world summit
on the information society
Geneva 2003 - Tunis 2005

WSIS PrepCom 2
Roundtable N° 6
Enabling Environment

ICANN

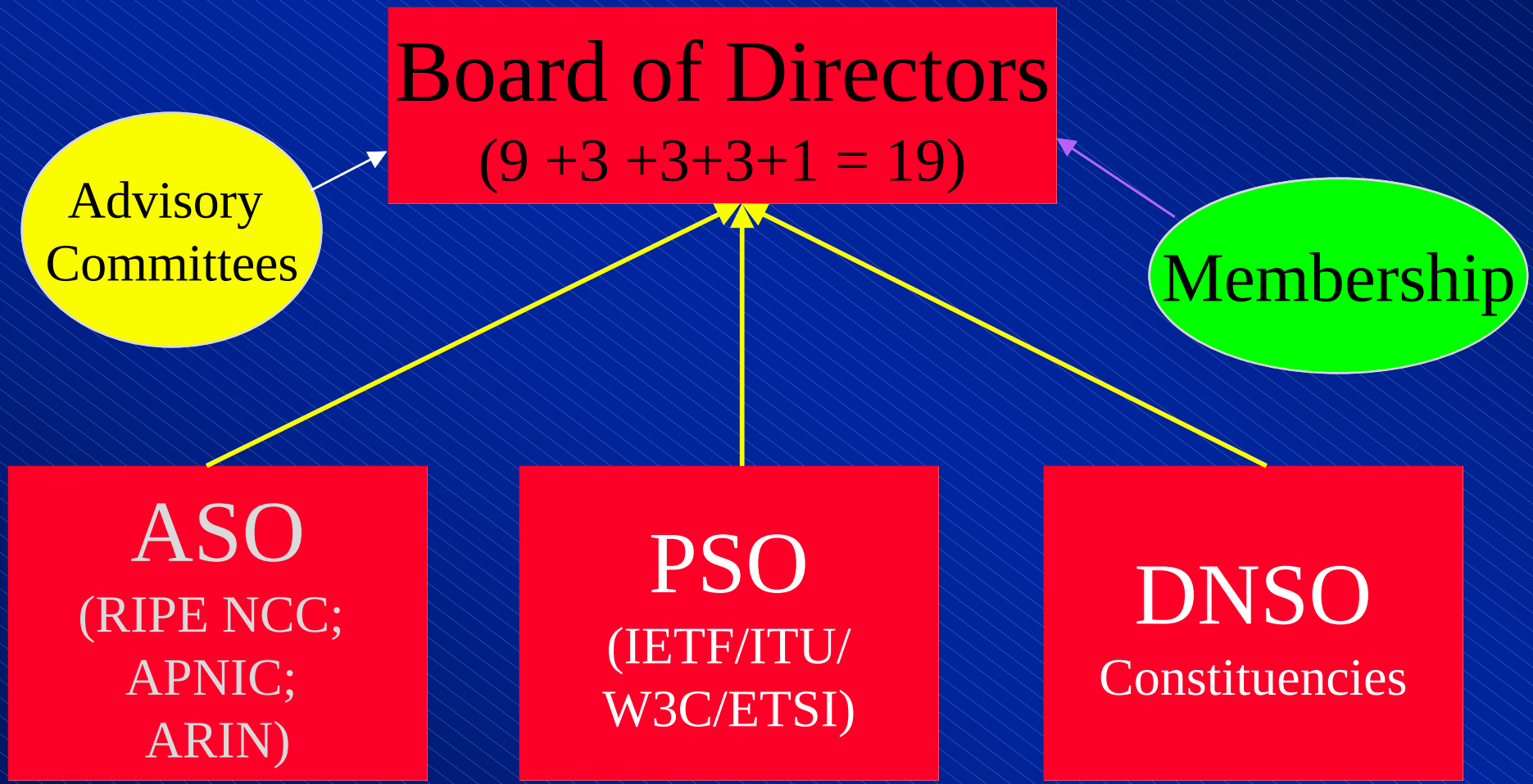
an experiment on self-regulation

Amadeu Abril i Abril

Why ICANN? DNS Reform!

