Comments by the Government of Canada on the Assessment of the Transition of the Technical Coordination and Management of the Internet's Domain Name and Addressing System

(Ref.: Department of Commerce, National Telecommunications and Information Administration Notice of Inquiry, Docket No. 090420688-9689-01)

June 8, 2009

The Government of Canada is pleased to provide comments to the Government of the United States on the Assessment of the Transition of the Technical Coordination and Management of the Internet's Domain Name and Addressing System.

The Domain Name System (DNS)

The decision made by the United States government to privatize the domain name system (DNS) demonstrated real foresight with regard to the potential of the Internet as an emerging global technological phenomenon.

Canadians benefit directly as users of an Internet driven by innovation and dynamism. The private sector-led, bottom-up, multi-stakeholder model for the technical coordination and management of the DNS is fundamentally enabling for users, both economically and socially.

It is in this sense that ICANN, with a focused technical coordination role, can contribute significantly to the further development of the Internet and the advantages it delivers to a wide cross-section of stakeholders.

In Canada's view, the four core principles outlined in the DNS White Paper, of stability; competition; private, bottom–up coordination; and representation remain appropriate principles for guiding the transition. Canada has been a long-time supporter of the private sector-led, bottom-up, multistakeholder model. Canada also views transparency and accountability as important guiding principles.

It is vital that the security and stability of the Internet remain the paramount considerations for the DNS. Canada notes that under ICANN's technical coordination and management, the DNS has remained a remarkably secure and stable environment.

The Joint Project Agreement (JPA)

Previously, Canada has urged that discussions on the transition not be overly-focused on the September 30th, 2009 deadline, but rather on what needs to be accomplished. The JPA expiry date should serve as a target to marshal community efforts towards the transition, rather than as a hard deadline for full privatization to take place.

First, Canada believes that decisions on whether to expire, extend or replace the JPA with something new, must take into account the real progress that has been made in the transition thus far. In Canada's view, extending the JPA in its current form, and for another three years, would not appropriately acknowledge progress made.

There could be advantages to progressing to a new, shorter-term instrument or "step down" from the JPA. Canada views this as a good option, as several fundamental accountability questions remain to be addressed and September 30th, 2009 is not too far into the future. A step down could serve as a demonstration to and by the community of what work remains in this area.

The real focus of effort should be on further developing accountability measures, with sufficient buy-in from the Internet community. Implementation of identified measures does not need to occur while an instrument is in place. Canada acknowledges the significant contribution of ICANN's *Draft Implementation Plan for Improving Institutional Confidence (IIC)* and supports the continuance of this work.

Private Sector Leadership

In considering the transition, and non-government leadership, Canada believes that all stakeholders should participate at ICANN on the basis that it needs to operate, first and foremost, as an impartial steward. Market forces, and increased competition in the domain name space, are intended to deliver benefits to a global public of users.

ICANN's strength is its ability to evolve. In fact, ICANN reported to the NTIA in 2000 that, "the refinement of participatory mechanisms will likely be an ongoing feature of ICANN's design". Bottom-up policy development mechanisms may need to adjust over time in order to ensure the Board is able to consider policy options in its decision-making. The provision of options could help ensure decisions reflect the broader interest.

The upcoming application rounds for the introduction of new generic top level domains (gTLDs), including gTLD internationalized domain names (IDNs), as well as the IDN country code TLD fast track are tremendous opportunities for the demonstration of private sector leadership and responsiveness to the public interest in the domain name space.

Accountability

ICANN has accomplished a great deal subsequent to the NTIA Mid-term Review of the JPA. The President's Strategy Committee of ICANN initiated public proposals for community consideration of what a post-JPA ICANN should look like. Much contained in the *Draft Implementation Plan for Improving Institutional Confidence (IIC)* report has merit. However, ICANN must now further this work via effective, transparent and broad public consultations.

ICANN's long-term success is dependent on the ability to run balanced and transparent consultations on complex issues. This function remains central to the existence of a robust accountability framework.

Mechanisms for removal of the Board have been given initial consideration. While it is highly unlikely that a Board removal mechanism would ever need to be invoked, there is value in articulating how the mechanism would be implemented to allow continuation of emergency Board functions.

Stakeholders that are adversely affected by decisions of the ICANN Board might wish to seek reconsideration of decisions, including through a process independent of reconsideration of the Board. Canada recommends further exploration of the appropriate features or mechanisms needed to facilitate reconsideration requests.

Governmental Advisory Committee (GAC)

In Canada's view, the GAC plays an important and appropriate role in providing advice to the ICANN Board on public policy matters arising from the technical coordination and management of the DNS. Furthermore, the GAC has demonstrated sustained commitment and priority to openly interacting and collaborating with other parts of the ICANN community.

Canada has participated in the GAC since its inception. Participation in the Governmental Advisory Committee has been increasing steadily, including developing, and least developed countries. Canada notes the significant outreach efforts that have been undertaken by the Internet community. Outreach efforts should continue and could be targeted towards "subject-matter" experts located in the various communications-related ministries and/or the relevant regulatory bodies.

Translation of documents, administrative support and ICANN funding for fellows to attend GAC meetings have also demonstrably contributed to the work of the GAC.

In order to further raise awareness of the work of the GAC amongst governments, Canada again proposes the initiation of a GAC face-to-face meeting, aimed at senior officials. Such a meeting could occur once a year, perhaps with a particular theme, and could be coordinated with other ICANN meetings and stakeholders to take full advantage of the opportunity.   Canada would be pleased to contribute to the preparation of such a meeting, as well as by participating in a senior-level capacity.

Conclusion

Canada remains committed to working with all stakeholders, in continuing to assure the security and stability of the DNS. Canada believes that the ICANN model holds the greatest promise for carrying forward the characteristics that have underpinned the Internet's great success as a rapidly evolving and dynamic source of innovation, productivity and economic growth, globally.