



Internet Society of Australia A Chapter of the Internet Society

ABN 36 076 406 801

C/- Maddocks, Level 7

140 William Street, MELBOURNE VICTORIA 3000

Accounts: P.O. Box 351, Glenorie NSW Australia 2157

To: Fiona Alexander, Office of International Affairs, National Telecommunications and Information Administration

Via email: DNSYTransition@ntia.doc.gov

ISOC-AU SUBMISSION: in response to the Department of Commerce, National Telecommunications and Information Administration (NTIA) Inquiry: *Assessment of the Transition of the Technical Coordination and Management of the Internet's Domain Name and Addressing System*

The Internet Society of Australia (ISOC-AU) welcomes this opportunity to provide comments for this Review on the expiration of the Joint Project Agreement with the International Corporation for Assigned Names and Numbers (ICANN).

The Internet Society of Australia (ISOC-AU) is a non-profit society founded in 1996 which promotes the Internet development in Australia for the whole community – private, academic and business users: the Internet is for everyone! ISOC-AU is a chapter of the worldwide Internet Society and is a peak body organisation, representing the interests of Internet users in this country. We have a longstanding and ongoing commitment to the effective representation of these interests in code development and self-regulatory processes in the telecommunications, domain name and Internet-related services industries.

On 25 November 1996, the Department of Commerce (DOC) signed the Joint Project Agreement (JPA) under which ICANN would assume responsibility for the technical coordination and management of the Internet DNS. The JPA will expire on 30 September 2009.

In November 2007, the NTIA conducted a midterm review of the JPA in which, the Notice of Inquiry states, the NTIA found that ICANN 'needed to take further steps to increase institutional confidence related to long-term stability, accountability, responsiveness, continued private sector leadership, stakeholder participation, increased contract compliance, and enhanced competition'. This Inquiry now asks the following questions:

- **Are the original White Paper principles (stability, competition, private bottom-up coordination and representation) still appropriate?**
- **Has ICANN integrated the White Paper principles?**
- **Is the private sector-led, bottom-up process is still the most appropriate or are there better models?**
- **How is ICANN's progress against the JPA core tasks and subsequent commitments made by the ICANN Board?**
- **Is progress sufficient to transition ICANN to full independence, and if not what remains to be done?**
- **Are there enough safeguards in place to ensure continued security and stability of the DNS?**
- **Can ICANN ensure protection of stakeholder interests and the model itself?**
- **What should the NTIA final report on the JPA include?**

ISOC-AU still supports the four original White Paper principles for the ongoing management of ICANN. As we noted in our submission to the November 2007 NTIA

inquiry, we do not wish to comment in detail against the achievement of those principles. However, we note the progress ICANN has made in a number of areas that should address questions asked by this review. Specifically, we note a number of steps ICANN has already made in terms of involving all stakeholders in its deliberations, both through its open structures and submission of important issues to an open inquiry process. Through the opening up of gTLDs, it has promoted competition in the DNS area. And, with the introduction of IDNs, has recognised the needs of other cultures in the Internet world. The ICANN President convened a Strategy Committee to address the issues raised by the NTIA review, and has now released the document 'Improving Constitutional Confidence' for comment. Both that document, and ICANN's various reports, including its Annual Reports, respond to the issues raised by the NTIA in this review. It will however, ultimately be a matter for both ICANN and the NTIA to determine ICANN's achievement of the White Paper principles.

In our view, however, the emphasis for this review should be on the critical role ICANN plays as the steward of an important shared global resource, and it is that stewardship role that must drive the future direction and activities of ICANN. Moving forward, ICANN must continue to listen to the views of all of its stakeholders, as neither a captive of any one nation nor of any one category of industry player. And it must do so through open and transparent processes it continues to develop.

If, as appears to be the case, ICANN has adopted structures and processes for ongoing achievement of its responsibilities, the question for this review, then, is whether there is a continuing role for the NTIA in the management of the DNS, apart from its participation through the GAC advising the Board and as a participant in the various ICANN committees.

In its submission to the November 2007 Inquiry, ICANN noted that if the possibility of US intervention in the operation of the ICANN board ends with the expiry of the JPA, it still

... will not change arrangements under the IANA contract, through which ICANN staff are authorized to insert domain names to the root zone. It will not change the cooperative arrangement that the USG has with Verisign Corporation to manage the 'A' root server. It will not end the USG's participation in ICANN through the Governmental Advisory Committee.

The next question is why the US might play any additional role in the management of the DNS. If not, there does not appear to be any reason why ICANN's transition to the private sector should not be completed with the expiry of the JPA. That will ensure that ICANN will be a global, multi stakeholder private organisation managed by and for the interests of all Internet users.