



ccTLDs & National Legislation

Regional Organisation collaborative survey

Patrick Myles | ICANN51 (ccNSO) | Los Angeles, October 2014

What the survey looked at

- Legal structure of ccTLDs across the globe
- Extent ccTLD operators are affected by Legislation and ICANN policy
- How ccTLDs interact with Government officials

How can this help

- Provide insights on degree of control and autonomy of ccTLDs
- Knowledge on ccTLDs & help inform other discussions around ICANN or Government
- Comparison on different approaches to interaction with Government

A faint, light-colored world map is visible in the background of the slide, showing the continents and oceans. The map is centered on the Atlantic Ocean, with North and South America on the left and Europe and Africa on the right.

Overview of the Survey

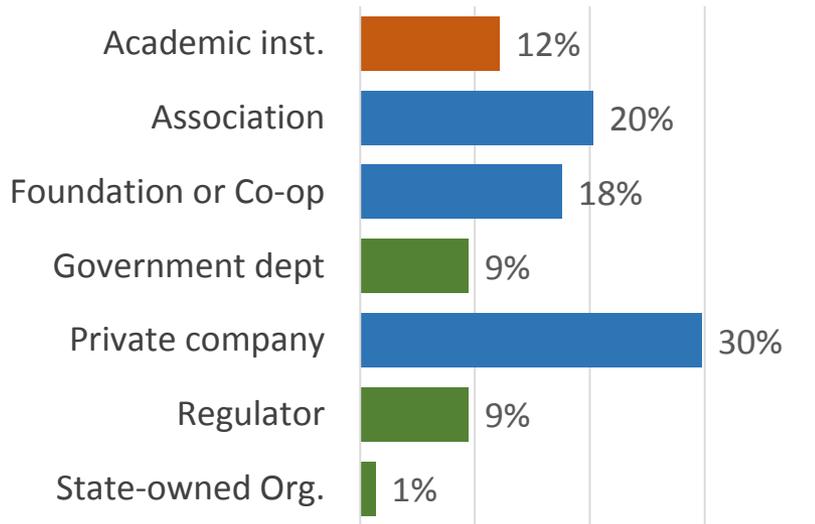
- Initiated by the Regional Organisations AfTLD, APTLD, CENTR & LACTLD
- Background: RO meeting in Brazil early 2014 and discussion on how ccTLDs are treated by National Legislation/Government and their legal structures
- Survey Timing: July – September 2014
- 76 responses from ccTLDs across the 4 Regional Organisations

Survey respondents

.af	.de	.is	.nl	.th
.al	.dk	.it	.no	.tj
.am	.do	.jo	.nu	.tz
.ar	.ee	.jp	.nz	.tt
.as	.eg	.kr	.om	.tw
.at	.es	.lt	.pl	.ua
.au	.eu	.lu	.pt	.uk
.be	.fi	.lv	.py	.uy
.br	.fr	.me	.rs	.ve
.ca	.gt	.mg	.ru	.vn
.ch	.hk	.ml	.rw	.wf
.ci	.hn	.mo	.sb	.zm
.cl	.ht	.mw	.se	
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.cr	.id	.my	.si	
.cz	.in	.ng	.sv	

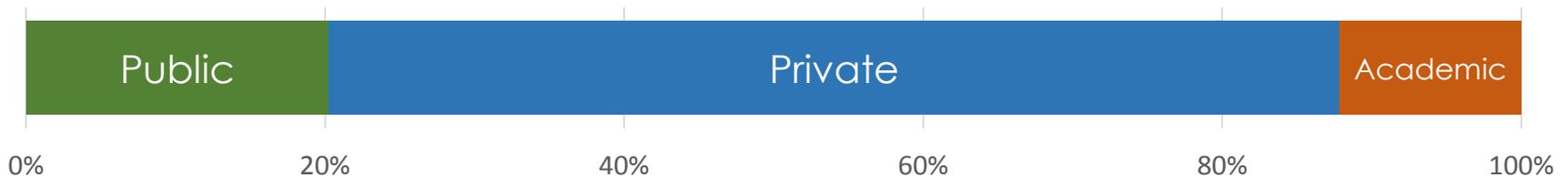
Thanks to all that responded – you will receive a report based on your region