Problems		Goals	
Monopoly	control over registrations	***Competition***	among *registrars*
Decision	private	***Oversight***	institutional
Localization	USA-centric	***Globalization***	of solutions
Conflicts	on DN election	***Offering***	of names
Violation	of trademark rights	***Resolution***	of conflicts
		Stability	of *registry*, functionality, evolution

Internet Corporation for Assigned Names and Numbers (ICANN)



Domain Names Supporting Organization (DNSO)

Names Council
(3 x 7 = 21)

Ad Hoc/ Standing Committees

Working Groups

Registries ccTLD NICs)

Registrars

Network Connectiviy (telcos & ISPs)

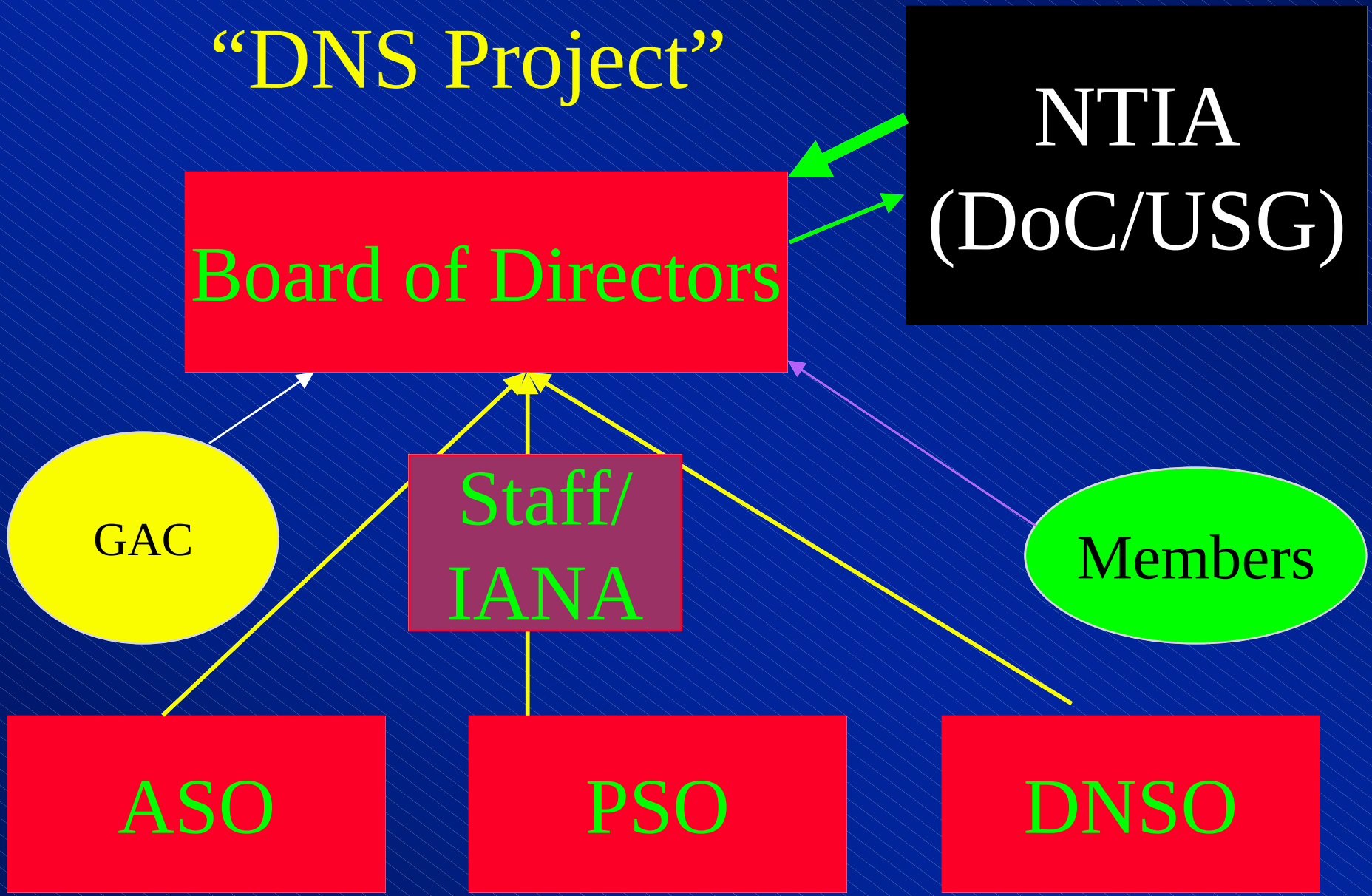
Business and Commercial Users

IP

gTLD

General Assembly

NCDNHC


"DNS Project"
NTIA
(DoC/USG)
Board of Directors
GAC
Staff/
IANA
Members
ASO
PSO
DNSO

Some structural lessons...

