findings, noted that the application for .AE did not meet the general criteria for local Internet community support”. As noted above in the description of the meeting, during the Board discussion Jean-Jacques Subrenat had suggested that ICANN solicit further information on specific points of concern that need further elaboration.”*

1.2.5. .BY re-delegation February 2009

1.2.5.1. IANA Report <http://www.iana.org/reports/2009/by-report-03feb2009.html>

1.2.5.1.1. *“Governmental support*

The request is supported by the relevant government agency, which will retain a role as the administrative contact for the domain.

Community sentiment Letters of support for the redelegation were received from three different organisations that purport to represent community interests.”

1.2.5.2. ICANN Board Decision - <http://www.icann.org/en/minutes/minutes-03feb09.htm>

1.2.5.2.1. *“The information contained in the discussion regarding the re-delegation was held in private session”*

1.2.6. .NG Re-delegation April 2009

1.2.6.1. IANA Report <http://www.iana.org/reports/2009/ng-report-07apr2009.html>

1.2.6.2. ICANN Board Decision -
<http://www.icann.org/en/minutes/minutes-23apr09.htm>

1.2.6.2.1. No record of Board discussions in the minutes which is inconsistent with expected standards. No explanation as to why.

1.2.7. .CO Re-delegation November 2009

1.2.7.1. IANA Report <http://www.iana.org/reports/2009/co-report-24nov2009.html>

1.2.7.1.1. *“The request is deemed uncontested, with the current sponsoring organisation consenting to the transfer and agreeing to work with the proposed new operator on transferring domain registration data.”*

1.2.7.1.2. *“Through an ICANN department known as the Internet Assigned Numbers Authority (IANA), requests are received for delegating new country-code top-level domains, and re delegating or revoking existing country-code top-level domains. An investigation is performed on the circumstances pertinent to those requests, and, when appropriate, the requests are implemented. Decisions on whether to implement requests are made by the ICANN Board of Directors, taking into account ICANN’s core mission of ensuring the stable and secure operation of the Internet’s unique identifier systems.”*

1.2.7.1.3. *“Risks to the stability of the Internet addressing system must be adequately considered and addressed, particularly with regard to how existing identifiers will continue to function.”*

1.2.7.2. ICANN Board decision -
<http://www.icann.org/en/minutes/minutes-09dec09-en.htm>

1.2.7.2.1. There are no minutes of the Board discussion only of the resolution. There is no explanation as to why there are no minutes of the Board discussions.

2. Analysis

2.1. Current processes, procedures or practices in use by ICANN and IANA that are documented:

2.1.1. RFC1591 has sections which apply to the delegation of ccTLDs

2.1.1.1. IANA has published its current practices relating to ccTLD delegations via a number of methods over time. In 1994, it published RFC 1591 as its statement of current practice, in 1997 this was updated

with ccTLD Memo #1. In 1999, ICP1 was published as its statement of current practice.

RFC1591 or the principles it contained were accepted by a majority of ccTLDs active in ccTLD governance issues in 2001 and to this day (see WWTL.org and IATLD.org web archives). News Memo #1 nor ICP1 (which integrates News Memo #1) were never officially endorsed by any significant group of ccTLDs.

2.1.2. News Memo #1

2.1.2.1. See previous point.

2.1.3. ICP1 has sections which apply to the re-delegation of ccTLDs

2.1.3.1. See previous point.

2.1.3.2. The DRD WG analysis of RFC1591 vs ICP1 concluded that “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“ in its report titled “DETAILED ANALYSIS AND CLASSIFICATION OF POTENTIAL ISSUES”.

2.1.3.3. Since its publication ICP1 has never been updated although several key ICANN Board decisions since its publication clearly impact its scope.

2.1.3.4. ICP1 requires that IANA have access to the ccTLD zone file. Although this is no longer required in practice this rule is still in effect.

2.1.4. GAC Principles 2005 includes sections which apply to the re-delegation of ccTLDs

2.1.4.1. The GAC Principles 2005, which are advice to the Board, do recommend a number of additional elements but this is tempered via the following text in the Preamble:

2.1.4.1.1. 1.3. These principles are intended as a guide to the relationships between Governments, their ccTLD and ICANN. They are not intended to be binding and need both Governments and Registries voluntarily to agree to apply them within their legal framework. If either the Government or the Registry decide not to adopt the principles, this cannot be held against the Registry, and the Registry still has a valid existence.

2.1.5. Understanding the Delegation and Re-delegation procedure (Annex F)

- 2.1.5.1. Clearly documents the requirement for government and local internet community support for delegations.
- 2.1.6. September 25, 2000 Board decision to require Sponsorship agreements with managers prior to approval of re-delegation requests.
 - 2.1.6.1. The DRD WG analysis of this Board Decision concluded that “This policy decision failed to meet some of the requirements for policy development in effect at the time. This supports the DRD WG classifying this as Interesting“ in its report titled “DETAILED ANALYSIS AND CLASSIFICATION OF POTENTIAL ISSUES”.
 - 2.1.6.2. The September 25th, 2000 decision to require Sponsorship agreements is not covered by RFC1591, News Memo #1, was never included in ICP1, and was required by the GAC Principles 2000, which later only made it a recommendation in its 2005 version.
 - 2.1.6.3. This policy decision was never modified by the Board and still stands although it is currently not being applied and has not been applied for more than 5 years.
- 2.1.7. No longer allowing individuals as delegees for ccTLDs – September 2001.
 - 2.1.7.1. The DRD WG analysis of this Board Decision concluded that “This policy decision failed to meet some of the requirements for policy development in effect at the time. This supports the DRD WG classifying this as Interesting“ in its report titled “DETAILED ANALYSIS AND CLASSIFICATION OF POTENTIAL ISSUES”.
 - 2.1.7.2. No ccTLD has been delegated or re-delegated to an individual since this decision.
- 2.1.8. Approval of IDN ccTLDs by the ICANN Board – April 2010
 - 2.1.8.1. Documented request by many Board members to have the CCNSO clearly define what “community support” implies given the current documentation is unclear on this topic.
 - 2.1.8.2. The formal mechanism the CCNSO has at its disposal to undertake such an activity is a PDP.
- 2.2. Inferred processes, procedures or practices:
 - 2.2.1. .KZ re-delegation - June 2005
 - 2.2.1.1. The DRD WG analysis of this Board Decision concluded that “This policy decision failed to meet all of the requirements for policy development in effect at the time. This supports the DRD WG classifying this as Significantly Interesting“ in its report titled

“DETAILED ANALYSIS AND CLASSIFICATION OF POTENTIAL ISSUES”.

- 2.2.1.2. Board minutes of this decision clearly indicate that the Board would no longer impose Sponsorship Agreements for delegations and re-delegations without dealing with the situation directly.
- 2.2.1.3. Significant changes to the IANA web site dealing with ccTLD delegations and re-delegations were made without any consultation with the ccTLD or any notice of these changes to the ccTLD community.

2.2.2. .GD Re-delegation July 2006

- 2.2.2.1. The DRD WG analysis of this Board Decision concluded that “This application of policy failed to meet some of the requirements of the applicable policy or policies. This supports the DRD WG classifying it as “Interesting” in its report titled “DETAILED ANALYSIS AND CLASSIFICATION OF POTENTIAL ISSUES”.
- 2.2.2.2. The community support criteria for evaluating delegation and re-delegation requests was a cornerstone of the ICANN-IANA practice for many years.

2.2.3. .BB Re-delegation November 2007

- 2.2.3.1. The DRD WG analysis of this Board Decision concluded that “This application of policy failed to meet some of the requirements of the applicable policy or policies. This supports the DRD WG classifying it as “Interesting” in its report titled “DETAILED ANALYSIS AND CLASSIFICATION OF POTENTIAL ISSUES”.
- 2.2.3.2. Board minutes indicate that IANA edits its report to the Board before posting it on its site.
 - 2.2.3.2.1. This is the first documented reference to this.
 - 2.2.3.2.2. There is no public documentation with respect to any processes, procedures or approvals for the editing of IANA reports that are made public.
- 2.2.3.3. Application did not seem to meet technical competency requirements.
- 2.2.3.4. There is no public documentation available on the objective of a Global Partnership consultation with the local community, the results of such a consultation or how it was considered in the IANA analysis of the re-delegation request.
- 2.2.3.5. It is unclear how the finding of “no significant opposition” can be considered as support.

2.2.3.6. Given the listed operator had stated it had not been operating the domain for a number of years and that the proposed operator had been the de-facto operator the decision by IANA seemed entirely logical.

2.2.3.6.1. This does raise the question of how often IANA keeps in touch with ccTLD delegees given the listed delegee had stated they had not operated the domain for a number of years.

