

## ETNO Reflection Document in response to the National Telecommunications and Information Administration of the US Department of Commerce Inquiry , on the Assessment of the Transition of the Technical Coordination and Management of the Internet's Domain Name and Addressing System



June 2009

### Executive Summary

ETNO renews its support for the transition of ICANN towards a fully independent and fully privatised organisation yet accountable to all stakeholders, which enjoys improved confidence, in the post JPA era; however a number of key actions need to be urgently addressed and commenced for the transition to take place.

ETNO believes that the single government oversight of ICANN has to stop. Such a move demands that ICANN becomes fully accountable to its multistakeholder community, by completing the required implementation plan by the expiration of the JPA at the end of September 2009. If this cannot be achieved by that date, ICANN must, as a minimum, commit to achieving that and also ensuring that the new accountability mechanism is reflected within its bylaws, within a period of one year from that date.

## General Comments

ETNO<sup>1</sup> welcomes the opportunity to contribute to the Notice of Inquiry of the National Telecommunications and Information Administration of the US Department of Commerce [Docket No.090420688-9689-01] on the Assessment of the Transition of the Technical Coordination and management of the Internet's domain

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<sup>1</sup> The European Telecommunications Network Operator' Association is representing 42 major companies from 34 European countries, providing electronic communications networks over fixed, mobile or personal communications systems. ETNO is Europe's leading trade association and its member companies have substantial Internet operations. ETNO has joined ICANN's GNSO ISPCP and BC constituencies. More information about ETNO can be found at: [www.etno.eu](http://www.etno.eu)

name and addressing systems. ETNO has previously responded (ETNO Position RD278/2008<sup>2</sup>) to the Notice of Inquiry on the Midterm Review of the Joint Project Agreement (JPA) between the US Department of Commerce (DoC) and ICANN and is now pleased to provide further input.

As an active participant in ICANN, ETNO is a strong supporter of the private sector led multi-stakeholder model for the technical coordination and management of the Internet's domain name and addressing systems. ETNO renews its support for the transition of ICANN towards a fully independent and fully privatised organization, yet accountable to all stakeholders, in the post JPA era, but notes that a number of key areas need to be urgently addressed for that transition to take place.

## Specific Comments

ETNO has publicly stated many times its full support for the private sector led multi-stakeholder model adopted by ICANN. The continued expansion of the Internet as a mechanism for social and economic growth is essential for ETNO and its members. In this context, we consider the well functioning of the technical coordination and management of the Internet's domain name and addressing systems, which are ICANN's core mission, as a crucial element for the stability and growth of the Internet.

ETNO has recently welcomed the opportunity to comment on the ICANN President's Strategy Committee's document "draft implementation plan for Improving Institutional Confidence" (IIC), published in February 2009. ETNO continues to support the opinions expressed in its response (ETNO Position RD 302/2009<sup>3</sup>) to that document and considers that some essential steps are urgently required as the JPA comes to an end, particularly the need for a detailed timeline for the implementation of the recommendations of the IIC document.

Moreover, ETNO calls on ICANN to produce, prior to the expiration of the JPA, a detailed draft implementation plan, with time bound milestones, which takes account of the comments made by many members of its stakeholder community to the President's Strategy Committee's draft IIC document.

Such a plan should not only provide detail of the mechanisms that will guard against all types of capture, but provide a roadmap showing how this will be achieved. Similarly, this same requirement applies with regard to the recognised needs to increase and strengthen

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<sup>2</sup> See <http://www.etno.eu/Default.aspx?tabid=2036>

<sup>3</sup> See <http://www.etno.be/Default.aspx?tabid=2154>

participation within ICANN, and the development of a framework for cross participation.

Effective measures that will ensure both contract compliance and the stability and security of the Internet within a post JPA environment, coupled with adherence to an ongoing programme of review and amendment if deemed necessary, also form essential elements of the post JPA environment.

ETNO recognizes that currently ICANN is the focus of much activity and that it faces a number of very challenging tasks; we strongly believe that ICANN must continue to work towards not only improving its institutional confidence, but also carrying out effectively its existing strategic and operational plan. A clear set of priorities and good planning are just as essential as the transition mechanism put in place.

Furthermore, ETNO considers that the accountability of ICANN to its stakeholder community is the cornerstone of its transition to an organisation, which will assume full responsibility for the technical coordination and management of the Internet domain name and addressing systems within the private sector.

ETNO appreciates that the JPA, although brief itself and its content arguably of little true binding significance, for many stakeholders of the global Internet community has served as a critical global indicator of ICANN's functional and developmental commitments.

A major element of the JPA was the review process, through which ICANN was judged against its responsibilities. Post JPA, ICANN must be fully accountable to its stakeholders. Regardless of the challenges or distractions ICANN may be facing, it must always remain fully cognisant of that responsibility and meet its obligations.

ETNO believes that the single government oversight of ICANN has to stop. Such a move demands that ICANN becomes fully accountable to its multistakeholder community, by completing the required implementation plan by the expiration of the JPA at the end of September 2009. If this cannot be achieved by that date, ICANN must, as a minimum, commit to achieving that and also ensuring that the new accountability mechanism is reflected within its bylaws, within a period of one year from that date.

We therefore urge ICANN to work in this direction and present a set of actions before the expiration of the JPA, with the invaluable help of the NTIA as well as of the other stakeholders.