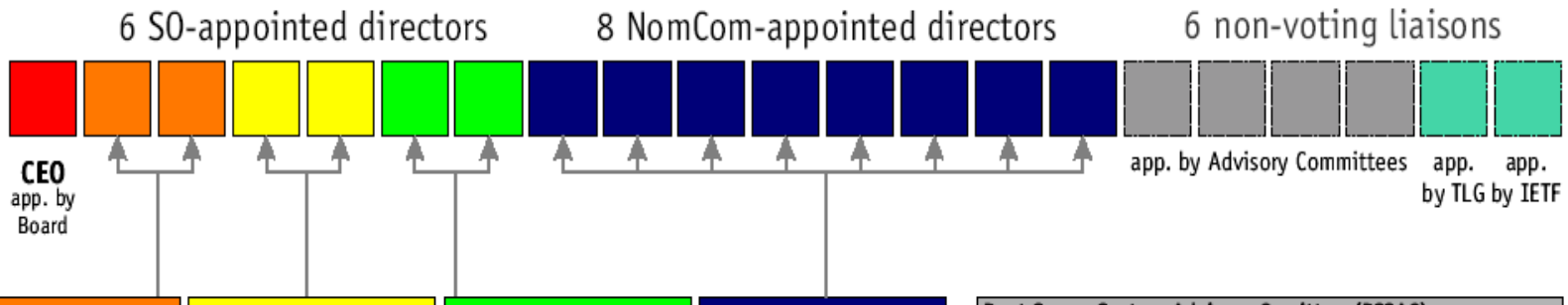
- How to define “stakeholders”?
- How to weight “stakeholders” (interests/functions)
- How can we achieve legitimacy beyond the *inside community*?
- How to involve “users”?
- How can Governemnts get involved in a private self-regulatory effort?
- Are *legitimacy* and *efficency* compatible?

Some structural lessons (2)

- Symetrical structures for asymetrical situations/interests don’t work
- Those running the infraestructure can be “counted”; Users cannot.
- *Participation* differs in drafting, enacting, enforcing and adjudicating rules
- Decicion-making processes (and timelines) are critical

Proposed new ICANN structure

Unofficial chart following the 23 October ERC report



Address Supporting Organization (ASO)

ASO Council:
3 seats for each regional IP address registry (APNIC, ARIN, RIPE NCC)

Generic Names SO (GNSO)

GNSO Council:
Two (but initially three) representatives from six constituencies: gTLD registrars, gTLD registries (under ICANN contract); business, Internet Service Providers, non-commercial domain holders, intellectual property constituency (not under ICANN contract).

Aggregate number of votes of "under contract" constituencies is equal to "non-contracted" constituencies: Initially, gTLD registrars and registries cast two votes each, all other constituencies cast one vote each.

The Nominating Committee selects three additional members with one vote each.

Country-code Names SO (CCNSO)

"to be supplied"

ICANN Nominating Committee

18 voting delegates:
Academic + other public org. (1)
Address registries/ASO (1)
At Large Advisory Committee (5)
ccNSO Council (1)
Consumer + civil society groups (1)
Governmental Adv. Committee (1)
gTLD registries (1)
gTLD registrars (1)
IETF (1)
Intell. property organizations (1)
Internet service providers (1)
Large business users (1)
Small business users (1)
Technical Liaison Group (1)

Non-voting delegates:
Chair (appointed by the Board)
Previous NomCom Chair
Root Server Security AC
Security Advisory Committee

Root Server System Advisory Comittee (RSSAC)

Members: Root server operators plus such other persons as appointed by Board.

Security and Stability Advisory Committee (SAC)

Members and Chair appointed by the Board.

Governmental Advisory Committee (GAC)

Members: Governments, distinct economies, multinational treaty organizations.

