

ICANN-CCNSO-DRDWG

Report on the Retirement of ccTLDs

March 7, 2011

DRDWG Final Report on the re-delegation of ccTLDs (DRAFT)

Introduction

This report is divided into four major sections as follows:

- Section 1 – Processes, procedures and practices - is itself broken down into two sections:

- Section 1.1 - Current processes, procedures and practices

Lists all relevant documentation for current processes, procedures and practices relating to the delegation of ccTLDs.

- Section 1.2 - Inferred processes, procedures or practices

Lists all relevant documented ICANN Board decisions and IANA recommendations which can be interpreted as de-facto processes, procedures and practices.

- Section 2 – Analysis

Analysis each element presented in sections 1.1 and 1.2 to identify any issues relating to the delegation of ccTLDs.

- Section 3 – Issues

Synthesis of the issues identified in section 2.

- Section 4 – Recommendations

Recommendations to address the issues listed in section 3.

DRDWG Report on the Retirement of ccTLDs

1. Current processes, procedures or practices

1.1. Current processes, procedures or practices in use by ICANN and IANA that are documented.

1.1.1. RFC 1591

Does not mention the retirement of ccTLDs or gTLDs. However it should be noted that according to IANA's interpretation of these documents that a ccTLD that is no longer on the active list of ISO3166-1 should be retired.

1.1.2. News Memo #1 (addendum to RFC 1591)

Does not mention the retirement of ccTLDs.

1.1.3. ICP1

Does not mention the retirement of ccTLDs. However it should be noted that according to IANA's interpretation of these documents that a ccTLD that is no longer on the active list of ISO3166-1 should be retired.

1.1.4. GAC Principles 2005

Does not mention the retirement of ccTLDs.

1.2. Inferred processes, procedures or practices

Current processes, procedures or practices can be inferred from ICANN decisions regarding the delegation of ccTLDs over the years:

1.2.1. .TL delegation January 2005

1.2.1.1. Board Minutes

Document source: <http://www.icann.org/en/minutes/minutes-24jan05.htm>

“Delegation of .TL (Timor-Leste)

Anne-Rachel Inni introduced the topic for discussion. Doug Barton and Paul Twomey provided additional information. Following additional discussion, Alejandro Pisanty moved for a vote on the following resolution, which was seconded by Hagen Hultzsich and Vanda Scartezini:

Whereas, country-code top-level domains in the Internet domain-name system are designated by two-letter codes ("alpha-2 codes") shown on the ISO 3166-1 list maintained by the ISO 3166 Maintenance Agency (ISO 3166/MA).

Whereas, the alpha-2 code " TL" was assigned to the ISO 3166-1 list in May 2002 for the Democratic Republic of East Timor. In November of 2002, the name of the country was also changed on the ISO list to Democratic Republic of Timor-Leste.

Whereas, the Government of the DR Timor-Leste endorsed the Department of Information Technology (DoIT) at the Ministry of Transport, Communication and Public Works as the appropriate entity to both hold the delegation of administrative authority for the .TL ccTLD and to manage the process of migration from the legacy .TP ccTLD.

Whereas, the DoIT sent ICANN a request to delegate the TLD to them on August 2004.

Whereas, the DoIT has sent all paperwork and formal endorsement from the Government and is now technically ready to operate the TLD.

Resolved (05.02) that the proposed delegation of the .TL country code top level domain to assigned according to ISO 3166 for Timor-Leste, to the Department of Information Technology at the Ministry of Transport, Communications and Public Works in the DR Timor-Leste is approved.

This resolution was unanimously approved by the Board, 12-0. Njeri Rionge was not present for the vote.”

1.2.2. January 16th, 2007 – .UM Undelegation

1.2.2.1. Board decision

Document source: <http://www.icann.org/en/minutes/minutes-17jan07.htm>

“Whereas, the .UM top-level domain was originally delegated in December 1997 <<http://www.iana.org/root-whois/um.htm>>.

Whereas, the currently assigned operator is the University of Southern California's Information Sciences Institute.