The Legal Structure of ccTLD operators



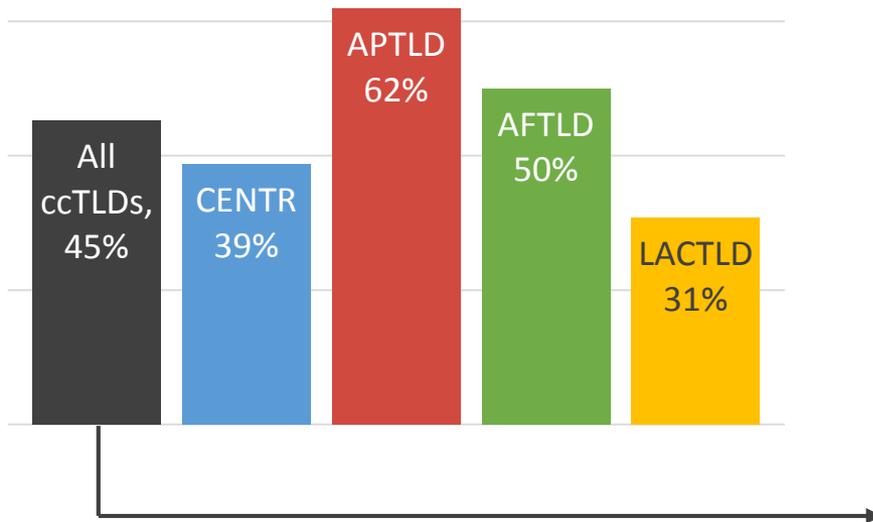
Most ccTLDs operate in **private** sector

- 68% of ccTLDs are either a private company, Association, Foundation or Co-operative
- 20% of ccTLDs are either in a Government department, the Regulator or are state-owned
- 12% of ccTLDs are an part of an academic institution (could be private or public)

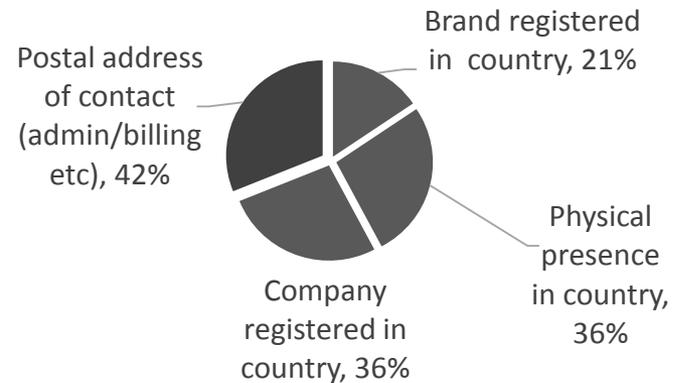


Local Presence Requirements of ccTLDs

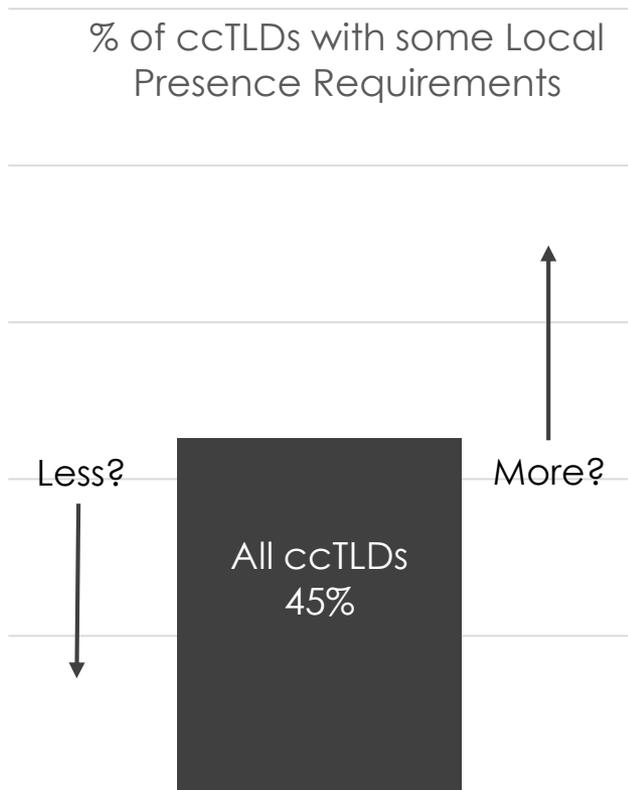
% ccTLDs with at least one req. for local presence



- 45% of ccTLDs have some form of Local Presence requirements.
- Most common requirement for local presence is a postal address admin/billing/tech contacts



