

Nominet Comments on the ccNSO Review Report

Introduction

Nominet is the registry for the .uk country code top-level domain. With over eight million registered domains, we are the third largest country-code top-level domain.

Nominet is a long-standing and active participant in ICANN and in ICANN's country code Names Supporting Organisation and Lesley Cowley, Nominet CEO is on the ccNSO Council.

We welcome the opportunity to contribute to ICANN's consultation on the External Reviewers' Final Report on the ccNSO

Financial section of the report

It is inappropriate for this section to be included in the report as this issue was out of scope of the terms of the review. In particular, the interviews and questionnaires did not cover this area. As the report itself states, ICANN also provided ITEMS with clarification that this area was not included in the review.

Part of this analysis shows ccTLD contributions to ICANN per domain name. While this model is used as the basis for gTLD contributions to ICANN, it is an inappropriate metric for ccTLDs, where policy is developed locally, where commercial decisions are made based on the national market and circumstances, and where there is responsibility to the local Internet community.

We would note that, despite the dialogue between the ccNSO and the Board (and with Kevin Wilson at the last meeting), there are still many questions to be answered on the expenditure in the ICANN budget. If a Finance liaison would help address this (recommendation 11), then we would welcome such an appointment.

ccNSO Policy development

The recommendations appear to lose sight of the nature of ccTLDs. The ccNSO has a very limited role and most ccTLD policy is set locally in response to local conditions.

This concept of national sovereignty is clearly marked in the GAC 2005 "Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains" (paragraph 1.2) and is also embodied in paragraph 63 of the World Summit on the Information Society's "Tunis Agenda".

This sets a clear characteristic to the work of the ccNSO. While this is recognised in some parts of the report, it is ignored elsewhere. For example page 38 compares (unfavourably) the relative PDP scores of the ccNSO and the GNSO: this comparison is inappropriate. Its output in terms of binding policy is not a good way of assessing the success of the ccNSO.

When it was developed, the PDP was designed to address the concerns of the community expressed by many in the ccTLD community. It may be appropriate to re-examine the procedure, to see how it might be streamlined. However, as is apparent in the report, opinions can be quite strongly divided. For example, on page 84 there is a reference to the nearly equal division

between respondents in favour of a strict interpretation of the Bylaws and those who would favour a looser interpretation. Changes will need to reflect a healthy compromise between different concerns.

The full PDP is criticised as cumbersome and the IDN ccTLD fast track is held up as an alternative model. Without underestimating the significant achievement of the fast-track process, we would suggest that these are different mechanisms with different purposes. The fast track concentrated on areas where there did not appear to be any longer term policy issues and where there was strong consensus. Further work will be needed on more controversial areas and a full PDP is planned.

Position papers and comments mechanisms are held up as alternatives to the PDP. The ccNSO has (as the report notes) used both very successfully. However, the acknowledged success of consensus-based approaches like these misses the fundamentally different nature of the issues addressed by the different mechanisms. In particular, as recommendation 1 notes, the lighter weight processes are suitable for developing a general position and for guidelines – ie non-binding outputs, which, by definition are not really policy decisions.

Outreach

We would note the work of the ccNSO on increasing participation and the significant growth in membership of the ccNSO in recent years. Increasing participation, especially in under-represented regions is of key importance to us. However, there should be great care to avoid increasing the “regulatory” nature of the ccNSO simply to try to prove its utility to non-members.

We would need convincing that a top-down, ICANN-led initiative (recommendation 4) is the right way forward. What are the “attractive and value-added services for the ccTLD community”? Such work is perhaps more appropriately initiated by the regional ccTLD associations which already have a close working relationship with their members and understand their concerns and interests.

We would strongly support recommendation 5, to work with the GAC and ALAC on increasing participation: this is a good idea and the ccNSO has good experience to share in terms of improving participation and understanding the various barriers to enhancing participation.

Breaking Down Silos

With the report’s comments on the way liaisons work (section 4.2), we are surprised that there is no assessment of how to improve the liaison function.

Section 4.3 suggests a need to develop “global registrar/registrant” participation. While we would welcome engagement with the Registrar Stakeholder Group, we would not want the ccNSO to devote significant effort on registrar or registrant issues: these are primarily national decisions. There could be a concern that ICANN-accredited registrars will have an “inside track”, giving them an advantage over smaller, non-accredited, but nationally important registrars. Recommendation 6 appears significantly to misunderstand the limited role of the ccNSO.

We would agree with the need to address the silo approach – and the work on IDN fast track and on the security, stability and resilience issue shows how effectively this can be done. More regular meetings between the ccNSO and other communities would be useful, bearing in mind the drive from law enforcement agencies (who have been working with the GNSO) for their ideas to be applied more generally.

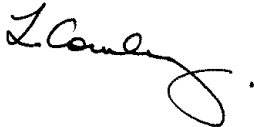
One barrier not mentioned in the report is the excessively heavy ICANN work-load: this limits the amount of time that communities have for non-core work.

ccNSO Council

While we agree that some clarification of the roles of council and chair (recommendation 10) could be useful, we would not want the remit to be defined too tightly. The Council is accountable to the membership and needs to be responsive to the interests and concerns of the members and be able to take the lead. More important is probably to encourage greater participation of ccNSO members in the work of the ccNSO and to spread workload better and to improve involvement.

Unconventional Uses of ccTLDs

While section 10 provides an amusing insight into the imaginative ways some have used particular country codes, it is hard to see what purpose it serves. To be other than anecdotal, some data on the scale of use would be helpful. It is hard to draw meaningful conclusions from this list.



Lesley Cowley
CEO
Nominet

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