Whereas, the .UM domain is not in active use, and the current operator no longer wishes to operate it.

Whereas, ICANN has reviewed the request, and has determined that the returning the domain to unassigned status is the appropriate action to reflect its status.

Recognizing, this would not prohibit future delegation of the domain to another party that meets the regular ccTLD delegation criteria.

Resolved (07.04), that the delegation of .UM be removed from the DNS root, and that it be returned to unassigned status.

The Board approved the resolution by roll call vote 12-0. In addition to the Board Members not present for the call, Steve Goldstein was not available to vote.”

1.2.3. September 11th, 2007 – .YU Retirement

1.2.3.1. Board decision

Document source: <http://www.icann.org/en/minutes/minutes-11sep07.htm>

“Redelegation of .YU

Whereas, the .YU top-level domain is currently used by the citizens of both Serbia and Montenegro,

Whereas, ICANN has delegated the .RS domain for use in Serbia, and the .ME domain for use in Montenegro,

Whereas, the ISO 3166-1 standard has removed the “YU” code, and the ISO 3166 Maintenance Agency recommends its use be discontinued,

Whereas, ICANN is not responsible for deciding what is or is not a country, and adheres to the ISO 3166-1 standard for guidance on when to add, modify and remove country-code top-level domains,

Whereas, there is a transition plan to move registrations in .YU to the new domains .RS and .ME, with the operator of .RS acting as the temporary caretaker of .YU until the transition is complete,

Resolved (07.77), that the .YU domain be redelegated to the Serbian National Registry of Internet Domain Names in a temporary caretaker capacity.

Resolved (07.78), that the Serbian National Registry of Internet Domain Names be instructed to report their progress on decommissioning the .YU domain every six months to ICANN against a relevant set of metrics.

Resolved (07.79), that the Serbian National Registry of Internet Domain Names, and the Government of Montenegro, work to complete the transition from the .YU domain to the .RS and .ME domains, so that it may be removed from the DNS root zone no later than 30 September 2009.

A voice vote was taken of all Board Members present and all three motions were approved by a vote of all members present 13-0, with one abstention from Peter Dengate Thrush.

Peter Dengate Thrush explained that his reservation was associated with his belief that such policy decisions concerning delegation should rest with the ccNSO as specifically provided under the bylaws. He noted that he has raised this issue on a number of occasions suggesting that this matter should be referred to the ccNSO but to no avail.

The Chair noted that these practices have been in existence prior to the formation of the ccNSO, and that if policy is required in this area that the ccNSO work on a policy proposal, that might be properly considered.”

- 1.2.3.2. September 2009 ICANN Board decision to extend the date for the retirement of the .YU ccTLD.

<http://www.icann.org/en/minutes/prelim-report-30sep09.htm>

“3. Status Update on .YU (Yugoslavia) domain

The Board received an update from Staff on the status of the decommissioning of the .YU top-level domain, the timeframe required for completion, and discussed potential ideas to provide structure to decommission needs in the future.

The Board then took the following action:

Whereas, the .YU top-level domain is being decommissioned after being superseded by the .RS and .ME domains for Serbia and Montenegro respectively,

Whereas, the Board resolved during its 11 September 2007 meeting that the .YU domain be decommissioned by 30 September 2009,

Whereas, the .YU domain's caretaker RNIDS has sought an extension of the deadline in order to better finalise the transition away from the .YU domain,

Resolved (2009.09.30.15), that the deadline for .YU domain decommissioning be extended to 30 March 2010,

Furthermore, whereas RNIDS has asked ICANN for better guidance for the future on how the process of retiring country-code top-level domains should be conducted, in the form of clear and transparent rules,

Whereas, the Board is aware that the ccNSO Council has established a working group to advise on whether to launch a policy development process to review the current policy on delegation, redelegation and retirement of country-code top-level domains,

Resolved (2009.09.30.16), that the ccNSO is asked to consider the RNIDS request on better supporting the process of retiring country-code top-level domains, and report back to the Board its findings.