Local Presence Requirements of ccTLDs



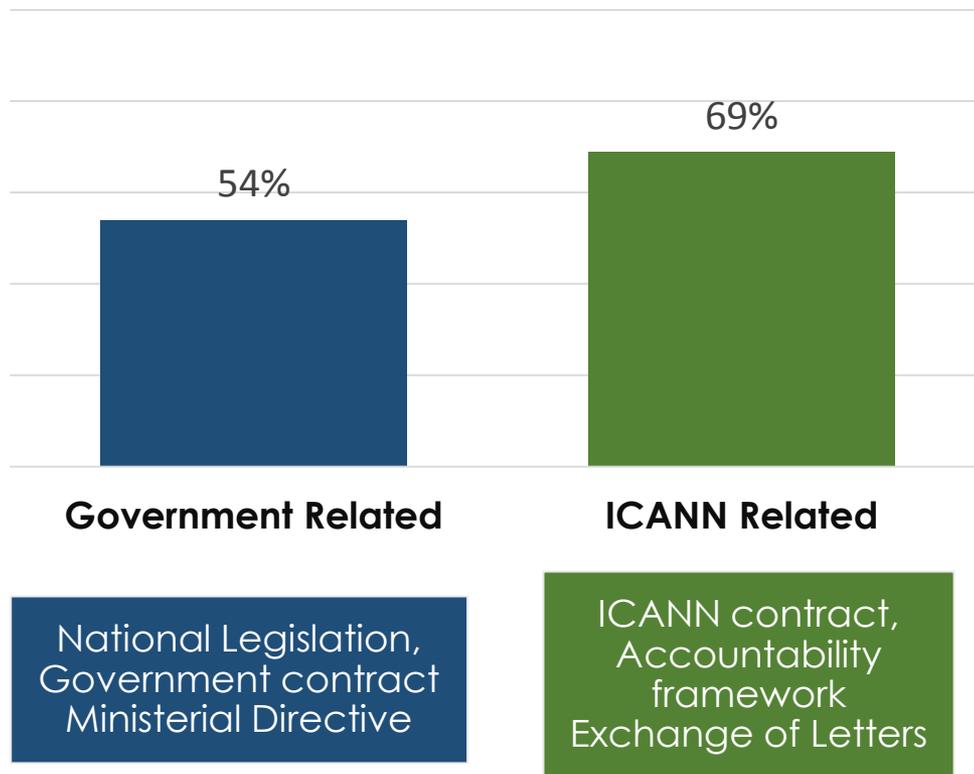
Article in Circle ID "The Online World Is Not Flat: The Need for Geo gTLDs"

- Location is perhaps back in the spotlight particularly with new (geo) gTLDs
- In article demand revolves around:
- **Adjacency** is proximity of customers to each other. Neighbours tend to go to same on/off-line businesses.
- **Isolation** is when a consumer wants a product that isn't available locally - Consumers here make a demand niche
- **Resistance**: The larger the distance to the store, the less likely consumers are to shop there. **Signalling Local Presence has value**

ccTLDs have local presence signalled intrinsically however requirements may reinforce this

