



Internet New Zealand (Inc)

Submission to ICANN

on

Drawing for Prioritising New gTLD Applications

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Table of Contents

1	Introduction.....	1
2	The 1000 delegations per year limit.....	1
3	The ~20 pre-delegation checks per week limit.....	2
4	Principles.....	3
5	Processing speed, release frequency and ordering.....	4

I Introduction

- I.1 This submission is from InternetNZ (Internet New Zealand Inc).
- I.2 InternetNZ is a membership-based, non-partisan, not-for-profit charitable organisation responsible for the administration of the .nz top level domain.
- I.3 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.
- I.4 InternetNZ has two wholly-owned charitable subsidiaries to whom management, operation and regulation of the .nz top level domain are delegated. These are:
 - I.1.1 .nz Registry Services, the Registry
 - I.1.2 Domain Name Commission Limited, the Regulator
- I.2 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.
- I.3 This submission is in response to the consultation on "Drawing for Prioritising New gTLD Applications". It is our view that this proposal should not proceed and needs revisiting for the following reasons:
 - I.3.1 The application of principles is inconsistent;
 - I.3.2 The limits required to ensure the safety of the root and the rationale behind those limit have become confused and are being applied inappropriately;
 - I.3.3 Now that the number of likely delegations are known it is possible to ask for more specific technical advice, which may obviate the need for some elements of this proposal.

2 The 1000 delegations per year limit

2.1 The consultation paper states:

"Providing ~20 appointments weekly for pre-delegation testing will meter applications toward IANA at a smooth rate that meets root zone scaling requirements of 1000 delegations per year."

2.2 It is our contention that ICANN has never received a recommendation for a hard limit of 1000 delegations per year and there are no persuasive arguments for imposing a hard limit.

2.3 The first mention of the 1000 limit comes in the delegation rate scenarios consultation¹ that was started in Oct 2010, an ICANN proposal for a batch size of 500 and the processes around batching. It was not a technical report or any other external advice. It is important to understand that what this report actually says is:

"Because large numbers of applications will be batched, the highest delegation rate in any circumstances will be under 1000 TLDs per year."²

2.4 So this report did not set 1000 as a limit but gave it as an expected ceiling given the maximum number of delegations that could be achieved with a batch size of 500, a batch size that has since been abandoned.

2.5 It may be thought that the 1000 limit comes from the external technical advice of the "Scaling the root" report³ of August 2009. However the report very clearly does not advocate a hard limit of 1000:

"Note that this does not mean that "adding 999 new entries to the root is OK, but something will break when you add the 1,000th entry."⁴

2.6 RSSAC were asked about the proposed 1000 ceiling in November 2010 and replied as noted below. However they were not asked about any other ceiling and as such their answer cannot be taken as implying that a higher ceiling would be unacceptable:

"In the case of the proposed gradual expansion of no more than 1000 entries per year for the next several years, RSSAC expects the system to remain stable and robust."⁵

2.7 ICANN's most recent report mentioning the 1000 limit was published in June 2012⁶. It explained that the 1000 limit had been decided upon without reference to any specific technical recommendation:

¹ <http://www.icann.org/en/news/public-comment/delegation-rate-scenarios-06oct10-en.htm>

² <http://www.icann.org/en/topics/new-gtlds/summary-analysis-delegation-rate-scenarios-21feb11-en.pdf> (page 1)

³ <http://www.icann.org/en/committees/dns-root/root-scaling-study-report-31aug09-en.pdf>

⁴ Ibid (page 4/5)

⁵ <http://www.icann.org/en/correspondence/murai-to-board-25nov10-en.pdf>

⁶ <http://www.icann.org/en/news/announcements/announcement-27jun12-en.htm>

"ICANN has limited growth due to New gTLDs to a maximum of 1,000 new delegations per year."⁷

- 2.8 To summarise the evidence above, we note that:
- 2.8.1 A ceiling of 1000 was derived from some assumptions that no longer hold (a batch size of 500 and a hypothesized pattern of processing times) and this has since transformed into a limit through editorial confusion.
 - 2.8.2 The technical advice was unable to provide any specific figure;
 - 2.8.3 The only specific figure that people were asked to comment on was 1000 delegations per year;
 - 2.8.4 All of this took place before the application process and therefore before the likely number of delegations required by this current round of gTLD applications was known.
- 2.9 ICANN now knows that the likely number of delegations for this round is ~1400, when contention sets are accounted for. This is not too far from 1000 and could arguably be regarded, using the terminology of the "Scaling the root" report, as $O(00)$ rather than $O(000)$.
- 2.10 Consequently we recommend that ICANN ask RSSAC and other stakeholders the following question:
- 2.10.1 Is it possible to delegate safely and within the current root management framework, ~1400 new TLDs to the root within 12 months?