2.2.4. .AE Re-delegation January 2008

2.2.4.1. The DRD WG analysis of this Board Decision concluded that “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” in its report titled “DETAILED ANALYSIS AND CLASSIFICATION OF POTENTIAL ISSUES”.

2.2.4.2. There seems to be conflicting information regarding the local internet community and its support for this request in the IANA Report and the Board minutes.

2.2.4.3. This issue seemed significant enough for a director to request that his views on this be appended to the minutes.

2.2.5. .BY Re-delegation February 2009

2.2.5.1. No reason is given for not providing minutes of the Board discussion.

2.2.5.1.1. *“The information contained in the discussion regarding the re-delegation was held in private session”*

2.2.5.1.2. The process for not recording and publishing minutes is clearly laid out in the ICANN Bylaws and no public documentation can be found that this process was applicable, undertaken or completed.

2.2.5.2. There seems to be some doubt as to the authenticity of community support documents yet there was no follow up action (as opposed to the .BB re-delegation of 2007).

2.2.6. .NG Re-delegation, April 2009

2.2.6.1. Not recording Board discussion, if there was any, goes against current practice at the time.

2.2.7. .CO Re-delegation, November 2009

- 2.2.7.1. Policy change affecting the delegation of ccTLDs that was not approved by the CCNSO and was not the subject of any consultations with the CCNSO.
- 2.2.7.2. Given that this was a very sensitive case and that the IANA report recommending re-delegation was exceptionally long it is doubtful that there were no discussions by the Board regarding this case. If there were discussions the failure to record these in the minutes without following the protocol prescribed in the ICANN Bylaws for this could be considered a significant breach of policy and procedure.

3. Issues

3.1. Fair and consistent application of bylaws applying to minutes of Board meetings

- 3.1.1. It is unacceptable that the minutes of ICANN Board meetings dealing with the re-delegation of ccTLDs do not meet the letter and the spirit of the bylaws regarding this.

3.2. Failure to consistently follow established policy development processes and procedure.

- 3.2.1. Prior to the creation of the CCNSO the ICANN Board has failed to follow its own processes and procedures for developing formal rules that apply to the Delegation of ccTLDs.

- 3.2.1.1. September 25, 2000 Board decision to require Sponsorship agreements with managers prior to approval of delegation requests.
- 3.2.1.2. September 2001 decision to no longer allow individuals as delegees.

- 3.2.2. Following the creation of the CCNSO the ICANN Board has failed to follow its own processes and procedures, including the charter of the CCNSO, in developing implicit rules that apply to the Delegation of ccTLDs.

- 3.2.2.1. June 2005 – Approval of the .KZ re-delegation without requiring a Sponsorship Agreement implicitly removes this requirement going forward for delegations (not required for any of the delegations since this date).
- 3.2.2.2. November 2009 – IANA Report on the Re-delegation of .CO states that the Board will now consider the security and stability of the Internet in making Delegation decisions and these considerations have been included in all IDN ccTLD delegations since.

3.3. Lack of predictability in the application current rules and procedures to the delegation of ccTLDs

The documentation confirms a high degree of variability in applying the rules applicable to re-delegation decisions by the ICANN Board:

3.3.1. IANA access to ccTLD zone files

- 3.3.1.1. ICP1, which is over 10 years old and has never been updated, requires that IANA have access to the ccTLD zone file
- 3.3.1.2. Currently this requirement is not being applied and has not been for a number of years. There is no public documentation explaining this decision by the Board or IANA.
- 3.3.1.3. Unless this requirement is removed from ICP1 there is no guarantee it will not be re-instated without requiring any of the formalism of a PDP.

3.3.2. Sponsorship agreements

- 3.3.2.1. Approved by the Board without community support
- 3.3.2.2. Never included in ICP1
- 3.3.2.3. Currently this requirement is not being applied and has not been for a number of years. There is no public documentation explaining this decision by the Board or IANA.
- 3.3.2.4. Unless this Board decision is updated or removed there is no guarantee it will not be re-instated without requiring any of the formalism of a PDP.

3.3.3. Government support and local internet community support

- 3.3.3.1. News Memo #1 and ICP1 significantly modified RFC1591 in this respect without any community support making government and local Internet community support a requirement for re-delegation.
- 3.3.3.2. The IANA document “Understanding the Delegation and Re-delegation procedure (Annex F)” notes that local Internet community support is crucial for any delegation or re-delegation request.
- 3.3.3.3. There are no rules, processes or procedures which allow this to be circumvented.
- 3.3.3.4. The documentation has several cases of ccTLDs being re-delegated without clear support from the local Internet community. One could conclude that currently government support is required and that local Internet community support is desirable. This is a significant change which is not documented.
- 3.3.3.5. There is a request by the Board to the ccNSO to clarify what community support is.
- 3.3.3.6. The current documentation and decisions for the re-delegation of ccTLDs seems to be inconsistent.

3.4. Applicability of ICP1

- 3.4.1. ICP1 is not generally supported by the ccTLD community and requires updating.

IANA has published its current practices relating to ccTLD re-delegations via a number of methods over time. In 1994, it published RFC 1591 as its statement of current practice, and in 1997 this was updated with ccTLD Memo #1. In 1999, ICP1 was published as its statement of current practice.

RFC1591 or the principles it contained were accepted by a majority of ccTLDs active in ccTLD governance issues in 2001 and to this day (see WWTLd.org and IATLD.org web archives). News Memo #1 nor ICP1 (which integrates News Memo #1) were never officially endorsed by any significant group of ccTLDs.

- 3.4.2. The DRD WG analysis of RFC1591 vs ICP1 concluded that “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” in its report titled “DETAILED ANALYSIS AND CLASSIFICATION OF POTENTIAL ISSUES”.
- 3.4.3. ICP1 unilaterally implemented a requirement for government support for the re-delegation of ccTLDs
- 3.4.4. ICP1 requires that IANA have access to the ccTLD zone file. Although this is no longer required in practice this rule is still in effect.
- 3.4.5. Since its publication ICP1 has never been updated although several key ICANN Board decisions since its publication clearly impact its scope.
- 3.4.6. ICP1 does not mention IDN ccTLDs
- 3.4.7. ICP1 should be updated in co-operation with the ccTLD community.

- 3.5. There is no publicly documented process or procedure for updating IANA processes and procedures that apply to ccTLDs. Documentation also demonstrates that there can be significant changes to these, such as dropping the requirement for Sponsorship Agreements, without any consultation or notice.

- 3.5.1. Public IANA reports are edited versions of the reports provided by IANA to the ICANN Board. This may be necessary for a variety of reasons but it is unacceptable that there is no published process or procedure, including approvals, of how this is done.
- 3.5.2. Public IANA reports are constantly changing both in format and in content without any public input or notice. Given they are the basis for Board decisions and are often the only source of information on delegations, re-delegations and retirements and given the nature of the organisation it seems unacceptable that these changes are brought without input or notice from-to the CCNSO for IANA Reports dealing with ccTLDs.

- 3.5.3. Public IANA reports are regularly used to communicate significant changes in practices and procedures which can significantly affect ccTLDs without any input or notice from-to this community. This is unacceptable.
- 3.5.4. In the past, IANA has had significant delays, sometimes up to a year, in posting the public IANA report for a given delegation or re-delegation. Although this is not currently the case there are no public commitments, processes, procedures or practices dealing with this. The CCNSO community finds it unacceptable that there is not a minimum timeframe after a Board decision which will guarantee the publication of the public IANA report.
- 3.5.5. IANA should publish the processes which are at issue in this section.

3.6. Current manager approving a re-delegation request (consent)

3.6.1. RFC1591

- 3.6.1.1. (IANA) must receive communications from both the old organization and the new organization that assure the IANA that the transfer is mutually agreed.

3.6.2. ICP1

- 3.6.2.1. (IANA) must receive communications from both the old organization and the new organization that assure the IANA that the transfer is mutually agreed.

3.6.3. Understanding the Delegation and Re-delegation procedure (Annex E)

- 3.6.3.1. Once IANA has completed its verification and analysis of the material supplied in the request it then requests, confirmation of the re-delegation from the current administrative and technical contacts (if applicable) as well as the newly proposed administrative and technical contacts.

3.6.4. Practice

- 3.6.4.1. Consent is usually achieved by the administrative and technical contacts replying to an email from IANA.

3.6.5. Issues

- 3.6.5.1. Interpretation of consent, by IANA's own admission, is highly variable depending on a number of factors including culture and the immediate physical security of the ccTLD manager.

3.6.5.2. The practice is inadequate when considering the importance of a re-delegation.

3.7. Significantly interested parties or community support

3.7.1. Current documentation

3.7.1.1. RFC 1591

3.7.1.1.1. *“Significantly interested parties in the domain should agree that the designated manager is the appropriate party.”* (context: applies to the selection of a new manager).