Basis for carrying out the ccTLD

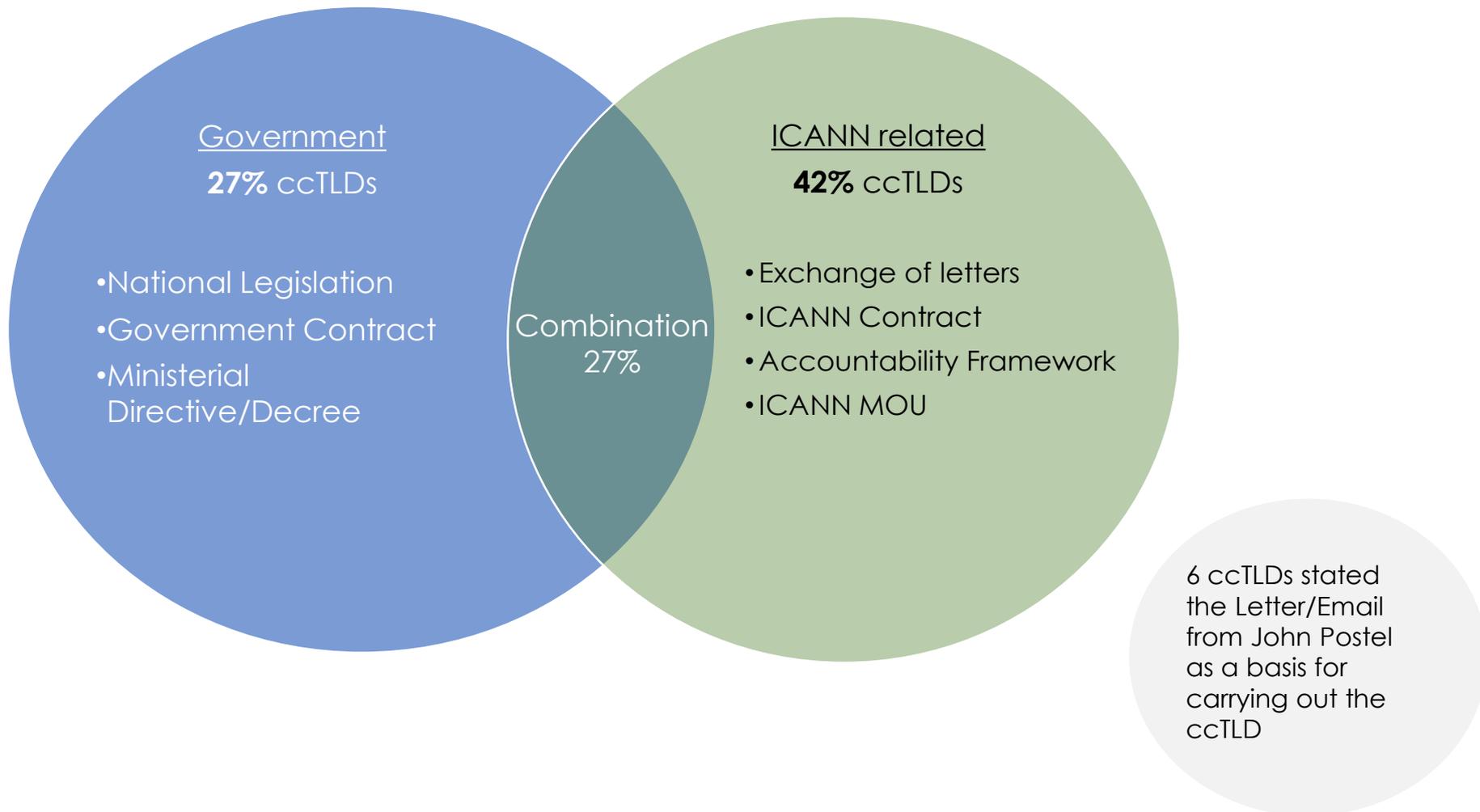
% ccTLDs with element included as one of their 'basis for operating the ccTLD'



Most ccTLDs consider they have a formal basis by which they operate their ccTLD

- 54% of ccTLDs base (at least in part) on National Legislation, contract with Government or Ministerial Directive
- 69% stated they base (at least in part) on either an ICANN contract, MOU or Accountability framework
- 6 ccTLDs stated the John Postel email/letter was one of the basis for the ccTLD. 3 of these stated it was the only basis