3 The ~20 pre-delegation checks per week limit

- 3.1 The consultation paper, as noted in 2.1 above, derives the limit of ~20 pre-delegation checks per week from the limit of 1000 delegations per year, with the intent of distributing the load across an entire year.
- 3.2 It is our view that the limit for pre-delegation checks should be set at the maximum that is possible given the resources available and the standards that need to be achieved.
- 3.3 We recommend that the maximum rate for pre-delegation checks be estimated by ICANN from its knowledge of the resources at its disposal. When this rate [X] is known then the following question should be asked of the RSSAC and other stakeholders:
- 3.3.1 Is it possible to add new delegations to the root safely and within the current root management framework, at a rate of [X] delegations per week?

⁷ Ibid (page 4)

- 3.4 It should be noted that a pre-delegation check limit of ~20 per week will be a notable bottleneck in the process and if this could be increased then all applicants will benefit.

4 Principles

- 4.1 InternetNZ adheres to the "first come first served" principle for delegating domains in .nz, however the ability to follow that principle in the root was restricted by the decision to run the application process as a batch process. As a result there are only two effective mechanisms left for ordering the processing of applications: random draw (or lottery) and a principles-based process.

- 4.2 Our recommendation is that a principles-based process is used wherever possible and only supplemented by random draw where further differentiation is needed.

- 4.3 ICANN has already established a precedent for a principles-based decision by prioritising the introduction of IDN TLDs on the principle of redressing a historic imbalance as explained in the consultation document:

"IDNs are placed at the head of the line for those people who have not been able to use the Internet either totally or substantially because of historical (by Internet standards) linguistic developments."

- 4.4 This decision means that the current proposal has the following priority groups:

- 4.4.1 IDN strings;
- 4.4.2 Everything else.

- 4.5 We recommend that ICANN:

- 4.5.1 Broaden this existing de facto principle to a new principle that prioritises groups of applications according to the benefit that they provide to Internet users, using the ICANN core values as a measure.
- 4.5.2 Introduce a new, secondary principle that the processing of any application should not stop other than where that is a requirement of the process.

- 4.6 We recommend that a prioritised list of groupings is drawn up using these two principles, through an open stakeholder process. While we do not wish to recommend such a list, we provide the following list of priority groups to help understand how these principles may be applied:

- 4.6.1 IDN strings
- 4.6.2 Assisted applications
- 4.6.3 Community applications that will allow open registrations (i.e not brands or closed generics)
- 4.6.4 Geographical names

- 4.6.5 Open TLDs
- 4.6.6 Brands
- 4.6.7 Closed generics

4.7 Please note that in our view, closed generics, rather than providing any benefit to Internet users are actually harmful.⁸

5 Processing speed, release frequency and ordering

- 5.1 The need for ordering applications is an artefact of the currently proposed two large priority groups (as shown in paragraph 4.4). With our recommendation for a principles based approach there will be more, smaller priority groups and no artificial delays, leading to more of a natural order emerging.
- 5.2 It is also likely that applicants will have differing degrees of readiness and may wish to book certain process, such as pre-delegation checks, to match their readiness. Consequently the need for ICANN to order applications for a process stage of one or two weeks granularity is unnecessary.
- 5.3 We recommend that ICANN only introduce drawing as a means of ordering applications where the natural ordering is insufficient.

With many thanks for your consideration,

Yours sincerely,

InternetNZ

⁸ <https://community.icann.org/download/attachments/35520774/gTLD-comment2-internetNZ-26-July2012.docx?version=1&modificationDate=1343309578000>