



ccTLDs and national governments

michael geist

canada research chair in internet and e-commerce law

university of ottawa, faculty of law

July 24, 2004

outline

- ccTLD governance project
- 2003 itu/geist survey
- key findings
- myths
- what next?

ccTLD governance project

- 2002 project to examine ccTLD relationship with gov'ts
- survey 50+ ccTLDs
- governmental involvement greater than anticipated
 - legislation
 - contract
 - oversight mechanisms

itu/geist survey

- april 2003 - sent to 189 itu member states
- deadline extension to Oct. 03
- 56 countries listed in preliminary report (Nov. 03)
- 66 countries now covered in updated report; 70 countries on itu site
- all data available online via itu

itu/geist survey

- north america (canada, us, mexico)
- europe (denmark, finland, france, germany, greece, italy, spain, netherlands, norway, sweden, switzerland, uk, czech, slovak, romania, lithuania, kyrgyzstan, ukraine)
- asia (cambodia, china, japan, india, indonesia, malaysia, korea, pakistan, singapore, thailand)

itu/geist survey

- australasia (australia, nz, niue)
- africa (botswana, kenya, lesotho, congo, seychelles, suriname, tanzania, uganda, zambia)
- middle east (iran, jordan, kuwait, oman)
- latin america (brazil, chile, costa rica, ecuador, peru)
- caribbean (jamaica, trinidad & tobago)