Basis for carrying out the ccTLD



Government

27% ccTLDs

- National Legislation
- Government Contract
- Ministerial Directive/Decree

ICANN related

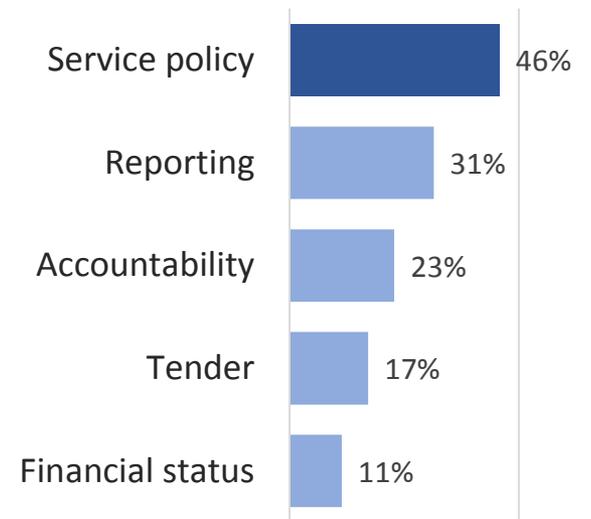
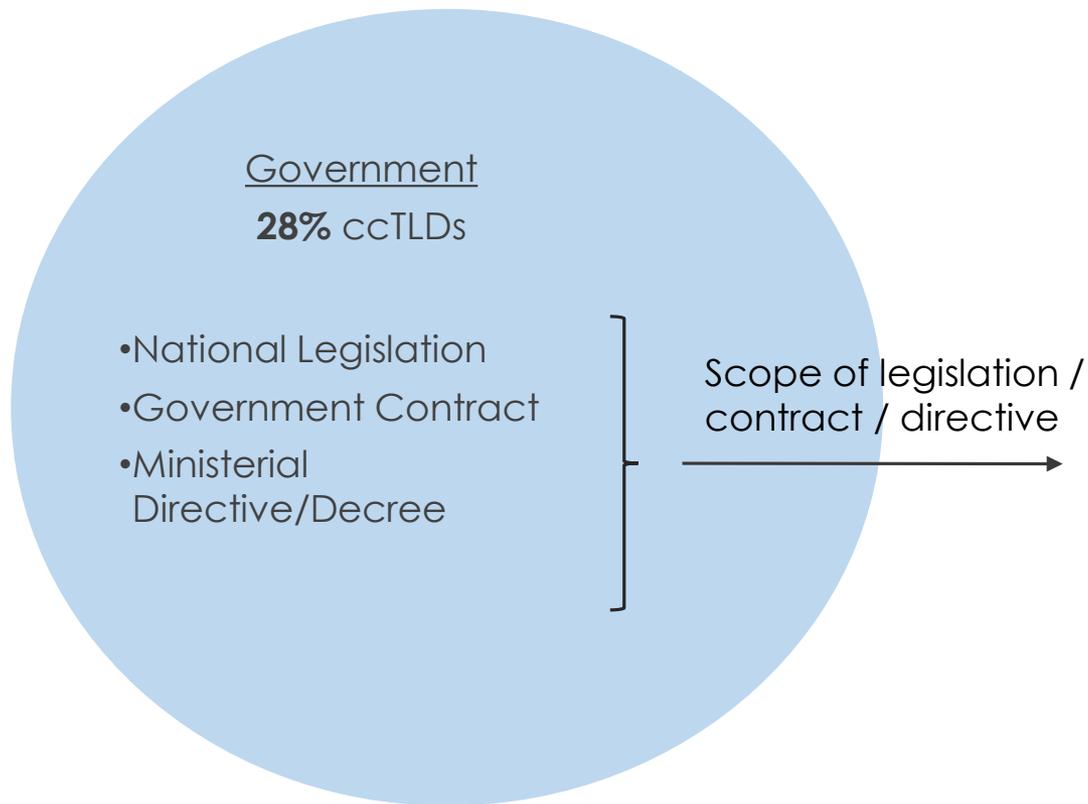
42% ccTLDs

- Exchange of letters
- ICANN Contract
- Accountability Framework
- ICANN MOU

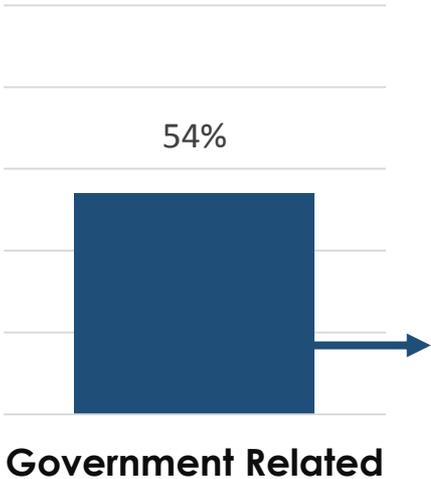
Combination
27%

6 ccTLDs stated the Letter/Email from John Postel as a basis for carrying out the ccTLD

