

ICANN – CCNSO – FOIWG

Meeting Notes (draft) for 12 September 2013 – 05:00UTC

1. Present / apologies

ccNSO:

Becky Burr, .us (Vice Chair)

Keith Davidson, .nz (Chair)

Chris Disspain, .au

Stephen Deerhake, .as

Daniel Kalchev, .bg

Eberhard Lisse, .na

Nigel Roberts, .gg

GAC:

Frank March

Other Liaisons:

Cheryl Langdon Orr, ALAC

Staff Support and Special Advisors:

Bart Boswinkel, ICANN

Kristina Nordström, ICANN

Bernard Turcotte, ICANN

Apologies:

Martin Boyle

Patricio Poblete

Paulos Nyirenda

Jaap Akkerhuis

Suzanne Radell

Dotty Sparks de Blanc

Kim Davies

2. **Agenda – Approved**

3. **Notes for FOIWG meeting of 4 July 2013 – Approved.**

4. **Revocation – Public consultation document (annotated) V1.0**

4.1. Section 1 is essentially boilerplate – no comments.

4.2. Section 2.1.1.1

4.2.1. Proposed text:

2.1.1.1 This raises the several questions. Under RFC 1591:

- *What constitutes substantial mis-behavior?*
- *What does it mean for the IANA Operator to “step in”?*
- *Is §§ 3.4 limited to the initial selection of a ccTLD manager only, or does it also apply to previously delegated ccTLDs?*

4.2.2. Agreed.

4.3. Section 2.1.2.1

4.3.1. Proposed text;

2.1.2.1 This raises the several questions. Under RFC 1591:

- *What constitutes “doing a satisfactory job of operating the DNS for the domain”?*
- *What constitutes “persistent problems with the operation of a domain”?*
- *Under what circumstances would it be appropriate for the IANA Operator to rescind responsibility for management of a ccTLD from an incumbent manager (a “Revocation”)?*

4.3.2. Agreed.

4.4. Section 2.2.2

4.4.1. Proposed text:

2.2.2 Issues Considered by the Working Group:

- *Are the GAC Principles and accompanying guidelines consistent with RFC 1591?*

- *Do they provide an aid to the WG's interpretation of that document?*

4.4.2. Agreed.

4.5. Section 4.1

4.5.1. Proposed Text:

4.1 RFC 1591 identifies three formal mechanisms available to the IANA Operator: Delegation, Transfer and Revocation. Other "formal" mechanisms may be available to the stakeholder community under applicable domestic law; however, those mechanisms might not be available to the IANA Operator as a practical matter.

4.5.2. Agreed

4.6. Section 4.1.1 (new text)

4.6.1. Proposed text:

4.1.1 The FOIWG interprets "Delegation" to mean the process by which the IANA Operator initially delegates or "Transfers" previously delegated responsibility for the management of a ccTLD .

4.6.2. Extended discussion by all participants

4.6.3. Agreement that WG members should discuss this on the list.

4.7. Section 4.1.2 (new text)

4.7.1. Proposed text:

4.1.2 The FOIWG interprets RFC 1591 to require the consent of an incumbent manager to a Transfer. Accordingly, the FOIWG interprets the term "Transfer" to refer to the process by which the IANA Operator transfers responsibility from an incumbent manager to a new manager with the consent of both parties.

4.7.2. Agreement that WG members should discuss this on the list

4.8. Section 4.1.3 (edits)

4.8.1. Proposed text:

4.1.3 The working group interprets the term "Revocation" to refer to the process by which the IANA Operator rescinds responsibility for management of a ccTLD from an incumbent manager.

4.8.2. Agreed.

4.9. Section 4.1.4 (minor edits)

4.9.1. Proposed text:

Where the IANA Operator's informal efforts to address a "substantial misbehaviour" by a ccTLD manager or "persistent problems in the operation of a ccTLD" are unavailing, unless the manager consents to a Transfer, Revocation is the only formal mechanism available to the IANA Operator to deal with intractable problems..

4.9.2. There was discussion on the list regarding this text and new text will be proposed in the next version.

4.10. Section 4.1.5 (edits)

4.10.1. Proposed text:

4.1.5 Below we first consider ¶ 5 § 3 of RFC 1591 dealing with revocation for persistent problems, then we shall consider ¶ 4 of § 3 dealing with substantial misbehaviour..

4.10.2. Agreed

4.11. Section 4.2.1 (essentially identical)

4.11.1. Proposed text:

4.2.1 RFC 1591 (§ 3 ¶ 5) requires the designated manager to operate the domain, which involves "assigning domain names, delegating subdomains, and operating nameservers," with "technical competence," including:..

