

### PDP Activity Procedures for Changes in the Operation of Registries Constituency Comments 13 January 2004

#### ***Introduction***

One of the central commitments of the ISPCP constituency is to help ensure the stability, reliability and consistency of services in the Internet. ISP customers demand that naming and numbering services in the Internet be consistent and reliable. A common theme of our work in this area is the “principle of least astonishment.” As new services appear in the Internet they should only do so in ways that leave existing services unchanged or improved.

Recently, this fundamental principle was violated by the introduction of “services” that fundamentally altered the behavior of key Internet applications. This was done without notice to users, ISPs or application developers. The result was contrary to our goal of a stable, reliable and consistent Internet.

Many in the Internet community have joined together to demand a well-articulated, well-defined process for the consideration, testing and implementation of new changes to the fundamental architecture of the Internet. Specifically, the ISPCP Constituency welcomes the call for consideration of a deterministic, well-defined process for changes in the names space.

#### ***Can ICANN Make Policy in This Area?***

The ISPCP constituency believes that it is essential for ICANN to develop policies that govern the introduction of new “services” in the Internet’s names space. The constituency believes that policies relating to the stable operation of the Internet’s name space form an essential part of the organization’s mission.

Recent events have clearly shown that solely relying on negotiation and implementation of contracts with key operators of names related services in the Internet to achieve this goal, is insufficient and cannot guarantee success. ICANN must remain a consultative international body that builds policy through bottom-up consensus. It implements that consensus through its contracts and external operational policy. As circumstances change, that same consultative, consensus oriented approach must be followed to address new “services” or situations.

It is essential to understand that registries are only the providers of the service, they are not the essential consumers of the service. The broader ICANN community represents the parties most affected by gTLD policies and services.

It is clear then that it is not merely *possible* for ICANN to make policies regarding new gTLD “services.” In fact, it is *essential*.

### ***Recommendation: Registries should not work in Isolation***

Under no circumstances should a registry be allowed to determine – on their own – whether a new “service” is compliant with existing contracts or policies, or determine if a new “service” will have any impact on the stability and reliability of the Internet.

### ***Recommendations: Transparent Consideration***

Any process regarding new services must provide an effective means for notifying those impacted. Those suggesting fundamental changes to the architecture or behavior of the Internet must give prior, effective, disclosure and allow examination by the responsible technical bodies. Proposed “services” must be vetted for their administrative, architectural and stability impacts, with applicants for change bound by those results.

### ***Recommendation: Quick Look***

The ISPCP believes that the “Quick Look” provision of the Staff Manager’s report currently raises a number of concerns. In particular, the ISPCP would like to make the following suggestions:

- The “Quick Look” process needs to be explicitly spelled-out so that all parties have a common understanding of exactly what ‘Quick Look’ means.
- Any “Quick Look” process should give a full explanation of what role the gNSO plays in the “Quick Look” activity.
- The “Quick Look” process should have agreed and effective reporting mechanisms in the interest of transparency.
- In the event that the “Quick Look” process fails to accurately assess the impacts of a new service on the Internet, there must be an effective form of recourse for ICANN and the community.
- Some metric needs to be established that effectively and deterministically decides if a service proposal is eligible for the “Quick Look” procedure. This metric should be based on full community consultation.

As a constituency, we currently remained concerned about the “Quick Look” provisions unless these issues are covered.

### ***Recommendation: Recourse and Determinism***

Any decision made by the community as a whole must have a process for appeals. If a registry feels that a “service” has received an unfair hearing in the community and will have no impact on the stability and reliability of the Internet, there must be a mechanism to appeal those circumstances.

A registry should be able to count on an assessment of a proposed service in a delimited time with a specific, well-understood process (neither open-ended nor open for modification while under consideration).

### ***Recommendation: Terms of Reference***

The ISPCP understands that another constituency has proposed modifications to the Terms of Reference provided in December 2003.

At the current time, the ISPCP makes no comment on moving items from the “Out of Scope” list to the “In Scope” list. The ISPCP Constituency reserves the opportunity to comment on the Terms of Reference as the PDP is pursued further.

### ***Conclusion***

These comments currently represent the views of the ISPCP and are offered as an input into to on-going discussions. The editor of the comments draft is the ISPCP Constituency Secretariat, Mark McFadden [ [ispcp-activity@21st-century-texts.com](mailto:ispcp-activity@21st-century-texts.com) ]