

Country Code Name Supporting Organisation

21 January 2008

To: ICANN Board of Directors

By Email

Dear Members of the ICANN Board,

The council of the ccNSO (the "Council") has unanimously authorised me to convey its views on the GNSO Council's recent message regarding Board Resolution 07.89 initiating efforts to identify, if possible, a fast track methodology for allocating a minimum number of non-contentious IDN ccTLDs.

First, we agree with the GNSO Council that many important and complex policy issues must be addressed in developing a formal policy for IDN ccTLD delegations. That is why the ccNSO Council resolved to take the first step in launching a Policy Development Process (ccPDP) by calling for an issue report to consider:

1. Whether Article IX of the ICANN bylaws applies to IDN ccTLDs associated with the ISO 3166-1 two letter codes, and if it does not then to establish if Article IX should apply.
2. Whether the ccNSO should launch a PDP to develop the policy for the selection and delegation of IDN ccTLDs associated with the ISO 3166-1 two-letter codes.

The Council requested that, in preparing the Issue Report, the Issue Manager identify policies, procedures, and/or by-laws that should be reviewed and, as necessary, revised in connection with the development and implementation of any IDN ccTLD policy.

The Council appointed Bart Boswinkel as Issue Manager and asked Bart Boswinkel to prepare an Issue Report, considering the joint ccNSO GAC Issues Paper, the technical limitations and requirements including the IDNA Protocols, and any other relevant information. To identify matters that are potentially relevant to the Issues Report, a comment period was opened on 19 December 2007 and will remain open until 25 January 2008.

In initial discussions by the ccNSO members, other ccTLD managers and ICANN's Governmental Advisory Committee (GAC) a number of policy questions were identified and it became clear that the development of the required policy for IDN ccTLDs to resolve the issues raised was likely to take a minimum of 2 years. It also became clear that such a time frame was a major concern for a number of ccTLD managers who have expressed a pressing need for an IDN ccTLD in their territory. Because of this, the concept of a fast track approach began to be

discussed. In those discussions it was thought that it **might** be possible to find a method to allow the introduction of a limited number of IDN ccTLDs while the overall policy was being developed.

Accordingly, in order to relieve pressure for IDN ccTLDs, and thereby to create the time and patience for this extended policy development process, the ccNSO, in consultation with the GAC, recommended that the Board approve the formation of a working group to determine whether or not any methodology can be identified for introducing a limited number of non-contentious IDN ccTLDs corresponding to territories on the ISO 3166-1 list (the "IDNC Working Group").

The charter of the IDNC Working Group is intentionally limited to meet near-term demand, gain experience in dealing with IDNs as ccTLDs, and to inform the policy development process now underway. In particular, the IDNC Working Group is tasked with seeking to determine whether or not a fast-track mechanism and methodology can be implemented **without pre-empting the outcomes of the ccPDP**. In recognition, the ccNSO Council's resolution commencing the fast track process is intentionally constrained to avoid complex but ultimately unavoidable policy issues which will be dealt with under the ccPDP.

The ccNSO Council believes that a fast-track approach if implemented will provide two valuable contributions to the ccPDP process. First, as previously discussed, a fast track methodology could release building pressure for IDN ccTLDs and therefore facilitate a more measured, deliberate policy development process. Second, and equally important, to the extent that a fast track methodology can be identified and implemented, the controlled introduction of a manageable number of IDN ccTLDs serving reasonably coherent communities will provide significant experiential learning to inform both the relevant issues that must be addressed in the course of the ccPDP, and in addition, may provide incredibly valuable data that can inform how those issues can be addressed.

The Council also believes that the issues raised by the GNSO Council in its recent communications would need to be addressed through a formal policy development process and not an informal working group as the GNSO Council suggests. Indeed, a number of the issues raised by the GNSO will be dealt with in the ccPDP as they are relevant to the formation of IDN ccTLD policy. As such, of course, it is within the ccPDP that they should be developed.

Further, the Council believes that by whatever method (committee or PDP) consideration of the questions contained in the GNSO resolution will take considerably longer than 120 days, especially given the requirement to canvass the views of governments and local internet communities, and therefore would of necessity delay both the new GTLD process and the IDN ccTLD fast track.

The Council wishes to express its opposition to the initiation of an additional, informal process at this time as suggested by the GNSO Council.

The Council suggests that a joint meeting of the full GNSO and ccNSO Councils be convened in New Delhi to explain and discuss the background to both the ccPDP and the GNSO resolution with the goal that the Councils reach agreement on a way forward. The Council suggests that this meeting be independently 'moderated' or 'facilitated'.

The Council has not, at this stage, addressed in detail the process that will be required should the Board decide to act on the GNSO resolution. However, the Council notes the following:

- a) As stated above the questions raised about the nature of ccTLDs and gTLDs are policy questions and therefore they and other associated questions would have to be addressed through a PDP.
- b) Such a process would take considerably longer than 120 days.
- c) During the process the delegation of new TLDs would need to be suspended to ensure that TLDs are not created in circumstances that would be a breach of the policy being developed.

I and my fellow Councillors will be happy to discuss these matters further with the Board and to answer any questions the Board may have.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Chris Disspain". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Chris Disspain
Chair – ccNSO Council