WSIS PrepCom 2
Roundtable N° 6
Enabling Environment

ICANN
an experiment on self-regulation

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Why ICANN? DNS Reform!

**Problems**

- **Monopoly**: control over registrations
- **Decision**: private
- **Localization**: USA-centric
- **Conflicts**: on DN election
- **Violation**: of trademark rights

**Goals**

- **Competition**: among registrars
- **Oversight**: institutional
- **Globalization**: of solutions
- **Offering**: of names
- **Resolution**: of conflicts
- **Stability**: of registry, functionality, evolution
Internet Corporation for Assigned Names and Numbers (ICANN)

Board of Directors
(9 +3 +3+3+1 = 19)

Advisory Committees

Membership

ASO
(RIPE NCC; APNIC; ARIN)

PSO
(IETF/ITU/W3C/ETSI)

DNSO
Constituencies
Domain Names Supporting Organization (DNSO)

Names Council (3 x 7 = 21)

Ad Hoc/Standing Committees

Working Groups

Registries (ccTLD NICs)

Registrars

Network Connectivity (telcos & ISPs)

Business and Commercial Users

IP

gTLD

General Assembly

NCDNIIC
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 Governments get involved in a private self-regulatory effort? 
- Are legitimacy and efficiency compatible?
Some structural lessons (2)

- Symmetrical structures for asymmetrical situations/interests don’t work
- Those running the infrastructure can be “counted”; Users cannot.
- Participation differs in drafting, enacting, enforcing and adjudicating rules
- Decision-making processes (and timelines) are critical
Proposed new ICANN structure
Unofficial chart following the 23 October ERC report

6 SO-appointed directors
8 NomCom-appointed directors
6 non-voting liaisons

Address Supporting Organization (ASO)
Generic Names SO (GNSO)
Country-code Names SO (CCNSO)
ICANN Nominating Committee

CEO
app. by Board

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

GNSO Council:
Two (but initially three) representatives from six constituencies: gTLD registrars, gTLD registrars (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.

18 voting delegates:
Academic + other public org. (1)
Address registration/ASO (1)
At Large Advisory Committee (5)
cNSO Council (1)
Consumer + civil society groups (3)
Governmental Adv. Committee (3)
gTLD registries (6)
gTLD registrars (1)
IETF (1)
Intell. property organizations (1)
Internet service providers (1)
Large business users (3)
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 Committee (RSSAC)
Members: Root server operators plus such other persons as appointed by Board.

Security and Stability Advisory Committee (SSAC)
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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ICANN at work: UDRP

Trademark

Identical/confusingly Similar

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 focal 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....)
Who should means different things for drafting, enacting, enforcing and adjudicating rules
Governments and Int’l organizations should be far more open in allowing/encouraging participation 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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