All Board members present unanimously approved of these resolutions.”

2. Analysis

2.1. Current processes, procedures or practices in use by ICANN and IANA that are documented:

2.1.1. There are no documented processes, procedures or practices which apply to the retirement of a ccTLD.

2.2. Inferred processes, procedures or practices:

2.2.1. .TL Delegation January 2005

2.2.1.1. The decision by the Board established that the manager of the ccTLD is responsible for decommissioning the ccTLD that is no longer on the ISO3166-1 active list.

2.2.2. .UM un-delegation January 2007

2.2.2.1. The Board voted to remove from the root a ccTLD that is delegated and on the ISO3166 list and place it in un-assigned status for which there is no policy or process. The mitigating factors were that there were no registrations in the ccTLD and that the operator did not wish to continue operating it.

2.2.2.2. The DRD WG analysis of this Board Decision concluded that “This policy decision failed to meet all of the requirements for policy development in effect at the time. This supports the DRDWG classifying this as “Significantly Interesting” in its report titled “DETAILED ANALYSIS AND CLASSIFICATION OF POTENTIAL ISSUES”.

2.2.2.3. The decision of the Board on a purely practical level, given the facts of the situation, is understandable. It is however questionable if there was a requirement to act in such an urgent fashion or if the practicality of the situation superseded the Board’s obligations to the By-laws and the ccNSO.

2.2.2.4.

2.2.3. Based on the .YU retirement decision of September 11 2007

2.2.3.1. In the context of a country splitting up (which could also apply to a country being renamed) where the ccTLD is active and has registrations but the ISO3166-1 code is no longer valid and is being replaced by one or more new entries, ICANN may request that the original code be terminated within two years and that the operator provide progress reports to ICANN regarding the progress of decommissioning the registry.

2.2.3.2. The DRD WG analysis of this Board Decision concluded that “This policy decision failed to meet all of the requirements for policy development in effect at the time. This supports the DRDWG classifying this as “Significantly Interesting” in its report titled “DETAILED ANALYSIS AND CLASSIFICATION OF POTENTIAL ISSUES”.

3. Issues

3.1. No policy

There is no policy regarding the retirement of ccTLDs and the three practices seem insufficient to properly frame such a critical activity.

3.2. No consistency

There is significant divergence between the approach to the Retirement of .TP and .YU (2.1.2.1 and 2.1.2.3).

3.3. Failure to follow By-laws

In reading the Board transcript relating to the 2007 .YU decision Peter Dengate Thrush (ICANN Director selected by the CCNSO) noted: *“Peter Dengate Thrush explained that his reservation was associated with his belief that such policy decisions concerning delegation should rest with the ccNSO as specifically provided under the bylaws. He noted that he has raised this issue on a number of occasions suggesting that this matter should be referred to the ccNSO but to no avail.”* To which the Chair replied *“The Chair noted that these practices have been in existence prior to the formation of the ccNSO, and that if policy is required in this area that the ccNSO work on a policy proposal, that might be properly considered.”*

3.4. No clear rules

The September 2009 Board minutes relating to extending the period for retiring the .YU ccTLD contain some relevant text *“Furthermore, whereas RNIDS has asked ICANN for better guidance for the future on how the process of retiring country-code top-level domains should be conducted, in the form of clear and transparent rules”*.

4. Recommendations

Given:

- The removal of a ccTLD from the root is considered one of the most critical recommendations ICANN can make.
- ICANN is a policy based organization
- There is no policy on the retirement of ccTLDs
- The CCNSO is responsible for the development of all policies for ccTLDs.
- There is no public documentation in use by ICANN or IANA on the retirement of ccTLDs
- The application of the current practices is either significantly divergent or uneven.
- The minutes of the September 2007 ICANN meeting of the Board dealing with the .YU Retirement include the following text:

- *Peter Dengate Thrush explained that his reservation was associated with his belief that such policy decisions concerning delegation should rest with the ccNSO as specifically provided under the bylaws. He noted that he has raised this issue on a number of occasions suggesting that this matter should be referred to the ccNSO but to no avail.*
- *The Chair noted that these practices have been in existence prior to the formation of the ccNSO, and that if policy is required in this area that the ccNSO work on a policy proposal, that might be properly considered.”*

- The September 2009 request by RNIDS (then manager of .YU) to the ICANN Board includes the following text:

Furthermore, whereas RNIDS has asked ICANN for better guidance for the future on how the process of retiring country-code top-level domains should be conducted, in the form of clear and transparent rules.