3.7.1.2. News Memo #1

3.7.1.2.1. *“An additional factor has become very important since RFC 1591 was written: the desires of the government of the country. The IANA takes the desires of the government of the country very seriously, and will take them as a major consideration in any transition discussion.”*

3.7.1.3. ICP1

3.7.1.3.1. *“The desires of the government of a country with regard to delegation of a ccTLD are taken very seriously. The IANA will make them a major consideration in any TLD delegation/transfer discussions. Significantly interested parties in the domain should agree that the proposed TLD manager is the appropriate party.”*

3.7.1.4. GAC Principles 2005

3.7.1.4.1. *“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.”*

3.7.1.5. Understanding the Delegation and Re-delegation procedure

“2. Documentation showing that the request serves the local interest

Crucial to the request are statements of support from the local Internet community. This documentation should provide information demonstrating that the request would be in the interests of the Internet community served by the ccTLD.

Good examples of this documentation include statements from national ISPs and ISP associations, Internet user groups, and Internet Society chapters showing support for the request. Other possibilities include statements from national consortia of electronic commerce providers or trademark and intellectual property holders. It would also be instructive to summarise the usage of Internet in the country, and an explanation on why the statements provided (and the organisations they are from) are representative of the community. If there is disagreement about how the ccTLD is run within the community, explain the circumstances and the different points of view, and why your application is the most appropriate path to serve the Internet community's interests."

3.7.2. Request from the Board (April 22 2010 meeting of the ICANN Board)

3.7.2.1. "Jonne Soininen expressed his support for Harald, Rita and Ram's comments and moving forward with the delegations. Jonne also requested that the Board agree that "what is community support" should be a matter for ccNSO policy development, so that the Board is not trying to define such policies on its own."

3.7.3. Issues

- 3.7.3.1. There is no documentation on the evolution from "interested parties" to "community support" to "national ISPs and ISP associations, Internet user groups, and Internet Society chapters". This could be an issue when one considers the definition of interested party as "Entity who has a recognizable stake in the outcome of a matter, but may not be directly involved in it".
- 3.7.3.2. There is no documentation on the verification and ranking of these "interested parties". How do we qualify a party as interested in a national ccTLD? Is there a scale for ranking the "interest"? Is there a scale for ranking importance - is an ISOC chapter with a dozen members considered on the same footing as a national ISP with several thousand employees and potentially millions of clients.
- 3.7.3.3. There is no documentation on what constitutes a "statement of support" or requirements for ranking or validating these.
- 3.7.3.4. IANA reports provide a variable amount of information, ranging from none to elaborate, regarding the community support information that has been provided for a given re-delegation request (problem of format and content of IANA reports.). This makes it very difficult to establish any comparisons between requests or to establish a baseline.
- 3.7.3.5. Examining all IANA Re-delegation reports with respect to the "community support" requirement reveals a great flexibility in interpretation. Some of this flexibility is obviously required by the very

nature of these communities which include significant cultural differences. However several sections of this report present situations where there was no community support presented for the request, although there was government support, which were recommended by IANA and accepted by the ICANN Board. These decisions indicate a shift from community **and** government support to government support being a must and community support being desirable. This inferred policy shift should be addressed as per the April 2010 Board request.

4. Recommendations

The DRDWG have conducted research on the ICANN decisions relating to delegations and re-delegations of ccTLDs and believe the research highlights decisions made that contain elements of inconsistent application of policies, guidelines and procedures, and on occasions that ICANN decisions have been based on criteria not included in the relevant policies, guidelines and procedures. The decisions of the ICANN board should be logical and predictable.

Although elements of this report support a recommendation for the ccNSO to undertake a PDP, this WG notes the considerable time requirement to develop a PDP along with the urgent need to provide clarification of various issues and procedures within ICANN, and therefore for reasons of expediency, efficiency, effectiveness and flexibility, recommends a two-step process to the ccNSO Council.

The DRDWG recommends that, as a first step, the ccNSO Council undertake the development of a “Framework of Interpretation” for the re-delegation of ccTLDs. This framework should provide a clear guide to IANA and the ICANN Board on interpretations of the current policies, guidelines and procedures relating to the re-delegations of ccTLDs.

The results of the use of such a Framework of Interpretation should be formally monitored and evaluated by the ccNSO council after a pre-determined period. If the results of this evaluation indicate that the Framework of Interpretation failed to provide logical and predictable outcomes in ICANN decision making, the ccNSO council should then launch a PDP on the re-delegation of ccTLDs.

Annex A – RFC1591

Network Working Group
Request for Comments: 1591
Category: Informational

J. Postel
ISI
March 1994

Domain Name System Structure and Delegation

Status of this Memo

This memo provides information for the Internet community. This memo does not specify an Internet standard of any kind. Distribution of this memo is unlimited.

1. Introduction

This memo provides some information on the structure of the names in the Domain Name System (DNS), specifically the top-level domain names; and on the administration of domains. The Internet Assigned Numbers Authority (IANA) is the overall authority for the IP Addresses, the Domain Names, and many other parameters, used in the Internet. The day-to-day responsibility for the assignment of IP Addresses, Autonomous System Numbers, and most top and second level Domain Names are handled by the Internet Registry (IR) and regional registries.

2. The Top Level Structure of the Domain Names

In the Domain Name System (DNS) naming of computers there is a hierarchy of names. The root of system is unnamed. There are a set of what are called "top-level domain names" (TLDs). These are the generic TLDs (EDU, COM, NET, ORG, GOV, MIL, and INT), and the two letter country codes from ISO-3166. It is extremely unlikely that any other TLDs will be created.

Under each TLD may be created a hierarchy of names. Generally, under the generic TLDs the structure is very flat. That is, many organizations are registered directly under the TLD, and any further structure is up to the individual organizations.

In the country TLDs, there is a wide variation in the structure, in some countries the structure is very flat, in others there is substantial structural organization. In some country domains the second levels are generic categories (such as, AC, CO, GO, and RE), in others they are based on political geography, and in still others, organization names are listed directly under the country code. The organization for the US country domain is described in [RFC 1480](#) [1].

Each of the generic TLDs was created for a general category of organizations. The country code domains (for example, FR, NL, KR, US) are each organized by an administrator for that country. These administrators may further delegate the management of portions of the naming tree. These administrators are performing a public service on behalf of the Internet community. Descriptions of the generic domains and the US country domain follow.

Of these generic domains, five are international in nature, and two are restricted to use by entities in the United States.

World Wide Generic Domains:

- COM - This domain is intended for commercial entities, that is companies. This domain has grown very large and there is concern about the administrative load and system performance if the current growth pattern is continued. Consideration is being taken to subdivide the COM domain and only allow future commercial registrations in the subdomains.
- EDU - This domain was originally intended for all educational institutions. Many Universities, colleges, schools, educational service organizations, and educational consortia have registered here. More recently a decision has been taken to limit further registrations to 4 year colleges and universities. Schools and 2-year colleges will be registered in the country domains (see US Domain, especially K12 and CC, below).
- NET - This domain is intended to hold only the computers of network providers, that is the NIC and NOC computers, the administrative computers, and the network node computers. The customers of the network provider would have domain names of their own (not in the NET TLD).
- ORG - This domain is intended as the miscellaneous TLD for organizations that didn't fit anywhere else. Some non-government organizations may fit here.
- INT - This domain is for organizations established by international treaties, or international databases.

United States Only Generic Domains:

- GOV - This domain was originally intended for any kind of government office or agency. More recently a decision was taken to register only agencies of the US Federal government in this domain. State and local agencies are registered in the country

domains (see US Domain, below).

MIL - This domain is used by the US military.

Example country code Domain:

US - As an example of a country domain, the US domain provides for the registration of all kinds of entities in the United States on the basis of political geography, that is, a hierarchy of <entity-name>.<locality>.<state-code>.US. For example, "IBM.Armonk.NY.US". In addition, branches of the US domain are provided within each state for schools (K12), community colleges (CC), technical schools (TEC), state government agencies (STATE), councils of governments (COG), libraries (LIB), museums (MUS), and several other generic types of entities (see [RFC 1480](#) for details [1]).

To find a contact for a TLD use the "whois" program to access the database on the host rs.internic.net. Append "-dom" to the name of TLD you are interested in. For example:

```
whois -h rs.internic.net us-dom
or
whois -h rs.internic.net edu-dom
```

3. The Administration of Delegated Domains

The Internet Assigned Numbers Authority (IANA) is responsible for the overall coordination and management of the Domain Name System (DNS), and especially the delegation of portions of the name space called top-level domains. Most of these top-level domains are two-letter country codes taken from the ISO standard 3166.

A central Internet Registry (IR) has been selected and designated to handle the bulk of the day-to-day administration of the Domain Name System. Applications for new top-level domains (for example, country code domains) are handled by the IR with consultation with the IANA. The central IR is INTERNIC.NET. Second level domains in COM, EDU, ORG, NET, and GOV are registered by the Internet Registry at the InterNIC. The second level domains in the MIL are registered by the DDN registry at NIC.DDN.MIL. Second level names in INT are registered by the PVM at ISI.EDU.

