



Internet New Zealand (Inc)

Submission to ICANN

on

GAC Safeguard Advice

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Public Version (there is no confidential version)

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I Introduction

- 1.1 This submission is from InternetNZ (Internet New Zealand Inc).
- 1.2 InternetNZ is a membership-based, non-partisan, not-for-profit charitable organisation that exists to protect and promote an open and uncaptureable Internet in NZ
- 1.3 InternetNZ is an At-Large Structure and is responsible for the administration of the .nz top level domain.
- 1.4 Our mission is to protect and promote the Internet for New Zealand; we advocate the ongoing development of an open and uncaptureable Internet, available to all New Zealanders.
- 1.5 InternetNZ has two wholly-owned charitable subsidiaries to whom management, operation and regulation of the .nz top level domain are delegated. These are:
 - 1.5.1 .nz Registry Services, the Registry
 - 1.5.2 Domain Name Commission, the Regulator
- 1.6 InternetNZ is not applying for a new gTLD nor is it providing any services to any applicant for new gTLDs. The registry software developed by .nz Registry Services is freely available as open source but we are not aware of any new gTLD applicants intending to use it.
- 1.7 This submission is in response to ICANN's consultation on "GAC Safeguard Advice".

2 Analysis

- 2.1 The GAC proposed safeguards can be categorised as follows:
 - 2.1.1 Those that are clearly revisiting proposals that have been made during policy development processes but failed to reach consensus during those processes.
 - 2.1.2 Those that are introducing entirely new policies that have never been considered in a policy development process.
 - 2.1.3 Those that appear to conflict with existing policies that have been agreed through the multi-stakeholder process.
- 2.2 We note that in the presentation of a number of these safeguards the GAC have not presented or referenced any principles. For other safeguards only the vaguest reference is made to principles without referencing those principles and no direct link is made between the string identified and what principles they are suspected of violating.

- 2.3 We note that the GAC has not proposed any policy to encapsulate the individual safeguards.
- 2.4 We note that the GAC has not presented or referenced any evidence that might provide any indication as to the need for these safeguards, the urgency for their introduction or the risks carried if they are not introduced.
- 2.5 We are particularly concerned that the GAC have not addressed the threat to ICANN of implementing these safeguards, which include:
 - 2.5.1 Significantly changing the rules under which applicants applied after the fact and doing so without consensus or even discussion. If ICANN were to implement these safeguards then this consequence alone would be a significant legal threat to ICANN.
 - 2.5.2 The subversion of the multi-stakeholder model. This would be a significant existential threat to ICANN.

3 Conclusion

- 3.1 It is our recommendation that ICANN does not apply the various elements of the GAC Safeguard Advice as doing so would be a major subversion of the multi-stakeholder process.
- 3.2 We recognise that a number of the policy issues implicitly raised by the GAC proposals need to be addressed through a policy development process with some urgency and we recommend to ICANN that it expedites a process to sift these issues and begin that process.

With many thanks for your consideration,

Yours sincerely,

InternetNZ