At Large Advisory Committee (ALAC)

Members: Two members from each Regional At Large Organization (for the five geographical regions), five members selected by Nominating Committee; Chair elected by ALAC members

Technical Liaison Group (TLG)

Organizations: ETSI, ITU-T, W3C, IAB (each making two technical experts available; Board liaison and Nominating Committee delegate selected in rotation by ETSI, ITU-T and W3C)

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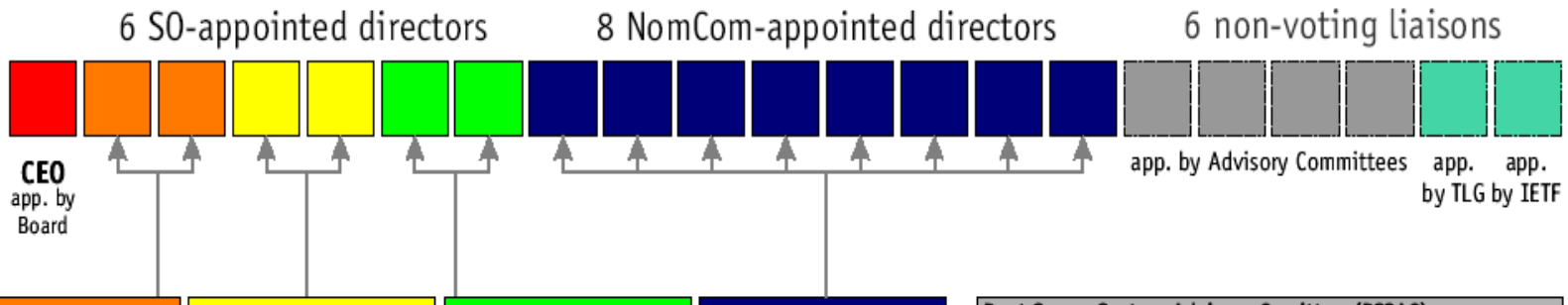

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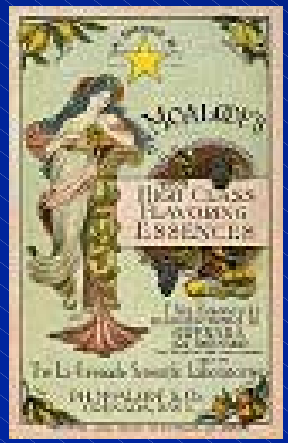
ICANN at work: UDRP

Identical/confusingly Similar



Trademark

No Legitimate Use

Registered & used in bad faith

ICANN at work: UDRP (2)

- UDRP = Uniform Dispute Resolution Policy
  - Policy, not law
  - Contract, not legislation
  - Panels, not courts
- Administrative process, not arbitration
- Decisions are executed by Registrars
- Fast, inexpensive, Internet-savvy and Internet-friendly
- Adaptable: though GNSO processes

Contractual Web

- Co-operative Agreement (NSI-USG)
- DNS-MoU (ICANN-USG)
- Registry Agreement (ICANN-NSI)
- Registrar Accreditation Agreement (ICANN-Registrars)
- Registrar & License Agreement (NSI-Registrars)
- Registration Agreement (Registrars-Registrants)
- UDRP Service Provider Accreditation (ICANN-UDRP Service Providers)

Some lessons from UDRP

- Don’t try to solve *all the problems*, but design mechanism for specific areas.
- The *contractual* participation of all parties is critical
- If there is a centralised/coordinated resource, there’s the foacl point for establishing such mechanism; if not available, chances of success will be much lower
- Offer faster, more flexible mechanisms.Not *perfect* ones.

Photofinish

- Infrastructures and access: (Revisited?) Competition Law
- Technical Platform: coordination and self-.regulation
- Electronic Commerce: competition/cooperation between legal systems and self-regulation
- Taxation, Criminal Law: Individual States competence (as far as possible….)

PhotFinish (2)

- *Who should* means different thigns for drafting, enacting, enforcing and adjudicating rules
- Governments and Int'l organizations should be far more open in allowing/encouraging particpation from business sector/users when *drafting* rules
- From competition to cooperation of legal systems (including self-regulation)
- *Mandated self-regulation*
- Civil society/users: voice far from satisfying
- Same goes for less-developed countries

Thanks ;-)

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