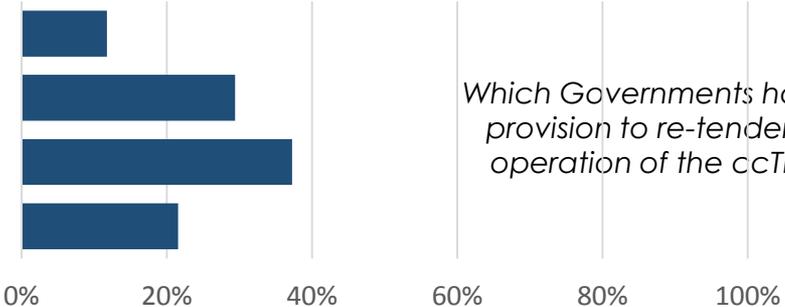
Basis for carrying out the ccTLD



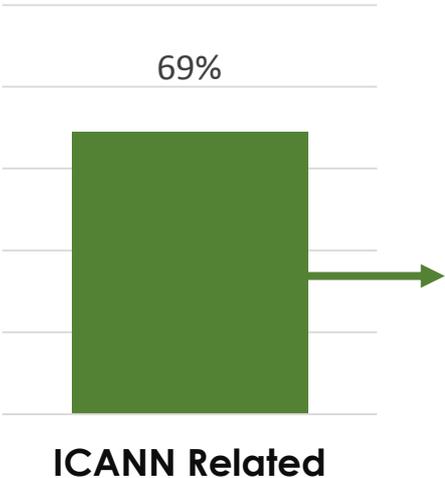
Basis for carrying out the ccTLD



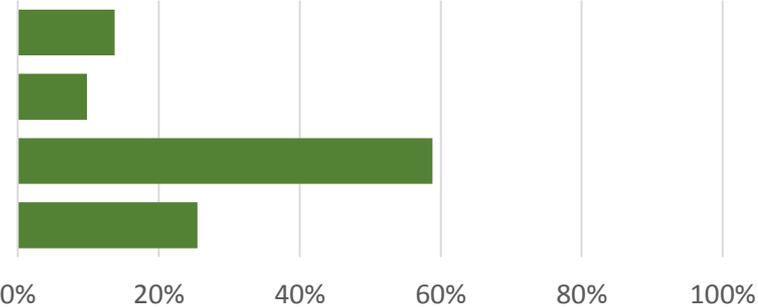
- Agreement / MOU with Gov.
- Contract with government
- National legislation
- Directive / decree etc



Which Governments have provision to re-tender for operation of the ccTLD?

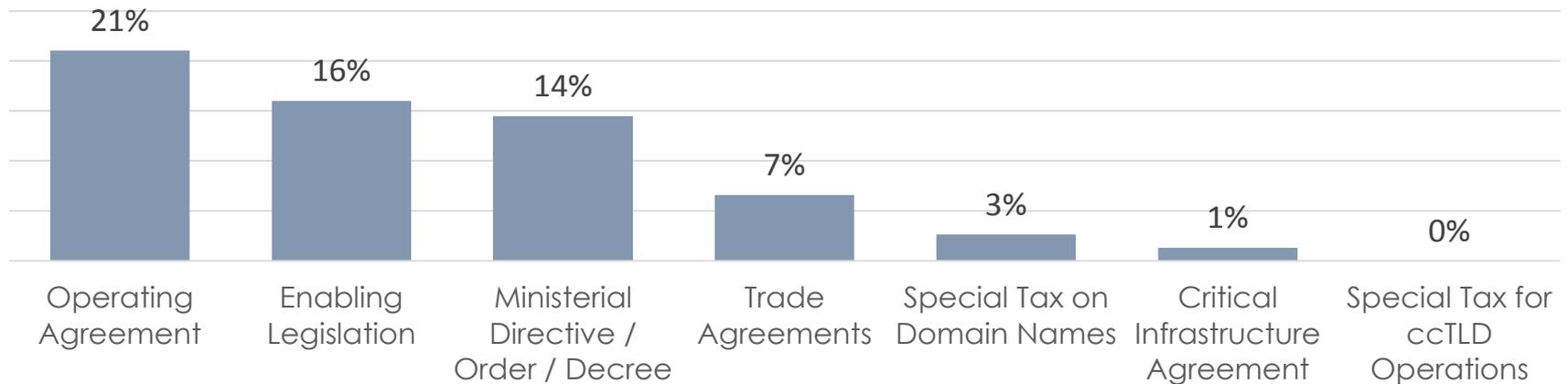


- Accountability Framework
- MoU with ICANN
- Exchange of letters with ICANN
- Contract with ICANN



