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**Organization:** Country Code Names Supporting Organisation Council (ccNSO Council)

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The ccNSO Council welcomes the opportunity to review the Proposal to Transition the Stewardship of the Internet Assigned Numbers Authority (IANA) Functions from the U.S. Commerce Department's National Telecommunications and Information Administration (NTIA) to the Global Multistakeholder Community.

Please see attached for the comments of the ccNSO council focus on sections 1027 and 1036 of the ICG's Proposal.

This submission was adopted by the ccNSO Council unanimously by email vote on 7 September 2015.

On behalf of the ccNSO Council

Byron Holland,

ccNSO Chair

## Framework of Interpretation (Section 1027)

The Council wishes to bring to your attention that certain statements set out in section 1027 of the consolidated IANA stewardship Transition proposal are rendered obsolete..

From the *Proposal (s.1027)*

*“The ccNSO formally endorsed the FOIWG’s Final Report in February 2015 and transmitted it to the ICANN Board of Directors. It is currently pending review and adoption by the ICANN Board.”*

The *Framework of Interpretation (FOI)* is no longer pending.

At its meeting on 25 June 2015 ICANN’s Board of Directors adopted and endorsed the Framework of Interpretation without reservation.

The Board of ICANN directed that *“the CEO & President or his designee to develop an implementation plan for the recommendations for community consideration through a public comment, and to implement the plan when finalized.”*<sup>1</sup>

We understand the difficulty to reflect the current state-of affairs of the matters documented in the proposal. However, in order given the paramount importance of the Framework of Interpretation in the context of delegation and re-delegations of ccTLDs, it is also important that there be a defined and current baseline documentation available post-transition.

Accordingly, we recommend the ICG, to consider the Proposal a 'living instrument' and update it from time-to-time to accurately reflect the actual and current state of affairs regarding the Framework of Interpretation. We suggest it is updated by the ICG up and until the submission of the Transition Proposal to the ICANN Board of Directors.

The ccNSO Council undertakes to inform the ICG on future relevant matters relating to the Framework of Interpretation, if any, to assist the ICG in keeping the Proposal up to date with respect to all matters pertaining to ccTLDs.

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<https://features.icann.org/adoption-framework-interpretation-ctld-delegations-and-redelegations>

## **References to documentation of policy development and dispute resolution processes (ccTLDs) (Section 1036)**

The ccNSO Council notes that the list of reference documentation of policy development and dispute resolution process (ccTLDs), section 1036, includes a reference to ICP-1, carrying the implication that ICP-1 is policy.

The ccNSO Council regrets this, and believes that this reference creates unnecessary ambiguity and uncertainty now and, more importantly, for the post-transition landscape.

The ccNSO Council further regrets that the inclusion of such a reference has unnecessarily re-opened a debate on the proposal as a whole, and as a result has had an adverse effect on the support for the Stewardship Proposal by the ccTLD community.

Inclusion of a reference to ICP-1 in this way is incorrect. It is not a document of policy development and dispute resolution processes as implied by the heading of this section. As noted in section 1027 of the Proposal, the ccTLD community and the ccNSO have very longstanding and formal objections to ICP-1 on the grounds of both content and procedure.

Further, as noted above, section 1025 of the Proposal, following formal submission of the Framework of Interpretation, the ICANN board has agreed to our recommendation that ICANN is to archive ICP-1, News Memo – 1 and also the GAC Principles 2000 (superseded by the GAC Principles 2005<sup>2</sup>). Also, the Framework of Interpretation, accepted unanimously by ccTLD members of the ccNSO, articulates that RFC1591 and the 2005 GAC Principles are the only applicable policies and guidelines for delegations and redelegations of ccTLDs.

Finally, we observe that referencing ICP-1 alone in this section is inconsistent. Either, all obsolete and non-policy documentation should be included, or only actual and current documentation. In the first case News Memo – 1 and the GAC Principles 2000 along with several early RFCs should be included as well (marking them as obsolete and their status of archived), or none of them should be referenced at all.

The ccNSO Council therefore recommends and requests appropriate editorial changes, which can be achieved by removing the reference to ICP-1 in section 1036 altogether, and including a footnote referencing the removal clearly indicating the non-status of

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<sup>2</sup> In addition the ccNSO Council recommended the ICANN Board that certain documents including the GAC Principles 2000 (which the GAC superseded in 2005), ICANN's ICP1 (<https://www.icann.org/resources/pages/delegation-2012-02-25-en>) and News Memo 1 (<http://www.iana.org/reports/1997/cctld-news-oct1997.html>) should be archived and considered no longer used by ICANN staff. See Board resolution 25 June 2015.

ICP-1 as well as News Memo 1 and GAC Principles from 2000 (the latter having been formally superseded by the GAC).

The ccNSO Council therefore:

- Recommends the removal of the reference to ICP-1 from section 1036.
- Suggests inclusion of a footnote referencing the removal of reference to ICP-1, clearly indicating that ICP-1 has never been an accepted policy by ccTLDs.
- Further suggests such a footnote may also reference that News Memo 1 also was never accepted as a policy by ccTLDs.
- Further suggests that the footnote also notes that the GA Principles 2000 are no longer applicable, as they were superseded by the 2005 GAC Principles on delegation and redelegation of ccTLDs.