While all requests for new top-level domains must be sent to the Internic (at hostmaster@internic.net), the regional registries are often enlisted to assist in the administration of the DNS, especially in solving problems with a country administration. Currently, the RIPE NCC is the regional registry for Europe and the APNIC is the

regional registry for the Asia-Pacific region, while the INTERNIC administers the North America region, and all the as yet undelegated regions.

The contact mailboxes for these regional registries are:

INTERNIC	hostmaster@internic.net
APNIC	hostmaster@apnic.net
RIPE NCC	ncc@ripe.net

The policy concerns involved when a new top-level domain is established are described in the following. Also mentioned are concerns raised when it is necessary to change the delegation of an established domain from one party to another.

A new top-level domain is usually created and its management delegated to a "designated manager" all at once.

Most of these same concerns are relevant when a sub-domain is delegated and in general the principles described here apply recursively to all delegations of the Internet DNS name space.

The major concern in selecting a designated manager for a domain is that it be able to carry out the necessary responsibilities, and have the ability to do a equitable, just, honest, and competent job.

- 1) The key requirement is that for each domain there be a designated manager for supervising that domain's name space. In the case of top-level domains that are country codes this means that there is a manager that supervises the domain names and operates the domain name system in that country.

The manager must, of course, be on the Internet. There must be Internet Protocol (IP) connectivity to the nameservers and email connectivity to the management and staff of the manager.

There must be an administrative contact and a technical contact for each domain. For top-level domains that are country codes at least the administrative contact must reside in the country involved.

- 2) These designated authorities are trustees for the delegated domain, and have a duty to serve the community.

The designated manager is the trustee of the top-level domain for both the nation, in the case of a country code, and the global Internet community.

Concerns about "rights" and "ownership" of domains are inappropriate. It is appropriate to be concerned about "responsibilities" and "service" to the community.

- 3) The designated manager must be equitable to all groups in the domain that request domain names.

This means that the same rules are applied to all requests, all requests must be processed in a non-discriminatory fashion, and academic and commercial (and other) users are treated on an equal basis. No bias shall be shown regarding requests that may come from customers of some other business related to the manager -- e.g., no preferential service for customers of a particular data network provider. There can be no requirement that a particular mail system (or other application), protocol, or product be used.

There are no requirements on subdomains of top-level domains beyond the requirements on higher-level domains themselves. That is, the requirements in this memo are applied recursively. In particular, all subdomains shall be allowed to operate their own domain name servers, providing in them whatever information the subdomain manager sees fit (as long as it is true and correct).

- 4) Significantly interested parties in the domain should agree that the designated manager is the appropriate party.

The IANA tries to have any contending parties reach agreement among themselves, and generally takes no action to change things unless all the contending parties agree; only in cases where the designated manager has substantially mis-behaved would the IANA step in.

However, it is also appropriate for interested parties to have some voice in selecting the designated manager.

There are two cases where the IANA and the central IR may establish a new top-level domain and delegate only a portion of it: (1) there are contending parties that cannot agree, or (2) the applying party may not be able to represent or serve the whole country. The later case sometimes arises when a party outside a country is trying to be helpful in getting networking started in a country -- this is sometimes called a "proxy" DNS service.

The Internet DNS Names Review Board (IDNB), a committee established by the IANA, will act as a review panel for cases in which the parties can not reach agreement among themselves. The IDNB's decisions will be binding.

- 5) The designated manager must do a satisfactory job of operating the DNS service for the domain.

That is, the actual management of the assigning of domain names, delegating subdomains and operating nameservers must be done with technical competence. This includes keeping the central IR (in the case of top-level domains) or other higher-level domain manager advised of the status of the domain, responding to requests in a timely manner, and operating the database with accuracy, robustness, and resilience.

There must be a primary and a secondary nameserver that have IP connectivity to the Internet and can be easily checked for operational status and database accuracy by the IR and the IANA.

In cases when there are persistent problems with the proper operation of a domain, the delegation may be revoked, and possibly delegated to another designated manager.

- 6) For any transfer of the designated manager trusteeship from one organization to another, the higher-level domain manager (the IANA in the case of top-level domains) must receive communications from both the old organization and the new organization that assure the IANA that the transfer is mutually agreed, and that the new organization understands its responsibilities.

It is also very helpful for the IANA to receive communications from other parties that may be concerned or affected by the transfer.

4. Rights to Names

- 1) Names and Trademarks

In case of a dispute between domain name registrants as to the rights to a particular name, the registration authority shall have no role or responsibility other than to provide the contact information to both parties.

The registration of a domain name does not have any Trademark status. It is up to the requestor to be sure he is not violating anyone else's Trademark.

- 2) Country Codes

The IANA is not in the business of deciding what is and what is not a country.

The selection of the ISO 3166 list as a basis for country code top-level domain names was made with the knowledge that ISO has a procedure for determining which entities should be and should not be on that list.

5. Security Considerations

Security issues are not discussed in this memo.

6. Acknowledgements

Many people have made comments on draft version of these descriptions and procedures. Steve Goldstein and John Klensin have been particularly helpful.

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Annex B – News Memo #1



Dedicated to preserving the central coordinating functions of the global Internet for the public good.

CCTLD News Memo #1 (23 October 1997)

There is a backlog of topics to discuss so this message will touch on several things that will be discussed more fully separately in subsequent messages over the next several weeks.

1. Organization

It seems that it would be helpful to have a bit more organization among the country code TLD managers and operators to share information about problems and solutions, software and systems, and policies and procedures.

I hope this mailing list is a significant step in the right direction. However there may be other things that could be done. For example, it might be helpful to have a time during the annual INET conference for those of us that can attend to get together. However, meeting on a world wide basis may be too expensive, so regional groupings and meetings are also possible, and I encourage you to form regional groups, with mailing lists and meetings.

2. Policy and Procedures

The policies and procedures for the use of each country code must be available for public inspection. Generally these are posted on web pages or made available for file transfer.

While we expect there will be variations in policies and procedures from country to country due to local customs and cultural values, they must be documented and available to interested parties.

An additional factor has become very important since RFC 1591 was written: the desires of the government of the country. The IANA takes the desires of the government of the country very seriously, and will take them as a major consideration in any transition discussion.

On a few occasions, the parties involved have not been able to reach an agreement and the IANA has been required to resolve the matter. This is usually a long drawn out process, leaving at least one party unhappy, so it is far better when the parties can reach an agreement among themselves.

4. Shared Registries

In Great Britain (.UK) a system of "shared registration" has been developed (see <http://www.nic.uk>). This is a very interesting approach to allowing competition in the registration process and one that is likely to be adopted in other countries. The IANA encourages country code managers to look into forming a management consortium including the interested parties and adopting a shared registry operation.

5. Naming Structure

The design of the naming structure under the country code is up to the manager of that country code. There may be reasons for an unusual or even unique structure to be developed in a particular country due to local customs. However, it may be useful to develop a model country code naming structure as a basis for local variations. This is a topic to be discussed further in future messages.

If there are criteria as to the type of organization that is appropriate to register under a particular branch of the country code, those criteria must be published (as part of the policies and procedures) and applied equally to all applicants.

Sometimes there are questions about what kind of names should be allowed (or outlawed). The experience is that if there is to be some set of allowed (or outlawed) names in a particular situation the best approach is to use an existing list maintained by another long-existing, reputable, organization. Just as we use the list of country codes determined by the ISO-3166 standard.

Another aspect of names is what characters to allow in names. In the early days, there were rules against names that started with a digit (such as 3COM). These rules have been discarded, at least for the COM domain, and such names work with no problems for the DNS system. Even names of all digits work fine. It is up to you to decide what names to allow or not, but it is important to be realistic about what efforts you have to make to consistently enforce the rules you make.

Thank you.

IANA

Please send comments on this web site to: webmaster@iana.org

Page Updated 16-April-2000.

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Annex C – ICP1

ICP-1: Internet Domain Name System Structure and Delegation (ccTLD Administration and Delegation)

IMPORTANT NOTICE. The following Internet Coordination Policy is being posted for the information of the Internet community. It contains a statement of the current policies being followed by the Internet Assigned Numbers Authority (IANA) in administering delegations of Top Level Domain Names of the Internet Domain Names System (DNS). At a future date, the ICANN Board may consider changes to these policies and will, at such time, notice proposed changes for public comment in accordance with the ICANN Bylaws.

Comments on this document are welcome and should be directed to comments@icann.org.

**INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS
INTERNET ASSIGNED NUMBERS AUTHORITY
Internet Domain Name System Structure and Delegation (ccTLD Administration
and Delegation)
(May 1999)**

Abstract

This document is a summary of current practices of the Internet Assigned Numbers Authority (IANA) in administering [RFC 1591](#), which includes the guidance contained in [ccTLD News Memo #1](#) dated October 23, 1997. It DOES NOT reflect any changes in policy affecting the administration of DNS delegations. It is intended to serve as the basis for possible future discussions of policy in this area. Changes in ICANN/IANA policy will be made following public notice and comment in accordance with the ICANN Bylaws.

Introduction

The IANA is the overall authority for day-to-day administration of the Internet Domain Name System (DNS). IANA staff carry out administrative responsibilities for the assignment of IP Addresses, Autonomous System Numbers, Top Level Domains (TLDs), and other unique parameters of the DNS and its protocols. This document provides general information on IANA policy for administering the DNS. Instructions on procedures to be followed in requesting TLD delegations or changes are available on the website at iana.org.

Top Level Structure of the DNS

The DNS structure contains a hierarchy of names. The root, or highest level, of the system is unnamed. Top Level Domains (TLDs) are divided into classes based on rules that have evolved over time. Most TLDs have been delegated to individual country managers, whose codes are assigned from a table known as [ISO-3166-1](#), which is maintained by an agency of the United Nations. These are called country-code Top Level Domains, or ccTLDs. In addition, there are a limited number of "generic" Top Level Domains (gTLDs), which do not have a geographic or country designation. Responsibility for adoption of procedures and policies for the assignment of Second Level Domain Names (SLDs), and lower level hierarchies of names, has been delegated to TLD managers, subject to the policy guidance contained in this document. Country code domains are each organized by a manager for that country. These managers are performing a public service on behalf of the Internet community. A list of current TLD assignments and names of the delegated managers can be accessed at <http://www.iana.org/cctld/cctld.htm>.

The Management of Delegated Domains

As part of its responsibility for the overall coordination and management of the DNS, the IANA receives and processes all requests for new TLDs and for changes to existing TLDs. The following policies are applicable to management of TLDs. In general, the principles described here apply recursively to all delegations of the Internet DNS name space.

(a) Delegation of a New Top Level Domain. Delegation of a new top level domain requires the completion of a number of procedures, including the identification of a TLD manager with the requisite skills and authority to operate the TLD appropriately. The desires of the government of a country with regard to delegation of a ccTLD are taken very seriously. The IANA will make them a major consideration in any TLD delegation/transfer discussions. Significantly interested parties in the domain should agree that the proposed TLD manager is the appropriate party. The key requirement is that for each domain there be a designated manager for supervising that domain's name space. In the case of ccTLDs, this means that there is a manager that supervises the domain names and operates the domain name system in that country. There must be Internet Protocol (IP) connectivity to the nameservers and electronic mail connectivity to the entire management, staff, and contacts of the manager. There must be an administrative contact and a technical contact for each domain. The administrative contact must reside in the country involved for ccTLDs. The IANA may choose to make partial delegations of a TLD when circumstances, such as those in a developing country, so dictate. It may also authorize a "proxy" DNS service outside of a developing country as a temporary form of assistance to the creation of Internet connectivity in new areas. [N.B. The IANA continues to receive inquiries about delegation of new gTLDs. This is a significant policy issue on which ICANN will conduct a careful study and review based on the established decision making procedures. Information about this study will be disseminated on the website at icann.org.]

(b) TLD Manager Responsibility. TLD managers are trustees for the delegated domain, and have a duty to serve the community. The designated manager is the trustee of the TLD for both the nation, in the case of ccTLDs, and the global Internet community. Concerns about "rights" and "ownership" of domains are inappropriate. It is appropriate, however, to be concerned about "responsibilities" and "service" to the community.

(c) Fair Treatment. The designated manager must be equitable and fair to all groups in the domain that request domain names. Specifically, the same rules must be applied to all requests and they must be processed in a non-discriminatory fashion. The policies and procedures for the use of each TLD must be available for public inspection. Generally these are posted on web pages or made available for file transfer. While variations in policies and procedures from country to country are expected due to local customs and cultural values, they must be documented and available to interested parties. Requests from for-profit and non-profit companies and organizations are to be treated on an equal basis. No bias shall be shown regarding requests that may come from customers of some other business related to the TLD manager. For example, no preferential service for customers of a particular data network provider. There can be no stipulation that a particular application, protocol, or product be used.

(d) Operational Capability. The TLD manager must do a satisfactory job of operating the DNS service for the domain. Duties such as the assignment of domain names, delegation of subdomains and operation of nameservers must be done with technical competence. This includes keeping the IANA or other higher-level domain manager advised of the status of the domain, responding to requests in a timely manner, and operating the database with accuracy, robustness, and resilience. Because of its responsibilities for the DNS, the IANA must be granted access to all TLD zones on a continuing basis. There must be a primary and a secondary nameserver that have IP connectivity to the Internet and can be easily checked via access to zones for operational status and database accuracy by the IANA.

(e) Transfers and Disputes over Delegations. For transfer of TLD management from one organization to another, the higher-level domain manager (the IANA in the case of TLDs), must receive communications from both the old organization and the new organization that assure the IANA that the transfer is mutually agreed, and that the proposed new manager understands its responsibilities. It is also very helpful for the IANA to receive communications from other parties that may be concerned or affected by the transfer. In the event of a conflict over designation of a TLD manager, the IANA tries to have conflicting parties reach agreement among themselves and generally takes no action unless all contending parties agree. On a few occasions, the parties involved in proposed delegations or transfers have not been able to reach an agreement and the IANA has been required to resolve the matter. This is usually a long drawn out process, leaving at least one party unhappy, so it is far better when the parties can reach an agreement among themselves. It is appropriate for interested parties to have a voice in the selection of the designated manager.

(f) Revocation of TLD Delegation. In cases where there is misconduct, or violation of the policies set forth in this document and RFC 1591, or persistent, recurring problems with the proper operation of a domain, the IANA reserves the right to revoke and to redelegate a Top Level Domain to another manager.

(g) Subdelegations of Top Level Domains. There are no requirements for management of subdomains of TLDs, including subdelegations, beyond the requirements for TLDs stated in this document and [RFC 1591](#). In particular, all subdomains shall be allowed to operate their own domain nameservers, providing in them whatever information the subdomain manager sees fit, as long as it is true and correct.

(h) Rights to Domain Names. The IANA has no special requirement for policies to be followed by TLD managers in connection with disputes over rights to domain names other than those stated generally in this document and [RFC 1591](#). Please note, however, that use of a particular domain name may be subject to applicable laws, including those concerning trademarks and other types of intellectual property.

(i) Uses of ISO 3166-1 Table. The IANA is not in the business of deciding what is and what is not a country. The selection of the [ISO-3166-1](#) list as a basis for country code top-level domain names was made with the knowledge that ISO has a procedure for determining which entities should be and should not be on that list. For more information about the ISO 3166 Maintenance Agency, please see the following webpage: <http://www.iso.org/iso/en/prods-services/iso3166ma/index.html>.

(j) Maintenance Procedure for Root Zone File. The primary root zone file is currently located on the A root server, which is operated by Network Solutions, Inc.(NSI), under a cooperative agreement with the U.S. Government. Changes to the root zone file are made by NSI according to procedures established under Amendment 11 of that cooperative agreement.

Annex D – GAC Principles 2005

PRINCIPLES AND GUIDELINES FOR THE DELEGATION AND ADMINISTRATION OF COUNTRY CODE TOP LEVEL DOMAINS

Presented by the Governmental Advisory Committee

1. PREAMBLE

1.1. The purpose of this document is to set out a general framework of principles and guidelines for the relationship between national governments, the Registry of the country code associated with that country, and the Internet Corporation for Assigned Names and Numbers (ICANN). However, the situation varies significantly between countries. This framework is intended to help establish, not constrain or dictate, the development of the three-way relationship. Governments, country code Top Level Domain (ccTLD) Registries and ICANN share the responsibility for ensuring a Domain Name System that is stable, secure, open, and easily accessible.

1.2. The main principle is the principle of subsidiarity. ccTLD policy should be set locally, unless it can be shown that the issue has global impact and needs to be resolved in an international framework. Most of the ccTLD policy issues are local in nature and should therefore be addressed by the local Internet Community, according to national law.

1.3. These principles are intended as a guide to the relationships between Governments, their ccTLD and ICANN. They are not intended to be binding and need both Governments and Registries voluntarily to agree to apply them within their legal framework. If either the Government or the Registry decide not to adopt the principles, this cannot be held against the Registry, and the Registry still has a valid existence.