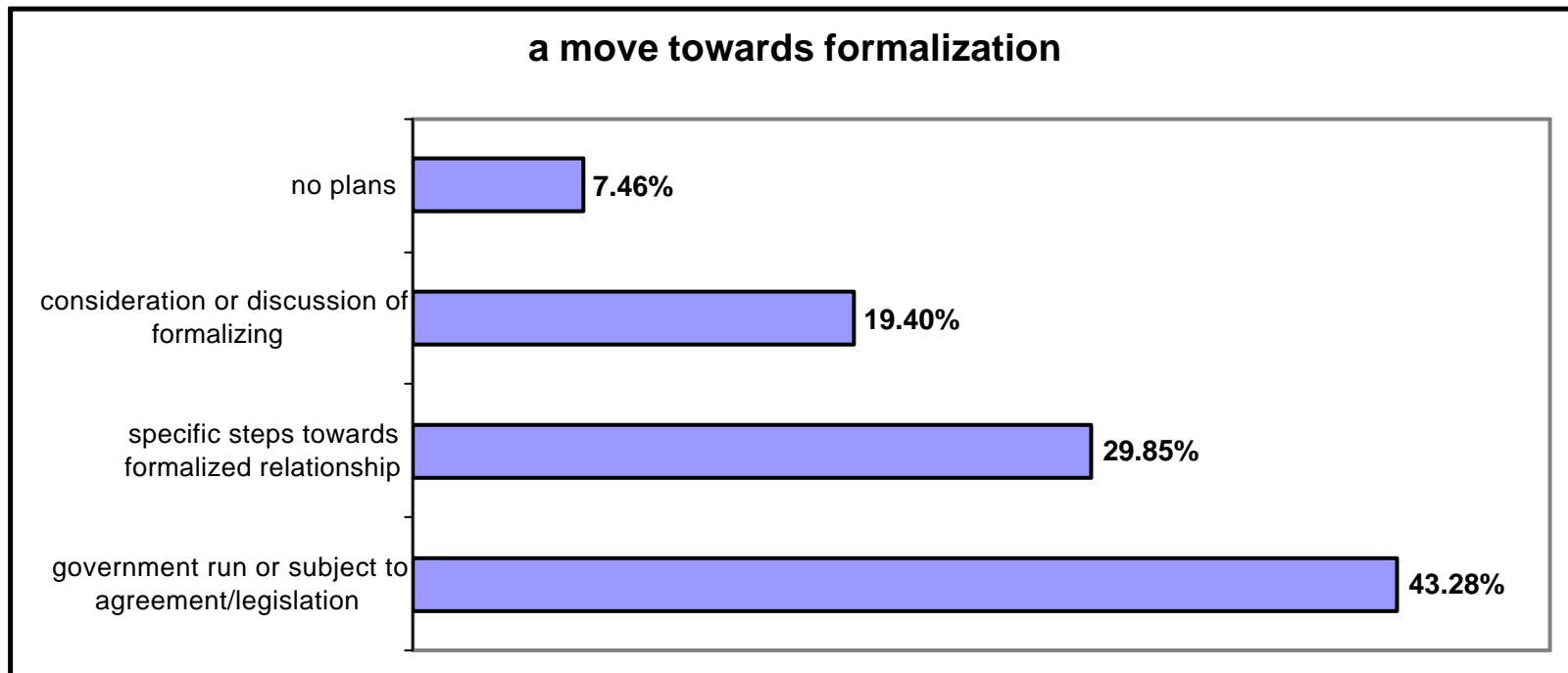
itu/geist survey

- Questions
 - gov't involvement in ccTLD
 - status of gov't - ccTLD relationship
 - internet governance participation
 - ccTLD structure
 - ccTLD policy priorities
 - public interest in policy making
 - whois
 - dispute resolution
 - idn
 - registration policies

