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7 February 2003

Nancy J. Victory
Assistant Secretary for Communications and Information
United States Department of Commerce
National Telecommunications and Information Administration
Room 4898, 1401 Constitution Avenue, NW
Washington DC 20230
USA

Dear Mrs Victory

On behalf on Nominet UK, the non-for-profit company established in 1996 specifically to manage the .uk Internet Top Level Domain, I would like to thank you for your recent initiative to renew the IANA contract. I refer to the Department of Commerce document reference: NTIA909-3-0050CH (<http://www2.eps.gov/spg/DOC/NOAA/AGAMD/Reference-Number-NTIA909-3-0050CH/SynopsisP.html>)

While Nominet fully supports your goal to ensure the stability and future expansion of the Internet, I regret to say that I have some concerns with respect to your Department's proposal to extend the IANA contract with ICANN for a period of over 3 years. As I have already indicated to you in previous discussions, I do not believe that ICANN is the only body capable of carrying out the IANA function. Particularly in view of ICANN's track record of not clearly separating its policy consensus-making role from its operational role, I believe that some consideration should have been given to consulting more widely with the affected community of Top Level Domain managers on the important requirements of the function before entering into a 3 year, sole-tender contract. Indeed, in the spirit of the internationalisation of the technical co-ordination of the Internet espoused in the Green and White papers, I have also indicated, with the support of some of my other ccTLD colleagues, the possibility to distribute regionally the management of the database of Top Level Domain managers which is used to produce the data for the "A"-root and subsequently all Internet root servers.

Nominet is concerned that such a short period has been given to allow alternative solutions to be elaborated, publicized and industry support sought so that they could be evaluated in comparison to the proposals from ICANN. Indeed, it is unclear to us what specific proposals are being made by ICANN for delivery of the required services under the contract. These have not been clearly documented to date. We suggest that it would have been more appropriate to have a fully considered call for tenders, with clear criteria for the evaluation of bids announced in advance, and a reasonable amount of time for both ICANN and other bidders to prepare responses. A separate not-for-profit organization or a distributed organizational structure just might prove to have a more widespread support than renewing with the current manager.

Please note that Nominet is not suggesting that ICANN could never perform the IANA function acceptably. We have attempted to persuade the management of ICANN to adopt a more lightweight approach, to concentrate their policy discussions on persuasive rather than binding agreements, to separate the funding aspects of policy-making and operations and only to do those minimum functions necessary to give a business efficacy to their technical co-ordination role. Regrettably, ICANN does not appear to have listened to our concerns, which are shared by many other key providers worldwide.

Whatever the body may be to which you award this IANA contract, we would urge you to ensure that the following requirements are fulfilled and that performance against these is adequately and independently monitored.

Firstly, the management of the IANA database must not seek to override the wishes and policies developed in countries outside of the USA. Many ccTLDs have well-established Local Internet Communities, including governments, where policies, rules and regulations are agreed and overseen. Some countries do not have the same commercial or democratic models of government as the UK or USA. They should be permitted to operate their Top Level Domains within their own political frameworks. The IANA role is to ensure that secure and authenticated instructions can be given by the appointed ccTLD manager, which, when authenticated, should not be held up or questioned.

Secondly, the funding of the IANA function must be clearly separated from the funding of any associated policy-making role or any oversight role of gTLD registries and registrars. If the organization carrying out the IANA function carries out other functions these, together with organization-wide overheads, must be clearly split out in their budgets and accounts.

Thirdly, the IANA function should be funded and overseen by the Top Level Domain managers themselves. Budgets must be prepared which are acceptable to those paying the funds and, within the contexts of the relative GDPs of ccTLDs' host countries, the payments should be equally spread, since all are receiving the same service.

Fourthly, the IANA function should be carried out in a not-for-profit regime.

Together with over 30 other ccTLDs, Nominet participates in the discussions of CENTR (<http://www.centri.org>) and fully supports the CENTR submissions on requirements for the IANA function, irrespective of who actually carries it out. (CENTR will forward its document to you separately).

Nominet UK appreciates your time in considering this submission,

Yours sincerely

Dr W Black
Executive Chairman
for and on behalf of Nominet UK

cc: US Senator Conrad Burns, Chair Senate Communications Subcommittee
Mr Bernd Langeheine Director, Communication Services Policy and Regulatory
Framework Directorate, EC Information Society DG
Mr Martin Boyle, DTI, UK
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