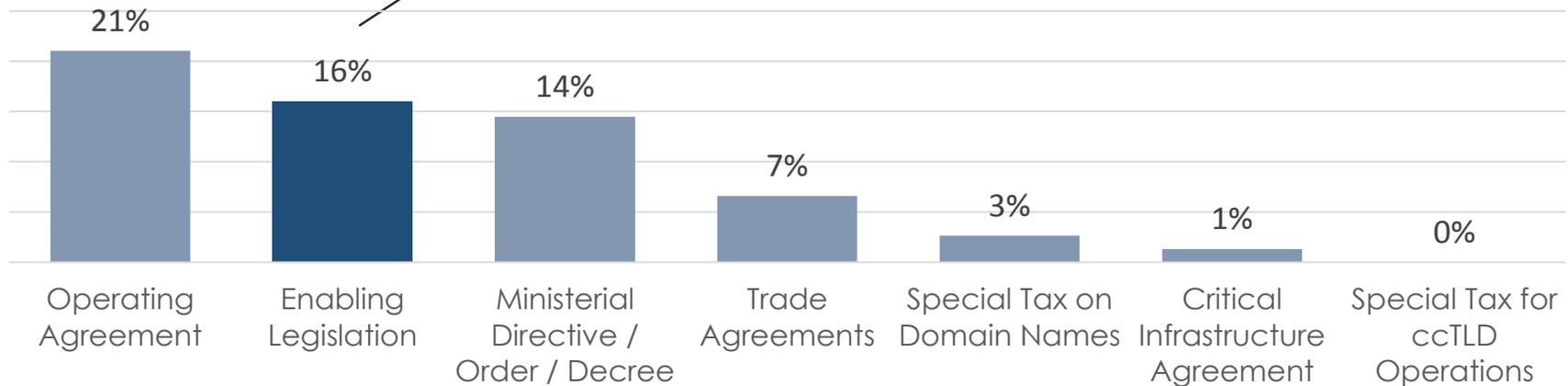
Where the ccTLD is explicitly mentioned

- 59% of ccTLDs in some Official document/agreement or legislation from Government
- 21% in an operating agreement and 16% of ccTLDs mentioned in Enabling legislation
- Just 2 ccTLDs are subject to a domain name or ccTLD tax

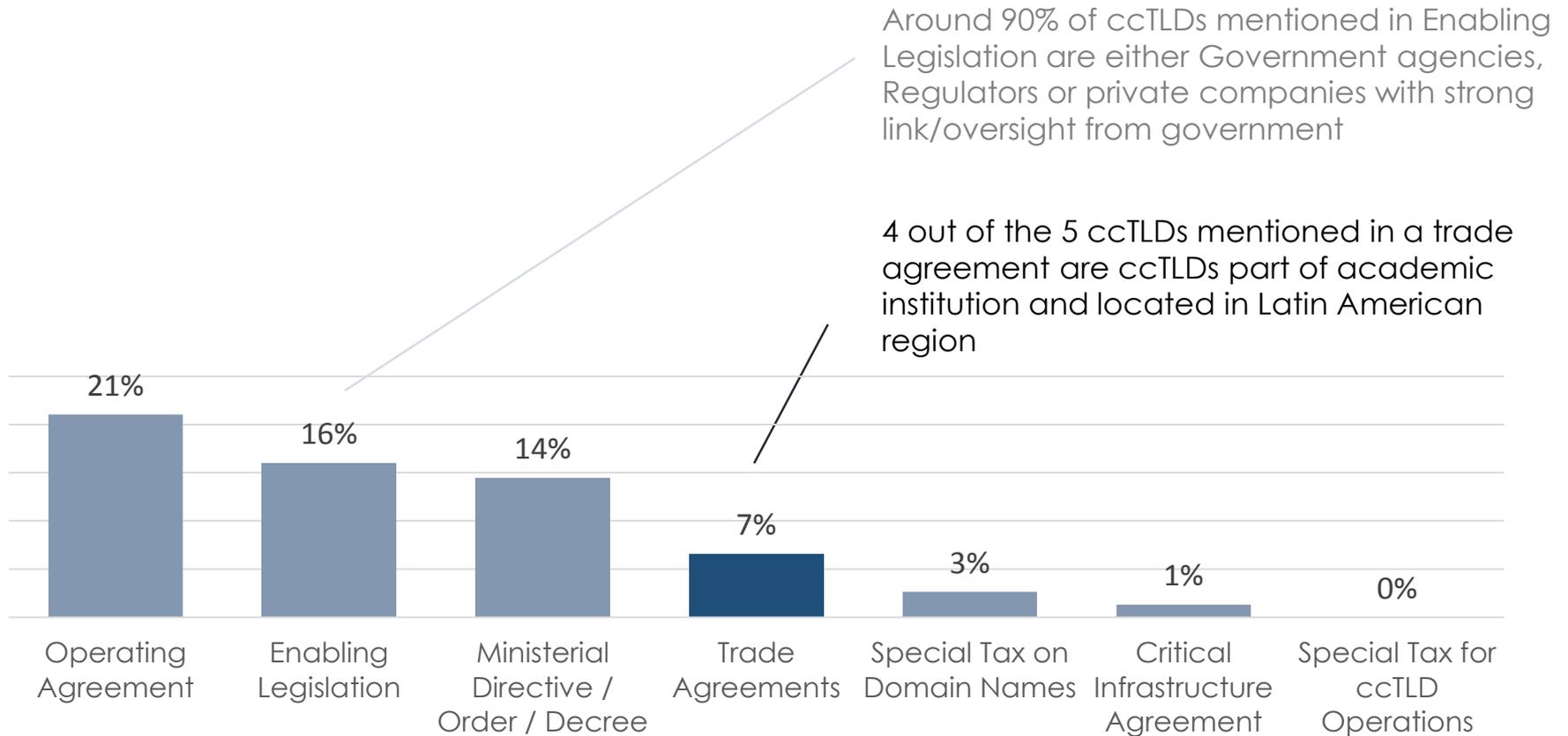


Where the ccTLD is explicitly mentioned

Around 90% of ccTLDs mentioned in Enabling Legislation are either Government agencies, Regulators or private companies with strong link/oversight from government