4.11.2. Agreed.

4.12. Section 4.2.1 bulleted points (essentially same)

4.12.1. Proposed text:

- *Keeping the central IR (in the case of top-level domains) or other higher-level domain manager advised of the status of the domain; (Note – a reference has to be included regarding the Central IR)*
- *Responding to requests in a timely manner;*
- *Operating the database with accuracy, robustness, and resilience; and*
- *Maintaining a primary and a secondary nameserver that have IP connectivity to the Internet and can be easily checked for operational status and database accuracy by the IR and the IANA...*

4.12.2. Agreed

4.13. Section 4.2.2 (minor edits)

4.13.1. Proposed text:

4.2.2 *That same provision of RFC 1591 clearly contemplates revocation in appropriate cases involving “persistent problems with the proper operation of a domain.”.*

4.13.2. Agreed

4.14. Section 4.2.3 (edits)

4.14.1. Proposed text:

4.2.3 The IANA Operator has not publicly stated the standards by which it will apply the requirements set out in RFC 1591 (§ 3 ¶ 5) to evaluate whether or not (a) a manager is “doing a satisfactory job of operating the DNS service for the domain (ccTLD)” or (b) there are “persistent problems with the proper operation of a domain...”..

4.14.2. Agreed

4.15. Section 4.2.3.1 (essentially identical)

4.15.1. Proposed text:

4.2.3.1 The FOIWG interprets RFC1591 to require the IANA Operator to avoid actions that undermine the stability and security of the DNS and/or the continuing operation of the domain..

4.15.2. Discussion about the use of the term ‘IANA Operator’. NR wants to review but there is no support for this. Discussion may be taken to the list about this term.

4.15.3. Agreed (Except for previous point).

4.16. Section 4.2.3.2 (essentially identical)

4.16.1. Proposed text:

4.2.3.2 The FOIWG notes that technical operation of TLDs has greatly evolved from the time of publication of RFC1591, along with the use of the Internet, and although still a specialized field, this is standard knowledge for networking specialists and is supported by a large volume of easily accessible documentation and applications..

4.16.2. Agreed.

4.17. Section 4.2.4 (minor edits)

4.17.1. Proposed text:

4.2.4 In addition to the operational requirements identified above, RFC 1591 (§ 3 ¶ 1) identifies “key requirements” and “necessary responsibilities” of designated managers, including:.

4.17.2. Agreed.

4.18. Section 4.2.4 bulleted points (some edits)

4.18.1. Proposed text:

- *the requirement, in the case of “top-level domains that are country codes” that there be a manager that supervises the domain names and operates the domain name system in that country;*
- *the requirement that the manager be “on the Internet,” with IP connectivity to the nameservers and email connectivity to the designated manager and its staff;*
- *The requirement that there be an admin and technical contact for each domain including, for ccTLDs, an admin contact residing in the country..*

4.18.2. Agreed

4.19. Section 4.2.5 (minor edits)

4.19.1. Proposed text:

4.2.5 The FOIWG interprets this requirement to mean, as a general rule, that the manager must confirm that, and the IANA Operator must be able to validate, that the administrative contact resides in the country or territory associated with the ccTLD. This establishes a clear intention from RFC1591 that there be local (in the country or territory associated with the ccTLD) presence.

4.19.2. Agreed

4.20. Section 4.2.5.1.1 (numbering error, essentially same)

4.20.1. Proposed text:

4.2.5.1.1 The FOIWG recognizes that there may be extenuating circumstances where it is impractical or even impossible for the administrative contact to reside in the country or territory. ccTLDs that represent territories without permanent population will, by definition, not be able to meet the requirement. In other cases, a manager may have a contract that eliminates this requirement..

4.20.2. Discussion around the use of the term “contract” in the last sentence. Agreement to strike the last sentence.

4.20.3. Agreed striking the last sentence.

4.21. Section 4.2.5.1.2 (numbering error, significant edits)

4.21.1. Proposed text:

4.2.5.1.2 *The requirement for an in-country Administrative contact did not appear before 1994 when it was first introduced by RFC 1591. Therefore this requirement may not be expected of (country-code) Top Level Domains established or last re-delegated before the publication of that RFC.*

4.21.2. Agreed.

4.22. Section 4.2.6 (quote - agreed)

4.23. Section 4.2.6.1 (essentially identical)

4.23.1. Proposed text:

4.2.6.1 *As noted in the FOIWG Report on Consent: "In RFC1591, the term "trustee" is used to describe the manager's duty to serve the community, and not to describe the specific legal relationship of the manager to the delegated domain." Rather, the FOIWG interprets this to require the manager to (i) "provide mechanisms to allow for registrants and significantly interested parties to provide input regarding operational policy to the manager" and (ii) preserving the security and stability of the ccTLD and working with the IANA Operator to preserve the stability and security of the global DNS/Internet..*

4.23.2. Agreed.

4.24. End of discussions

4.24.1. NR loss connectivity to the Adobe Room

4.24.2. General agreement to stop reviewing the document at this point.

4.24.3. General agreement that a document integrating the revisions proposed by BB in her second document as well as the progress made at this meeting be posted to the list by Friday of this week with comments and contributions due by Wednesday 18 September 21:00 UTC.

5. **Other Business - none**

6. **Conclusion of the meeting**

7. **Next meetings**

7.1. 26 September – 26 13:00UTC

7.2. 10 October – 20:00UTC

7.3. 24 October – 04:00 UTC (during IGF so may be cancelled if not essential)

7.4. 7 November – 12:00UTC

7.5. 21 November – ICANN Buenos Aires 09:00 to Noon local