1.4. The Internet has evolved from a tool primarily reserved for computer and networking research, to a global medium for commerce, education, and communication since ccTLDs were first established and, in particular, since [RFC 1591](#) was issued. Advances in the global information infrastructure, especially the Internet, are of crucial importance for national and global economic growth. Top Level Domains (i.e. domains in the top level of the global domain name system) play a significant role in this respect. ccTLDs have acquired an increasing part in the domain names market and are seen by many as part of the Internet identities of their country or geopolitical territory.

1.5. The initial selection for the management of ccTLDs was by “ selecting a designated manager for a domain that was able to do an equitable, just, honest, and competent job ” . This was a mutual recognition of rights and duties and this should remain the fundamental basis for any future selection of ccTLD Registries. There is currently a variety of legacy ccTLD situations with different legal or contractual frameworks.

1.6. It is recalled that the Governmental Advisory Committee (GAC) to ICANN has previously adopted the general principle that the Internet naming system is a public resource in the sense that its functions must be administered in the public or common interest. The WSIS Declaration of December 2003 states that *“policy authority for Internet-related public policy issues is the sovereign right of States. They have rights and responsibilities for international Internet-related public policy issues.”* This is in the context that, *“Governments, as well as private sector, civil society and the United Nations and other international organizations have an important role and responsibility in the development of the Information Society and, as appropriate, in decision-making processes. Building a people-centred Information Society is a joint effort which requires cooperation and partnership among all stakeholders.”*

1.7. It is recalled that the WSIS Plan of action of December 2003 invites *“Governments to manage or supervise, as appropriate, their respective country code top-level domain name”*. Any such involvement should be based on appropriate national laws and policies. It is recommended that governments should work with their local Internet community in deciding on how to work with the ccTLD Registry.

2. OBJECTIVE OF THIS DOCUMENT

2.1. This document updates the principles set out in February 2000. It takes account of experience and best practice for the delegation and administration of ccTLDs. It is intended as a framework which the different parties can use to help define the way they work together. How these principles and guidelines may be used depends on local/national laws and traditions. They may contribute to clarifying the bilateral relationship between these parties. They could also contribute to the development of:

- a communication between the relevant government or public authority and ICANN about their respective roles;
- a communication between the relevant government or public authority and the ccTLD Registry where this is deemed appropriate by the government and Registry concerned or provided for by national laws; and
- an appropriate communication between ICANN and the ccTLD Registry.

2.2. From a GAC perspective, the first two of these types of communications are of primary importance, since governments are directly involved. The third type often involves two private parties and is of interest to governments to the extent it affects public policy interests.

3. DEFINITIONS

For the purposes of this document, the following definitions apply:

3.1 “Communication” might include a law, regulation, agreement, document, contract, memorandum of understanding or any other form of relationship as appropriate.

3.2 'Country code top level domain' or 'ccTLD' means a domain in the top level of the global domain name system assigned according to a two-letter code based on the ISO 3166-1 standard 'Codes for the Representation of Names of Countries and Their Subdivisions.'

3.3 'Delegation' means the procedures that need to be taken by ICANN/IANA for the inclusion of a ccTLD in the DNS root upon receipt of an authoritative request.

3.4 'Re-delegation' means the change of the person or body responsible for the administration of a ccTLD Registry effected by ICANN/IANA upon receipt of an authoritative request.

3.5 'Authoritative request' for the purposes of this document is the request for the delegation or re-delegation concerning a ccTLD Registry addressed to ICANN/IANA by the appropriate body, according to national law, showing that the request is correctly made, authoritative and is in line with applicable law or, in the absence of such law, RFC 1591.

3.6 'ccTLD Registry' means the entity (whether an organisation, enterprise or individual) responsible for managing and administering a ccTLD.

3.7 'Designation' means decision by the relevant government or public authority or any other body foreseen by the national law of the country concerned on the person or body that will be the manager of the relevant ccTLD Registry according to national law.

3.8 'Relevant government or public authority' means the national government or public authority of a distinct economy as recognised in international fora, as those terms are used in the ICANN bylaws and the GAC Operating Principles, associated with the country code.

3.9 'Local Internet community' means the local community in the country associated with the country code, and includes the national government. This definition is specific to the purposes identified in this document and not broader.

4. ROLE OF GOVERNMENT OR PUBLIC AUTHORITY

4.1 Principles

4.1.1. Ultimate public policy authority over the relevant ccTLD rests with the relevant government or public authority; how this authority is exercised is determined by applicable law.

4.1.2. Every country or distinct economy with a government or public authority recognised in accordance with article 3.8 above should be able to ask for its appropriate country code to be represented as a ccTLD in the DNS and to designate the Registry for the ccTLD concerned.

4.2 Guidelines

4.2.1. The relevant government or public authority is strongly encouraged to ensure that the ccTLD is being administered in the public interest, within the framework of its national public policy and relevant laws and regulations.

4.2.2. The relevant government or public authority should be able to ensure that domain name registration in the ccTLD by Registrars benefits from effective and fair conditions of competition, at appropriate levels and scale of activity.

4.2.3. To give effect to their public policy interests, governments or public authorities may wish to base any communication with ccTLD Registries on the terms outlined in Clause 9.

4.2.4. In making a designation or acceptance for a ccTLD Registry, the government or public authority should take into consideration the importance of long-term stability in the administration and management of the ccTLD and in the DNS. In most cases, such stability may be best served through the designation of an organisation or an enterprise rather than a specific individual.

5. ROLE OF ccTLD REGISTRY

5.1 Principles

5.1.1. The ccTLD Registry is a trustee for the delegated ccTLD, and has a duty to serve the local Internet community as well as the global Internet community. Some governments or public authorities may require their agreement before any sub-contracting or sub-licensing of the delegation. Where this agreement is given, the government or public authority should notify ICANN.

5.1.2. In performing their functions ccTLD Registries are subject to applicable law.

5.1.3. Any claim of intellectual property right in the two-letter code in itself shall not impede a change of Registry.

5.2 Guidelines

5.2.1. Any intellectual property rights that the ccTLD Registry may have acquired as the result of delegation or which any entity may have acquired as a result of the management, administration or marketing of the ccTLD shall be taken into account and dealt with in accordance with applicable law in the case of a re-delegation. Such rights should not be exercised in a way that unnecessarily impedes re-delegation of a ccTLD Registry decided according to national law or under the circumstances described under clause 7 below.

5.2.2. The ccTLD Registry should work cooperatively with the relevant government or public authority of the country or territory for which the ccTLD has been established,

within the legal framework, and in line with appropriate public policy objectives of the government of the country or distinct economy concerned.

5.2.3. The ccTLD Registry, and the Registry's administrative contact, should be resident or incorporated in the territory and/or jurisdiction of the relevant government or public authority unless formally decided otherwise by the relevant government or public authority. In any event the ccTLD should operate in a way that is consistent with the laws and public policy of the relevant government or public authority.

5.2.4. The ccTLD Registries have the opportunity to participate in the ICANN Policy Development Processes through the Country Code Names Supporting Organisation (ccNSO). The GAC encourages the ongoing extension of the ccNSO's membership.

5.2.5. In any sub-contracting of the technical operations of the ccTLD Registry or administrative and management functions of the ccTLD, the sub-contract should state that the delegation itself is not reassigned to the sub-contractor. Any re-assignment would have to be in accordance with the provisions of Clause 7.

6. ROLE OF ICANN

Principle

6.1 ICANN's mission with respect to ccTLD Registries is to co-ordinate the Internet's systems of top-level domain unique identifiers, and to ensure their stable and secure operation, in particular: the allocation and assignment of the sets of unique Internet identifiers; the operation and evolution of the root name server system; and the policy development related to these technical functions as defined in the ICANN Bylaws.

7. PRINCIPLES RELATING TO DELEGATIONS AND RE-DELEGATIONS

7.1. Principle

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. Once a final formal decision has been reached, ICANN should act promptly to initiate the process of delegation or re-delegation in line with authoritative instructions showing the basis for the decision.

7.2. Guidelines

7.2.1. Where the Registry operating the country code TLD does not have a formal communication with its national government and its core functions are operated under a different jurisdiction, any action to re-delegate needs to take account of the legal framework in the country where the Registry is based. In the event of a re-delegation, registrants in the ccTLD should be afforded continued name resolution or, if necessary, a mutually agreed period in which to transfer to another TLD.

7.2.2. In the case of a disputed re-delegation request where the relevant country code TLD Registry is based in another country and where there is not a contract specifying which national law should apply, the government and ccTLD should seek to find a mutually acceptable solution. Where there is evidence that local stakeholders and the Internet community support the government proposal for re-delegation, but where there is no legal basis for imposing the re-delegation, ICANN may contribute to identifying alternative solutions to resolve the problem.

7.2.3. It is strongly recommended that, in the case of new delegations or re-delegations, particularly where a Registry is based out of country, national governments and Registry managers should agree on the legal framework and specific contract conditions to be used to judge any subsequent disputes or re-delegation requests.