- The minutes of the September 2009 ICANN meeting of the Board dealing with the .YU Retirement include the following text:

Whereas, the Board is aware that the ccNSO Council has established a working group to advise on whether to launch a policy development process to review the current policy on delegation, redelegation and retirement of country-code top-level domains,

Resolved (2009.09.30.16), that the ccNSO is asked to consider the RNIDS request on better supporting the process of retiring country-code top-level domains, and report back to the Board its findings.

The DRD WG recommends to the CCNSO that it undertake a PDP on the Retirement of ccTLDs.

Note: Annex C contains information on ISO practices for the deletion of codes from ISO 3166. These should be of interest to the community.

Annex A - .um un-delegation

ICANN Board Minutes 20070116 (January 16th 2007, .UM)

Resolved (07.04), that the delegation of .UM be removed from the DNS root, and that it be returned to unassigned status.

Note: This was the first removal from the root for an ISO3166-1 code that did not change status.

1. Change of policy or application of policy?

1.1. Applicable Policies and Facts

- 1.1.1. .UM code did not change status in ISO3166-1 at the time of this decision.
- 1.1.2. RFC1591 does not have any mention of removing a ccTLD from the root.
- 1.1.3. ICP1 does not have any mention of removing a ccTLD from the root.
- 1.1.4. The GAC Principles (2005) does not have any mention of removing a ccTLD from the root.
- 1.1.5. There are no other documented policy decisions by the Board with regard to removing ccTLDs from the root prior to this point in time.

1.2. Evaluation:

- 1.2.1. This is an explicit decision by the Board concerning the un-delegation of a single ccTLD.
- 1.2.2. The core element of this decision is not covered by an existing policy.
- 1.2.3. The decision will generate noticeable changes.

- 1.2.3.1. The removal of a ccTLD from the root is one of the most critical operations with regard to ccTLDs. Adding a new policy for doing so should be considered critical.

- 1.2.4. This decision applies to a single ccTLD but is clearly precedent setting.

1.3. Conclusion

- 1.3.1. This decision meets the first three criteria of the decision tree and supports the DRDWG classifying this decision as a change in policy that is applicable to the delegation, re-delegation or retirement-revocation of ccTLDs.

2. Did this meet the requirements for policy development?

- 2.1. The date of this decision, January 16th 2007, makes it subject to all the current requirements for policy development:

2.1.1. Notice:

- 2.1.1.1. (i) provide public notice on the Web Site explaining what policies are being considered for adoption and why;
- 2.1.1.2. (ii) provide a reasonable opportunity for parties to comment on the adoption of the proposed policies, to see the comments of others, and to reply to those comments; and
- 2.1.1.3. (iii) hold a public forum at which the proposed policy would be discussed.

2.1.2. Core Values

- 2.1.2.1. 4. Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.
- 2.1.2.2. 7. Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.
- 2.1.2.3. 9. Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected.

2.1.3. ccNSO rules for developing policies for ccTLDs

- 2.1.3.1. Annex B and C clearly define that in most cases policy affecting ccTLDs can only be developed by the ccNSO via the PDP.

2.2. Evaluation:

- 2.2.1. There is no record of a ccNSO PDP on this subject or any communication between the ccNSO and the Board on this matter.
- 2.2.2. There is no record of any type of public consultation on this policy or any seeking of broad informed participation.
- 2.2.3. There is no record that there was a public forum to allow for discussion of this topic.
- 2.2.4. There is no public record of a policy development process although a policy was defined by setting a precedent.
- 2.2.5. There is no record informed input was sought or received from those entities most concerned – the ccTLDs.

