ccTLDs, national governments & internet governance

michael geist
canada research chair in internet and e-commerce law
university of ottawa, faculty of law
February 26, 2004
• ccTLD governance project
• 2003 itu/geist survey
• key findings
• myths
• what can we draw from this for the internet governance discussion?
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
• all data available online via itu
• **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, 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 (chile, costa rica, ecuador, peru)
- caribbean (jamaica, trinidad & tobago)
• **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
a move towards formalization

- no plans: 7.46%
- consideration or discussion of formalizing: 19.40%
- specific steps towards formalized relationship: 29.85%
- government run or subject to agreement/legislation: 43.28%
ccTLD structures

organizational types

- public institutions, 13.6%
- academic institutions or individuals, 19.7%
- for-profit commercial enterprises, 19.7%
- non-profit organizations, 40.9%

19.7% for-profit enterprises, commercial enterprises, 13.6% public institutions, 13.6% academic institutions or individuals, 19.7% non-profit organizations.
policy priorities

priorities by organizational type

- Commercial
- Non-profit
- Academic
- Public

Size IP Efficiency Public Interest

priority rating

0 1 2 3 4 5 6 7 8 9

Non-profit
Academic
Commercial
Public
public interest & presence requirements

public interest by organization type

- individual
- public
- academic
- non-profit
- commercial

- actively pursue public interest
- other presence requirements
- local presence requirements
speed of registration

speed of registration by organizational type

- Individual: 100%
- Public: 33%
- Academic: 27%
- Non-profit: 44%
- Commercial: 62%

mail/fax
email
immediate online
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
## Internet Governance - Stages

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical</td>
<td>Standards, interoperability</td>
</tr>
<tr>
<td>Commercial</td>
<td>The business of selling domains</td>
</tr>
<tr>
<td>Me and my domain</td>
<td>Issues that arise after the domain registered</td>
</tr>
<tr>
<td>Blended</td>
<td>Issues that combine two or more of the above</td>
</tr>
</tbody>
</table>
## Internet Governance - Policy

<table>
<thead>
<tr>
<th>Category</th>
<th>Components</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical</td>
<td>root servers, idn</td>
</tr>
<tr>
<td>Commercial</td>
<td>presence requirements, registration restrictions</td>
</tr>
<tr>
<td>Me and My Domain</td>
<td>dispute resolution, whois</td>
</tr>
<tr>
<td>Blended</td>
<td>sitefinder, wls</td>
</tr>
<tr>
<td>internet governance - national level</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------</td>
<td></td>
</tr>
<tr>
<td>technical</td>
<td>standards body participation, general law applies</td>
</tr>
<tr>
<td>commercial</td>
<td>some involvement with oversight, some direct participation, general law applies</td>
</tr>
<tr>
<td>me and my domain</td>
<td>very active - legislation or contractual oversight</td>
</tr>
<tr>
<td>blended</td>
<td>unknown - issues tend to be global, not national</td>
</tr>
</tbody>
</table>
## Internet Governance - Global Level

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical</td>
<td>Increasingly active -- global influences national; seek protection of national resource and interests</td>
</tr>
<tr>
<td>Commercial</td>
<td>Seek national treatment for business opportunities</td>
</tr>
<tr>
<td>Me and My Domain</td>
<td>Seek protection of national interest; resolution for conflict of laws (globalsantef.com)</td>
</tr>
<tr>
<td>Blended</td>
<td>Issue specific - seek forum for influence</td>
</tr>
</tbody>
</table>
• governments will act to protect national interest both nationally and globally
but
• government interests differ in national and global arenas
• government vs. private sector often a false choice - often compatible