FOIWG

ICANN 51

Los Angeles

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Presentation outline

- Status
- Final Report - Highlights of Interpretations
- Final Report – Recommendations
- Next steps
- Members of the FOIWG

Status

- The FOIWG has published:
  - Report on Consent
  - Report on Significantly Interested Parties (SIP)
  - Report on Revocation
  - Final Report
- The FOIWG considers its interpretation work completed.

Final Report - Highlights

RFC1591 only identifies three mechanisms available to the IANA Operator to assign or modify the management responsibility for a ccTLD:

- Delegation (section 3 of RFC1591)
- Transfer (section 3.6 of RFC191) and
- Revocation (section 3.5 of RFC191).

Final Report - Delegation

The FOIWG interprets “Delegation” to mean the process by which the IANA Operator initially assigns management responsibility or assigns previously assigned responsibility (after a revocation) for the management of a ccTLD.

Final Report - Transfer

The FOIWG interprets the term “Transfer” to refer to the process by which the IANA Operator transfers responsibility from an incumbent manager to a new manager with the consent of both parties.

Final Report - Revocation

The FOIWG interprets the term “Revocation” to refer to the process by which the IANA Operator rescinds responsibility for management of a ccTLD from an incumbent manager.

Final Report – Redelegation?

Pre - FOIWG	Post - FOIWG
Redelegation	Transfer
Unconsented Redelegation	Revocation and Delegation

Final Report - Consent

The FOIWG further interprets section 3.6 of RFC1591 regarding agreement to the Transfer as requiring that the communication from the IANA Operator requesting a party's consent should clearly state (a) what the party is being asked to agree to and (b) what steps the IANA Operator will or may take in response to the party's (i) affirmative consent, (ii) affirmative refusal to consent, or (iii) failure to respond to the communication requesting consent.

Final Report - Consent

The IANA Operator needs to establish and publish a procedure by which it will request a party's consent, the information that will be provided by the IANA Operator in connection with such a request, and the manner in which it will receive and document the party's response to such a request.

Final Report - Consent

The process used by the IANA Operator should create a formal record reflecting who provided the consent or other response, the status of the person providing the consent or response, and should demonstrate that a party's consent to a re-delegation is clear, informed, unambiguous, affirmatively expressed, and freely given, as each of those terms are defined.

Final Report - Consent

The IANA Operator itself must be perfectly neutral and should not attempt to compel, threaten, or persuade the party to approve a request.

Final Report - SIP

To be considered a Significantly Interested Party, any party other than the manager or the government or territorial authority for the country or territory associated with the ccTLD must demonstrate that it is has a direct, material and legitimate interest in the operation of the ccTLD(s).

Final Report - SIP

The FOIWG interprets the requirement for approval from Significantly Interested to require applicants to provide documentation of support by stakeholders and for the IANA Operator to evaluate and document this input for delegations and transfers.

Final Report - SIP

IANA reports on Delegations and Transfers should reflect consistent application of these FOIWG interpretations and should include the detailed results of the IANA Operator's evaluation of Stakeholder input regarding the requested action.

Final Report – Admin. Contact

The FOIWG interprets the requirement that there be an administrative and technical contact for each domain including, for ccTLDs, an administrative contact residing in the country to mean, as a general rule, that the manager must confirm, and the IANA Operator must be able to validate, that the administrative contact resides in the country or territory associated with the ccTLD.

Final Report – Trustee

The FOIWG interprets the requirement that the manager serves as a “trustee” for the delegated domain, “with a duty to serve the nation, in the case of a country code, and the global Internet community” to require the Manager to

Final Report – Trustee

(i) provide mechanisms to allow for registrants and significantly interested parties to provide input regarding registration policies to the manager and

(ii) to preserve the security and stability of the ccTLD, and

(iii) to work with the IANA Operator to preserve the stability and security of the global DNS/Internet.

Final Report – Equitable

The FOIWG interprets the requirement that the manager be “equitable” to all groups in the domain as obligating the manager to make its registration policies accessible and understandable to prospective applicants, and to apply these policies in an impartial manner, treating similarly situated would-be registrants in the same manner.

Recommendations

Regarding Consent, Significantly Interested Parties (SIP) and Unconsented Redelegations (Revocation):

The IANA Operator should adopt and implement the interpretations of RFC1591 provided by the Framework of Interpretation Working Group (FOIWG) as presented in this document.

Recommendations

Regarding IANA adoption and implementation of the FOIWG interpretations:

The ccNSO Council should consider a methodology to collaborate with IANA to develop content and other tools to educate and inform stakeholders about IANA's processes and procedures that are consistent with the FOIWG interpretations.

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Recommendations

The IANA Operator should continue to publish a public a report on each ccTLD Delegation, Transfer and Revocation it completes. These reports should be published in a timely fashion, clearly identify the parties involved, describe its decision-making process and the facts relevant to its decision, including information that addresses all relevant aspects of the Framework of Interpretation recommendations.

Next Steps

- Present the draft final report to the ccNSO members
- If supported by the members submit the draft final report to the ccNSO Council for interim approval pending GAC comments.
- Request ccNSO Chair to submit the draft final report to the GAC for their consideration.
- Look for final approval at next ICANN meeting

Members of the FOIWG

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- Ugo Akiri, .ng
- Martin Boyle, .uk
- Becky Burr, .us (Vice Chair)
- Keith Davidson, .nz (Chair)
- Chris Disspain, .au
- Stephen Deerhake, .as
- Dejan Djukic, .rs
- Daniel Kalchev, .bg
- Dmitry Kohmanyuk, .ua
- Desiree Miloshevic, .gi

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Lesley Cowley, .uk (ex-officio)
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Links / Thanks

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

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