8. GUIDELINES FOR A COMMUNICATION BETWEEN THE RELEVANT GOVERNMENT OR PUBLIC AUTHORITY AND ICANN

8.1. In cases in which there is a communication between the relevant government or public authority and ICANN/IANA, it should include the nominated, designated point of contact for communications with the relevant government or public authority.

8.2. In the absence of a communication, or where there are reasons for doubt, ICANN/IANA should consult with the diplomatic authorities or the Governmental Advisory Committee members for the government or distinct economy concerned on the competent authority and appropriate point of contact with their administration for communications.

8.3. Recognising ICANN's responsibilities to achieve consensus in the creation of any new generic TLDs, ICANN should avoid, in the creation of new generic TLDs, well known and famous country, territory or place names; well known and famous country, territory or regional language or people descriptions; or ISO 639 Codes for representation of languages unless in agreement with the relevant governments or public authorities.

9. GUIDELINES FOR A COMMUNICATION BETWEEN THE RELEVANT GOVERNMENT OR PUBLIC AUTHORITY AND THE ccTLD REGISTRY

9.1 Depending on the needs in individual national circumstances, it may be appropriate for the relevant government or public authority to establish a communication with its newly designated Registry. Any such communication could include the following provisions:

9.1.1 Term, performance clauses, applicable law, opportunity for review and process for revocation.

9.1.2 A commitment by the Registry to operate the ccTLD in the interest of the relevant local Internet community and the global Internet community.

9.1.3 Confirmation that the ccTLD is operated in trust in the public interest and that any claim of intellectual property rights in the two-letter code in itself shall not impede any possible future change of Registry.

9.1.4 Conditions to ensure the transfer of all relevant DNS data to the new Registry, if, for any reason, a reassignment of delegation to a new Registry is necessary, taking all interests into account.

9.1.5 References to ensure the safety and integrity of the Registry databases.

9.1.6 Conditions for the efficient and effective resolution of disputes arising from domain name registration.

10. COMMUNICATION BETWEEN ICANN AND THE ccTLD REGISTRY

10.1 Principle

A Registry should not sub-contract part or all of the technical operations of the ccTLD Registry affecting the global stability of the DNS without ensuring that the sub-contractor has the appropriate technical capability, and informing ICANN accordingly.

10.2 Guidelines

10.2.1. The communication between ICANN and the Registry should as a minimum contain ICANN's commitment to:

10.2.1.1 Maintain, or cause to be maintained, a stable, secure, authoritative and publicly available database of relevant information for each ccTLD (see below);

10.2.1.2 Ensure that authoritative and accurate root zone information is generated in a timely manner from such database and contribute to the root servers' operating in stable and secure manner. Also, ensure that changes to the root zone database are made on the basis of reliable authentication procedures confirming the authority and identity of the requesting party;

10.2.1.3 Maintain, or cause to be maintained, authoritative records and an audit trail regarding ccTLD delegations and records related to these delegations; and

10.2.1.4 Inform the Registry in a timely manner of any changes to ICANN's contact information.

10.2.2 The communication between ICANN and the Registry should contain the Registry's commitment to:

10.2.2.1. Cause to be operated and maintained in a stable and secure manner the authoritative primary and secondary name servers for the ccTLD, adequate to

resolve names within the ccTLD for users throughout the Internet, and any sub-domains over which they retain administrative authority;

10.2.2.2. Inform ICANN in a timely manner of any changes to the ccTLD's contact information held by ICANN;

10.2.2.3. Set out clear conditions and parameters for any payment by the ccTLD.

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Mar del Plata, 5 April 2005

Annex E – IANA – Understanding the Delegation and Re-delegation Procedure.

Understanding the ccTLD Delegation and Re-delegation Procedure

Country-code top-level domains (ccTLDs) are two-letter top-level domains that are derived from the ISO 3166-1 standard. IANA is responsible for receiving requests relating to the delegation and re-delegation of a sponsoring organisation for these domains. The sponsoring organisation is entrusted with operating the domains in the public interest for the community the domain is designated to serve. IANA evaluates requests against both technical and public interest criteria, and provides the results of its investigation to the ICANN Board of Directors who ultimately decide whether to approve requests. IANA is also responsible for implementation of requests that have been approved by the ICANN Board.

Note well: This document is not a statement of policy, and should not be construed as such. It is simply a guide prepared by IANA staff to assist applicants better understand the process, and will be adapted over time based on feedback and questions.

Who is this document for?

This document is for anyone who needs to understand the step-by-step process involved in the delegation or re-delegation of a ccTLD. While primarily intended as a guide for those organizations pursuing such a request, this document is also intended to serve as a reference for anyone interested in the IANA ccTLD delegation and re-delegation process.

Who is involved in a delegation or re-delegation?

The delegation or re-delegation of a ccTLD, while conceptually simple, can become complex because many different organizations and individuals play a part in the process. For example:

- **The proposed new operator (applicant)** typically initiates the process and provides the needed information in a standard format.
- **The existing operator** is contacted to confirm the change is appropriate and should be implemented, in the event of a re-delegation request.
- **The sponsoring organization**, in many cases the government associated with the ccTLD, is asked to verify that the re-delegation is supported.

- **Those parties served by the ccTLD** are asked to show that they support the request and that it meets the interests and needs of the local Internet community.
- **IANA Root Management Staff** act as the coordinator and analyst for the request. This work includes investigating the details of the request, preparing a recommendation for the ICANN Board, and implementing the request if it is approved.
- **The ICANN Board of Directors** considers the recommendation prepared by IANA staff and then votes on whether the request should move forward.
- **The US Department of Commerce** evaluates a report on the request prepared by IANA staff.

Submitting the Request

The steps for delegation and re-delegation involve preparation of an initial request via a Change Request Template. In addition to the Change Request Template, IANA requires supplementary information that shows that the request meets the eligibility criteria. IANA uses this information to corroborate the delegation or re-delegation request. This documentation includes:

- information showing the change serves the local interest in the country;
- documentation demonstrating the technical and administrative capabilities of the organization receiving the re-delegation;
- a description of the legal status of the organization;
- the names of contacts in any in-country government agencies who have a say in the delegation/re-delegation;
- a detailed description of how existing ccTLD operations will be transferred to the proposed new operator, in the case of a re-delegation;
- documentation showing that the new operator will operate the domain in a fair and equitable manner; and,
- the approvals of the current contacts for the TLD, in the case of a re-delegation.

Each of these requirements is described in more detail below.

Once these materials are received, they are validated and examined. A report is prepared on the request by IANA, obtaining the necessary approvals from the various parties involved in the delegation and re-delegation, and finally the implementation of the change if agreed upon and approved.

1. The Change Request Template

The template used for delegation and re-delegation requests can be obtained from the IANA web site at:

<http://www.iana.org/cctld/cctld-template.txt>

This template is a plain text form to be filled out by the applicant and submitted via electronic mail for processing. Once an applicant has completed filling out the template, it should be sent to IANA's Root Management team at:

root-mgmt@iana.org

The template should be submitted to IANA be in ASCII plain text format. While it is sometimes tempting for formatting or other reasons to use HTML, RTF, Portable Document Format, or other proprietary word processing formats, please use only plain text. The use of other formats will delay processing as IANA staff will need to convert them.

The applicant may attach the supplemental information along with the original template as email attachments. Another approach would be to wait for the confirmation receipt with its ticket number and then use that number in subsequent messages to send the attachments. In either case, electronic copies of relevant paper-based documentation and supporting materials should be sent as Portable Document Format (PDF) files.

The applicant should also send the original supplemental materials, or official copies, to IANA by post. To send materials by post, please submit the initial template via electronic mail to obtain a ticket number and post the supplemental documents to:

IANA Root Management
Ticket Number: ticket-number
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292-6648
USA

It is requested that the applicant ensures the envelope and correspondence clearly includes the reference number from the template confirmation receipt, to help expedite processing.

Delays in the delegation/re-delegation process can also be avoided if the template and other documents sent to IANA are in English. IANA appreciates the fact that diverse languages are in use by ccTLD operators throughout the world. However, IANA does not currently have the resources or ability to ensure accurate and timely translations of templates and supporting documents. Where appropriate, translations of key documents (such as government decrees relating to the request, and so forth) should be notarised official translations.

The template is made up of a number of parts:

1. a brief description of the purpose for the change request;
2. the identification of the ccTLD itself;
3. the identity of the sponsoring organization;
4. the administrative contact for the re-delegation;

5. the technical contact for the re-delegation;
6. the primary nameserver for the ccTLD;
7. a list of the secondary nameservers for the ccTLD;
8. the URL for registration services; and,
9. the address of the “WHOIS” (port 43) server associated with the ccTLD.