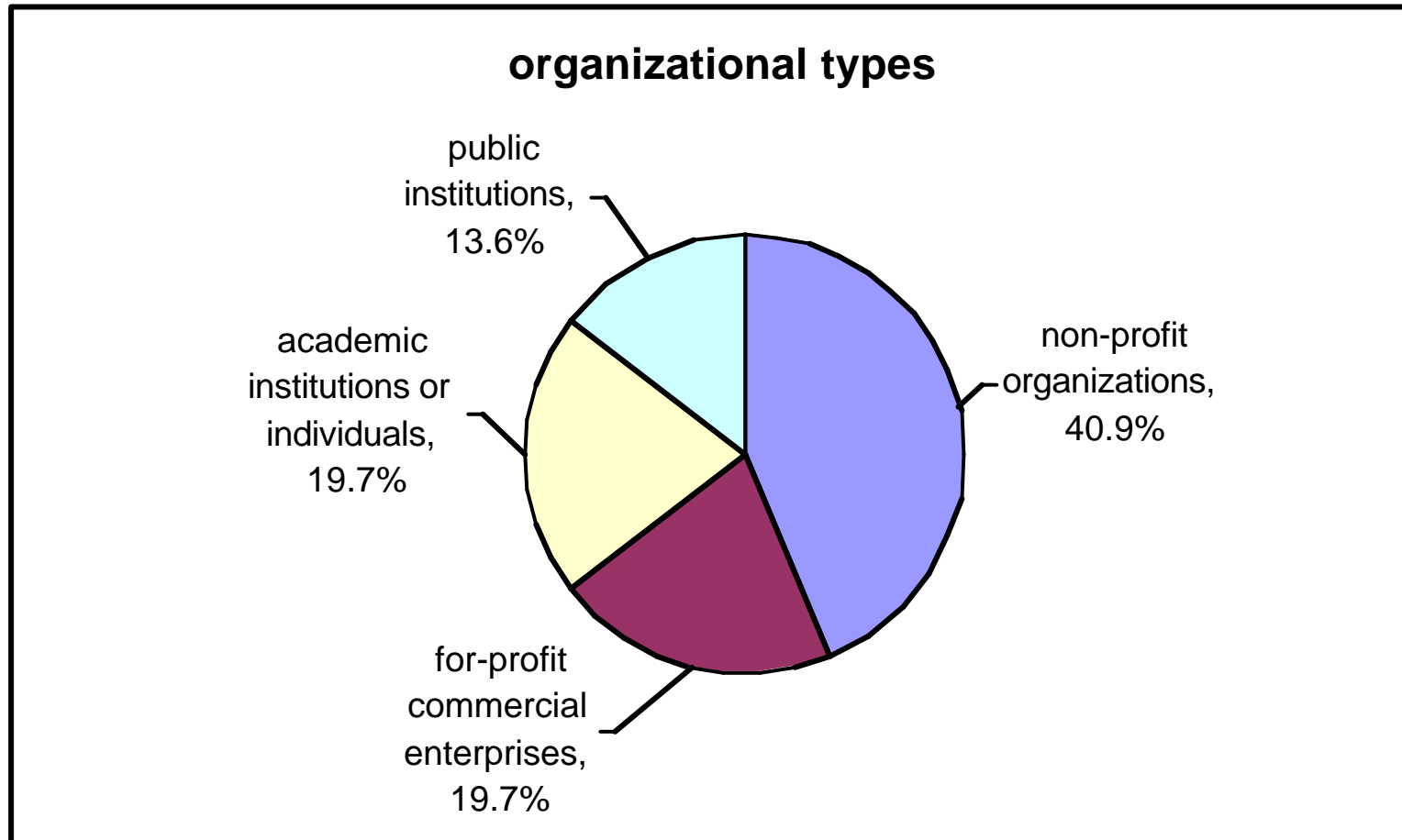
key findings among those surveyed

- governments deeply involved in domain name administration at national level
- policy priorities differential -
 - public ccTLDs cite public interest
 - commercial ccTLDs cite size
- correlation between public interest and presence requirements
- commercial ccTLDs offer competitive registration services

