

DOCUMENT FOR ccTLD WORKSHOP

Source: Nominet UK

Title: Summary Statement from *.uk* – addendum to papers 19, 20 and 28

Nominet UK submits this addendum to our existing papers to record in a concise form the main points of our submissions. We make basically four points.

1. The management of the *.uk* Top Level Domain is working successfully. We have around 4 million registrants using 3000 agents in their dealings with Nominet. We have very few complaints about our policies and operations. We have a well-developed Policy Advisory Board drawn from the industry and from almost all stakeholder groups. When appropriate, we have consulted on policies with the wider public. We have an excellent working relationship with our government. We have a respected and operationally efficient Dispute Resolution Service consistent with the UK legal system.
2. We require an efficient and cost-effective IANA service so that our contact details and authoritative server addresses can be maintained centrally in a timely fashion. We need secure means of communicating such changes and having them reflected in the root server system. We believe that ICANN *should* be the appropriate place for this IANA function but require that (a) ICANN/IANA must not be able to override the wishes and policies developed within the UK; (b) the funding of IANA must be ring-fenced and used only for the IANA purposes; (c) IANA must be funded *and overseen* only by those dependent on its service; (d) IANA should be carried out in a not-for-profit regime. Operational procedures should be agreed among those overseeing the service. We can see no need to call this “global policy making” or any need to involve sectors outside the immediate beneficiaries of the service. We would accept a body other than ICANN to carry out this function provided it meets the above criteria. We do not believe that the ITU is the appropriate place for this as it is essentially an operational function.
3. We value regional and international discussion fora, where we can meet with our peers from other ccTLDs and with other stakeholders such as legal, business, non-profit and government groups. We believe that ICANN should provide this on a separate cost-recovery basis. Such a body must not make binding policy and be consistent with the principles in paragraph 2 above. Alternatives to ICANN, perhaps less formally constituted, might include, for example, a body run jointly by CENTR and the other regional ccTLD fora.

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4. We are aware of three areas, which remain problematic in the oversight of the Domain Name System as a whole, and which are not covered by the above. One concerns ccTLDs and the other two gTLDs (but we mention them here for completeness).
- a. There are situations where the current manager of a ccTLD is resident/incorporated outside of the country designated by the two-character code, and hence not subject to the legal processes of that jurisdiction. This may cause conflict if the relevant Local Internet Community or government wishes to change the ccTLD manager (redelegation). We do not believe that the private sector has been able to, nor will be able to, adjudicate such contested redelegations. We accept that an international treaty-based body may be an appropriate framework for this.
 - b. ccTLDs are answerable to their Local Internet Communities and develop policy in that framework. The gTLDs have no such natural LIC. There is a requirement for an equivalent Community for the gTLDs. This Community should be consulted on gTLD policies and the appropriate contractual framework among registries, registrars, registrants and ICANN. These contracts also need to be overseen and enforced. If appropriately ring-fenced, we believe that ICANN could organize this Community.
 - c. Careful consideration needs to be given to the *creation* of new gTLDs. We are not persuaded that the private sector has the necessary legitimacy to do this. Since the public policy aspects dominate any technical or other co-ordination issues, we accept that ITU may play an important part in the process for such decisions.

In summary, we believe that the ccTLD system is operating effectively in the UK and in the vast majority of other countries. There is a need for a simple and cost-effective IANA function. We accept that there are some issues which cannot be solved in the private sector.

For information on Nominet UK and the management of .uk, see: <http://www.nominet.org.uk/>.