Where the ccTLD is explicitly mentioned

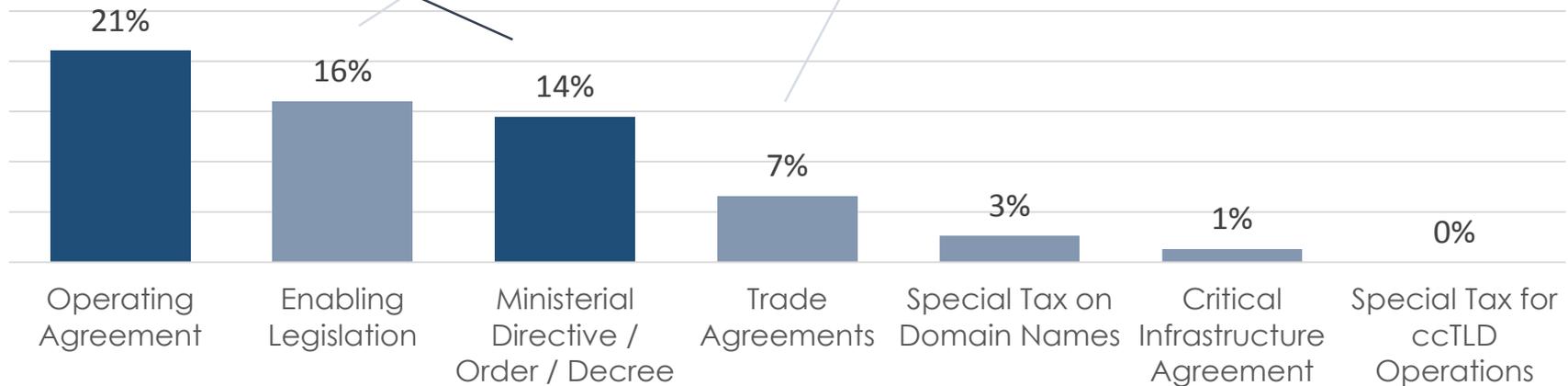


Where the ccTLD is explicitly mentioned

Most ccTLDs with an operating agreement or directive are private sector organisations

Around 90% of ccTLDs mentioned in Enabling Legislation are either Government departments, Regulators or private companies with strong link/oversight from government – No surprise here...

4 out of the 5 ccTLDs mentioned in a trade agreement are ccTLDs part of academic institution and located in Latin American region



How are ccTLDs communicating with Government

- Most ccTLDs whether in private or public sector interact with Government by organising meetings and/or calls with Government Authorities
- 47% of ccTLDs stated they interact with their GAC representative 'frequently' and a further 22% stated 'sometimes'
- 26% of ccTLDs have an Internet Caucus in their country (group of politicians with keen interest in Internet issues). Most ccTLDs do not have a group like this (or know of one)

Private sector ccTLDs	% ccTLDs
1. Informal meetings and or/calls	78%
2. Attend Gov committees on national Internet issues	59%
3. Invite Gov Reps to join committee/advisory board	39%
Public sector ccTLDs	
1. Informal meetings and or/calls	77%
2. Attend Gov committees on national Internet issues	46%
3. Invite Gov Reps to join committee/advisory board	38%

Summary

- Most ccTLDs are working in the private sector
- 55% ccTLDs do not have any local presence requirements on registrations
- ccTLDs are relatively autonomous with limited interference from Government
- 54% of ccTLDs have some form of Government document they consider as basis for carrying out the ccTLD however only 28% define this as their only basis.
- 59% of ccTLDs are explicitly mentioned in some form of operating agreement, directive, enabling legislation or other.
- Interaction between ccTLDs and their Government does not differ between government run and non-government run registries – mostly informal calls/meetings

Next Steps?

- More detailed reporting will be available for each Regional Organisation
- Are there elements of the data you'd like us to dig deeper on?
- The Regional Organisations are well co-ordinated and have data sharing agreements

Thanks for listening!

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