Once the template is sent to IANA, the applicant will receive an automated confirmation of receipt from the IANA’s ticketing system. This confirmation receipt will include a ticket number in the subject line of the message in the form:

Subject: [IANA #ticket-number] Re: subject of message

The ticket number is used to track progress and correspondence related to the request. For this reason it is very important to ensure that the ticket number is included in the subject line – just as it appears in the confirmation receipt – in all future communications related to the request. Failure to include the tag in the subject line of correspondence will delay the processing of your request.

Note that if you do not receive an automated confirmation message from IANA with the above subject line tag within a reasonable timeframe (i.e., less than a day), it is possible your message was inappropriately marked as unsolicited commercial email and deposited in a “spam box” for later review by IANA staff. If this is the case, we apologize. Due to the public nature of IANA service mail boxes, IANA receives a substantial amount of unsolicited commercial email and have been forced to take steps to reduce the load of this email on our processing of requests. Should you experience significant delays, please either call IANA staff at:

+1 310 823 9358 begin_of_the_skype_highlighting +1 310 823
9358 end_of_the_skype_highlighting

or send a fax to:

+1 310 823 8649

2. Documentation showing that the request serves the local interest

Crucial to the request are statements of support from the local Internet community. This documentation should provide information demonstrating that the request would be in the interests of the Internet community served by the ccTLD.

Good examples of this documentation include statements from national ISPs and ISP associations, Internet user groups, and Internet Society chapters showing support for the request. Other possibilities include statements from national consortia of electronic commerce providers or trademark and intellectual property holders. It would also be instructive to summarise the usage of Internet in the country, and an explanation on why the statements provided (and the organisations they are from) are representative of the

community. If there is disagreement about how the ccTLD is run within the community, explain the circumstances and the different points of view, and why your application is the most appropriate path to serve the Internet community's interests.

Along with the documentation for local support, this part of the application should include a summary of the intended administrative operation of the domain name including, as an example, how names will be added and in what order, removed, how disputes will be resolved.

3. Documentation showing the technical and administrative skills of the applicant

The applicant must show that they have the technical and administrative skills needed to run a ccTLD registry. Examples of documentation that may be included in this section are:

- A description of the staffing, financial and technical resources that would be put in place to serve the ccTLD.
- A description of the applicant's technical capabilities including the technical plan for both registry and DNS operations.
- The proposed registry/registrar model, if any, along with database capabilities, zone data generation and provision of public whois services.
- Database and physical security for the operation of the ccTLD.
- An explanation of how system outages will be prevented and what system recovery procedures will be put into place for the ccTLD.
- A description of previous registry/database and Internet related experience.
- An overview of the qualifications of financial and business officers and any other relevant management employees.

The list above is not exhaustive but serves as examples of what may be used to help complete this section of the application.

4. Legal company requirements

When ccTLDs were first implemented in the mid-1980s, they were usually assigned to specific individuals to act as custodians and run the domains in the public interest. Today, however, ccTLD operations are normally delegated to organizations. As a result, the applicant needs to describe the legal authenticity, status and character of the organization applying for the re-delegation.

Items that might be included in this section are:

- The legal name, principal address, telephone and fax numbers for the organization.
- The organization's email contact address and URL of its website.

- The Dun and Bradstreet D-U-N-S Number (if any), and/or local company registration numbers, of the organization proposed to become the operator.
- Full names and titles of the directors, officers and all senior managers of the organization proposed to become the operator.
- A short description of the history of the organization that would give the IANA team the ability to assess the size, stability and history of the organization.

5. Transfer Plan

In the case of a re-delegation, the applicant should provide information on how existing operations will be transferred to the proposed new operator. It should explain how the stability of the domain will be preserved, and how existing registrants will be impacted by the change. If the application is in relation to a transfer from a retired ccTLD to another ccTLD, it is strongly recommended this plan describe the transfer and decommissioning process for the retired domain.

6. Government contact

In this short section, the applicant should provide documentation indicating that any appropriate government officials have been informed about the request. A statement of support from the relevant government department or agency is effective in meeting this requirement.

7. Fair and Equitable Treatment

Applicants are asked to demonstrate that they will operate the domain in a fair and equitable manner for the local Internet community the domain is designed to serve. This can usually be demonstrated by providing IANA with a domain registration policy that allows all people to register domains on an equal basis, without unduly favouring a particular segment of the community. It is not considered unfair if a domain's policy limits registration only to people within the country the domain is designated to serve.

After IANA receives the request

Once IANA has sent a confirmation receipt to the applicant for the request and has received the provided supplemental information, IANA begins a process of analysis and verification.

IANA confirms the accuracy of the information provided on the template and makes assessments of the additional documentation provided. In cases involving nameserver changes, IANA performs a series of tests on all nameservers to ensure they are properly configured according to the relevant technical standards.

The amount of time this step takes varies depending upon the depth and quality of information provided in the supporting documentation and the complexity of the individual re-delegation case.

There are two possible results from the IANA review step. First, IANA may find that they have sufficient documentation to go forward with the request. In this case, IANA staff begins the process of requesting confirmation of the re-delegation from existing contacts. In the event that IANA needs further documentation, it requests that information from the applicant and informs them that the re-delegation will not proceed until the documentation and information has been received. If there is no reasonable prospect the re-delegation request can succeed, IANA will inform the requestor this and may administratively close the request.

Requesting confirmation from contacts

Once IANA has completed its verification and analysis of the material supplied in the request it then requests, confirmation of the re-delegation from the current administrative and technical contacts (if applicable) as well as the newly proposed administrative and technical contacts.

If confirmation is immediate from all parties, IANA proceeds with the next step in the process. In those cases where confirmation is not received from one or more parties, further consultation is necessary. IANA's experience has been that a failure to receive confirmation from the existing or proposed contacts can significantly delay and complicate the process.

IANA's experience also suggests that each delegation and re-delegation request presents unique challenges. IANA and ICANN are able to assist countries and ccTLDs in meeting these challenges. However, if the applicant ensures all contacts are able and ready to respond to the confirmation request, processing will proceed much more quickly.

Preparing the request for the ICANN Board

ICANN's Board of Directors votes on all re-delegation requests. Based on the information IANA has received from the applicant and the subsequent analysis made by IANA Root Management staff, IANA prepares a report for the ICANN Board of Directors.

This report describes the request, the process used for its evaluation, details the results of IANA's analysis of the request and provides a recommendation. If the Board votes in favor of the request, the application moves on to the next step. If the ICANN Board of Directors votes against a request, IANA will inform the applicant of that decision and work with the applicant to make sure the reasons for the decision are fully explained. The Board may also decide they need further information or research, in which case IANA will coordinate further work in this area and contact the requestor as needed.

Seeking authorisation for the change

As is required by the current contract under which IANA operates, once the ICANN Board has approved the request, a public report — which is a summary of the longer Board report — is prepared and submitted to the United States Department of Commerce for authorisation. Typically, the US Department of Commerce processes these reports within a business week, however IANA cannot guarantee any specific timeframes under which the application will be approved.

Implementing the change

Once the US Department of Commerce approves the IANA report, VeriSign will implement the name server changes in the root-zone as specified in the request, and IANA will make the proposed data changes needed to implement the conclude the request.

Immediately after being notified that the request has been implemented, the applicant should verify that the changes were made correctly. In the event that any problems arise, the applicant should immediately work with IANA to resolve the issues. For any issues associated with alterations to a ccTLD, the applicant should contact IANA Root Management at root-mgmt@iana.org and use the ticket number provided in the confirmation as a reference.

Common Questions

How long does a request take?

Every delegation or re-delegation request is different. With many organizations participating in any particular request, the processing can be affected by delays in coordinating and communicating among the parties, obtaining the necessary approvals, and verifying the information provided. The process can be further complicated when not all parties agree to the request.

Because of this, it is not possible to predict a timetable for the process from receipt of the request through to completed implementation. Fully-formed requests that clearly meet all relevant criteria can take as little as a month or two. In some extreme and complicated cases, requests can take a number of years.

Are there circumstances where some information is not needed?

There are some special cases when less information is required to support a re-delegation request.

IANA will check if a change request to a supporting organization reflects a change of administrative responsibility to a new organization that is essentially the same as the

previous organization. Situations like this, called an “administrative re-delegation”, include where ccTLD management has shifted as the result of an internal restructure, internal governmental restructure, or the entity is renamed or wholly acquired by another entity.

In such cases, to be considered an administrative re-delegation, day-to-day operations would need to remain substantially unaltered. For example, there would normally need to be continuity of staff, policy, policy setting structure, levels of service and so on.

When a request is determined to be an administrative re-delegation, IANA will allow the applicant to bypass some of the elements of a regular re-delegation, such as demonstrating local Internet community support and operational competencies. IANA will also implement the change without the requirement for the ICANN Board to decide the matter.

If IANA considers an application to be eligible for this expedited treatment, it will advise the applicant.

(v9, 2007-10-01)