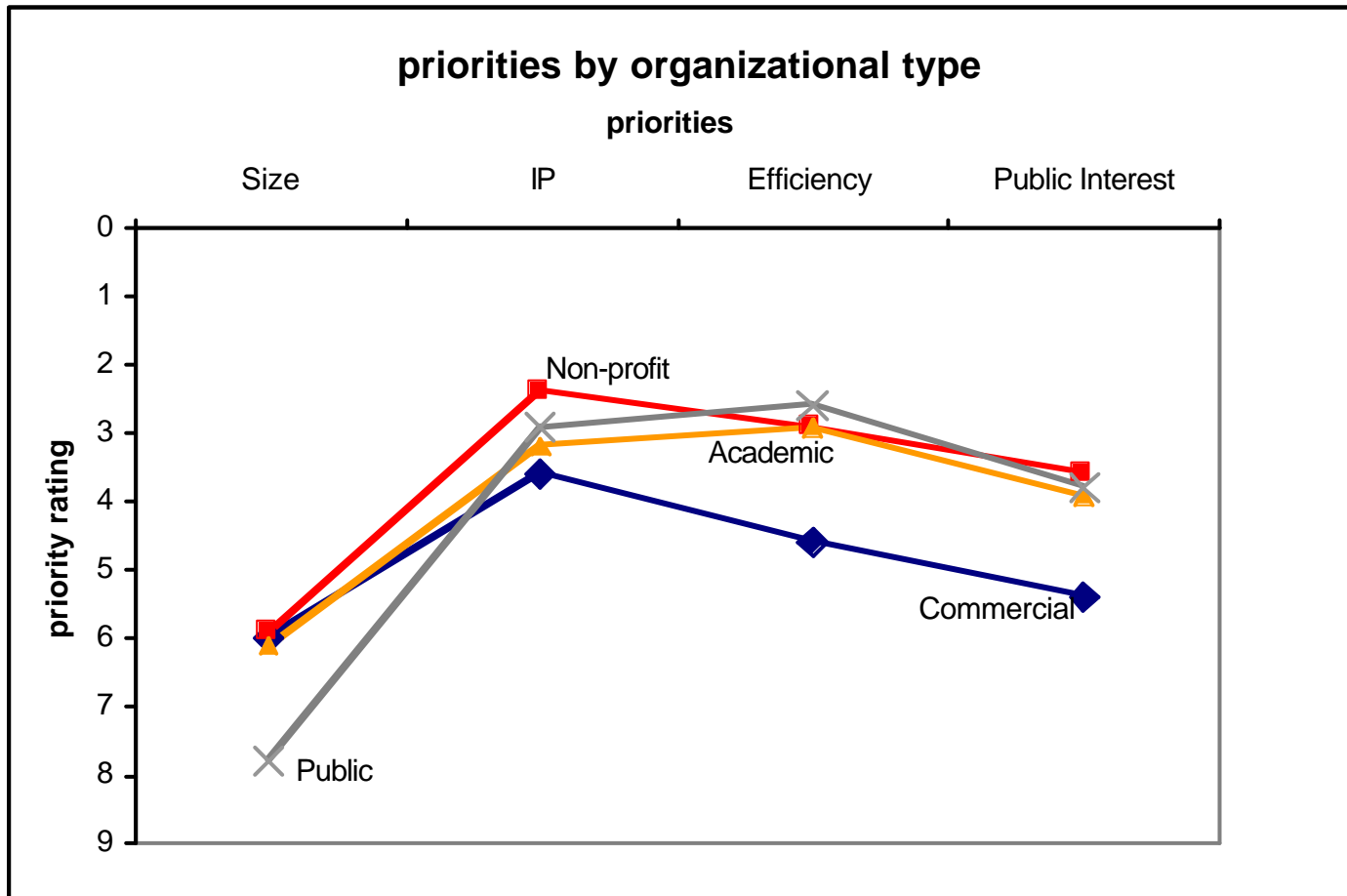
governments & ccTLDs



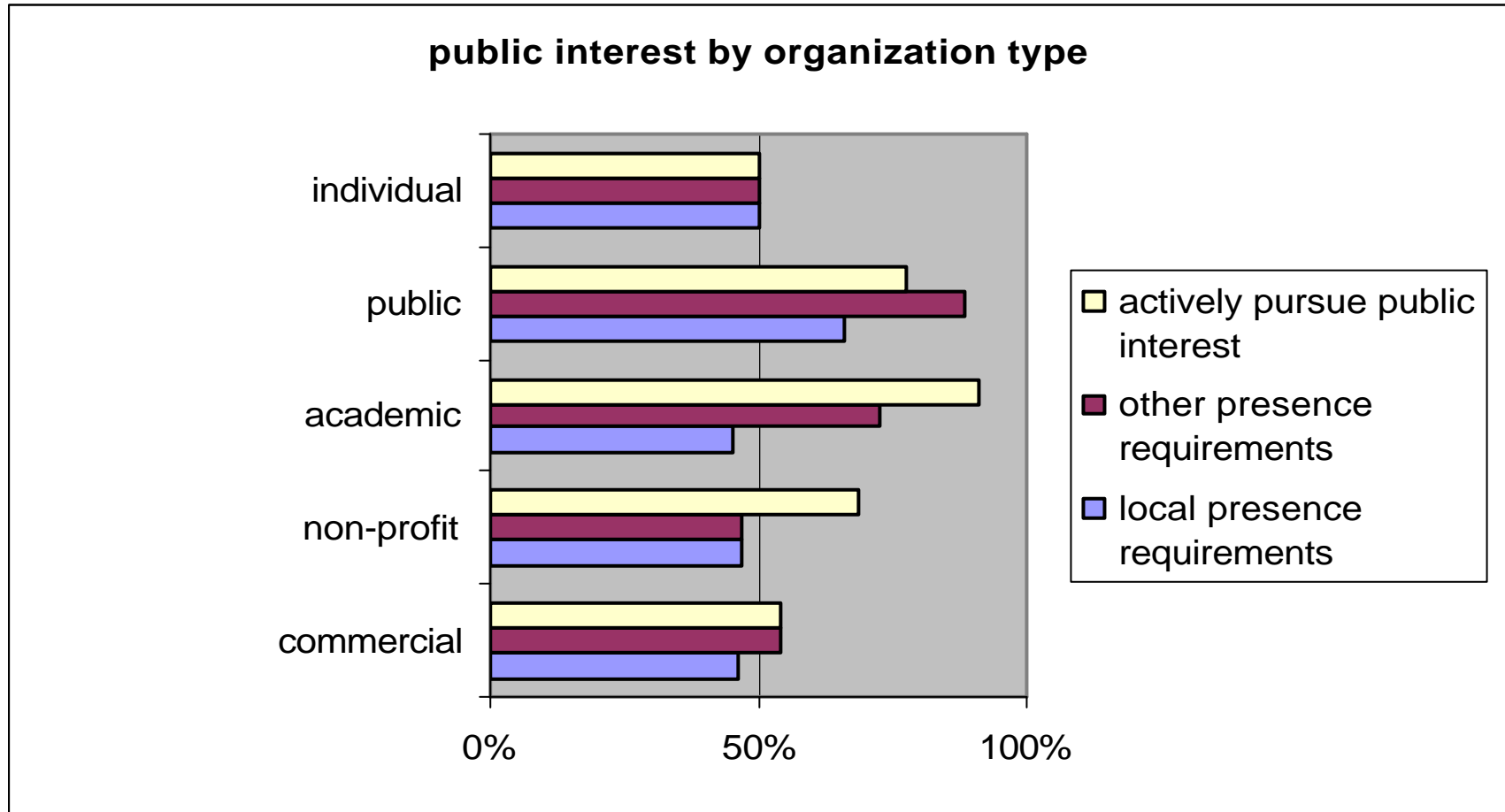
ccTLD structures



policy priorities

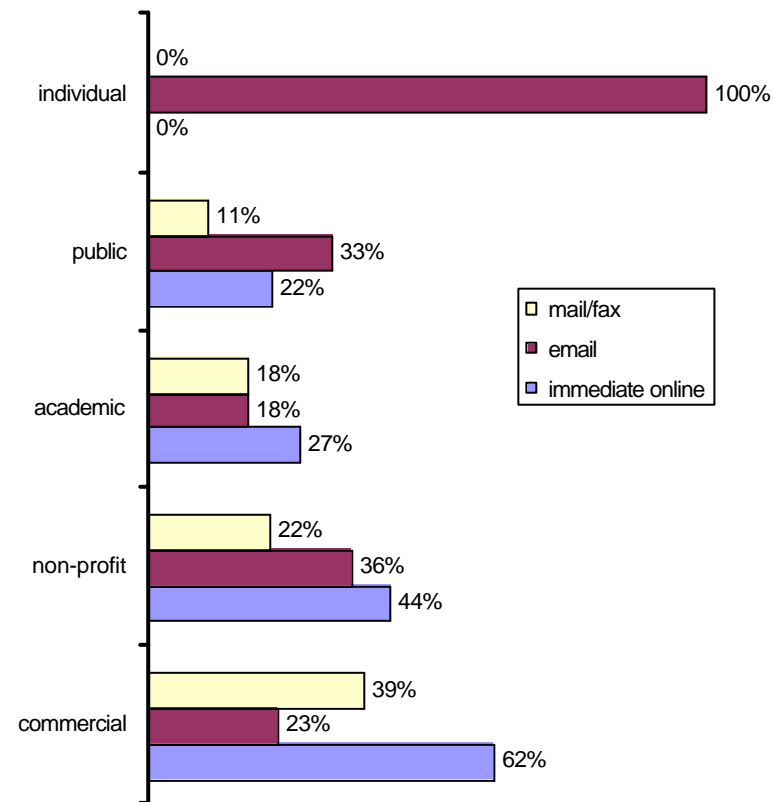


public interest & presence requirements



speed of registration

speed of registration by organizational type



myths

- myth #1 - self-regulation and the internet
 - int'l and multinational agreements
 - eu data protection (whois)
 - coe cybercrime (network requirements)
 - laws of general application
 - antitrust (icann)
 - intellectual property (drps)
 - laws and oversight specific to domain names
- myth #2 - size matters
 - many ccTLDs do not judge success by registry size
- myth #3 - government as all or nothing
 - ccTLDs subject to government oversight but commercial innovation

what next?

- governments will act to protect national interest both locally and globally
 - as with other policy matters, likely to see more government not less
 - pressures to use “internet governance” as avenue for governmental policy
- government interests differ in national and global arenas
 - policy choices may differ -- registration limitations
- government vs. private sector
 - often a false choice - often compatible -- ie. whois
 - occasionally may differ from ccTLD - ie. IDNs, presence requirements



mgeist@pobox.com