2.3. Conclusion

- 2.3.1. This policy decision failed to meet all of the requirements for policy development in effect at the time. This supports the DRDWG classifying this as Significantly Interesting.

ICANN Board Minutes 20070116

Document source: <http://www.icann.org/en/minutes/minutes-17jan07.htm>

Revocation of .UM [United States Minor Outlying Islands]

The Chair asked Kim Davies to provide background information on this item. Kim advised that in 1997, management of .UM was delegated to the University of Southern California's Information Sciences Institute. At that time it also operated the IANA function, and the registry was run by ISI staff. However, when ICANN assumed operation of the IANA function, and the .US registry was spun out of ISI, the .UM registry remained at ISI.

He reported that the .UM registry had no usage, and for much of 2006 was a "lame delegation" in the root zone. In October 2006, ISI formally communicated to ICANN that it no longer wished to operate the zone, that it was empty, and that the delegation should be removed. ICANN's view is that this would be an appropriate action, and would not prevent a suitably qualified operator from running .UM in the future if they met all the normal criteria for delegation of a ccTLD.

The Chair said there might be side effects if people are using software that tests for the existence of valid country-code domains. He added that as long as there was widespread notice of the re-delegation, then this should not be an issue.

Paul Twomey pointed out that this would be the first country-code domain to be removed from the root that wasn't the result of ISO 3166 changes caused by a country changing its name or dissolving (such as Zaire and Czechoslovakia). Kim Davies clarified that this would bring the list of undelegated country-codes to five, the others being Montenegro (ME), North Korea (KP), Serbia (RS), and Western Sahara (EH).

Steve Crocker asked whether there were particular difficulties with reinstating the name, should it be necessary or desirable. David Conrad advised that there were no more difficulties with resurrecting this domain than in other ccTLD delegations.

Paul Twomey pointed out that ICANN already had a consultation process on the revocation of TLDs, however it was clarified that this is a separate matter only involving countries that no longer existed. In this case, UM is still recognized as an official code by the ISO 3166-1 standard.

Following this discussion Susan Crawford moved and Rita Rodin seconded a request for a vote on the following resolution:

Whereas, the .UM top-level domain was originally delegated in December 1997 <<http://www.iana.org/root-whois/um.htm>>.

Whereas, the currently assigned operator is the University of Southern California's Information Sciences Institute.

Whereas, the .UM domain is not in active use, and the current operator no longer wishes to operate it.

Whereas, ICANN has reviewed the request, and has determined that the returning the domain to unassigned status is the appropriate action to reflect its status.

Recognizing, this would not prohibit future delegation of the domain to another party that meets the regular ccTLD delegation criteria.

Resolved (07.04), that the delegation of .UM be removed from the DNS root, and that it be returned to unassigned status.

The Board approved the resolution by roll call vote 12-0. In addition to the Board Members not present for the call, Steve Goldstein was not available to vote.

IANA Report on the Revocation of the .UM Top-Level Domain

Source : www.iana.org/reports/2007/um-report-10jan2007.html

Background

The Internet Assigned Numbers Authority (IANA) function of ICANN, as part of the administrative tasks associated with management of the Domain Name System root zone, is responsible for receiving requests for the delegation and redelegation of top-level domains, investigating and reporting on the circumstances pertinent to those requests, and, when appropriate, implementing the redelegations.

.UM is the ccTLD designation for the United States Minor Outlying Islands. These islands consist of the Pacific islands of Baker Island, Howland Island, Jarvis Island, Johnson Atoll, Kinman Reef, Midway Island, Palmyra Atoll and Wake Island; and the Caribbean island of Navassa Island. Most of these islands are uninhabited, but some have military and civilian residents.

In December 1997 .UM was delegated to USC/ISI with the USDR (United States Domain Registrar) as the designated Administrative and Technical contact. USDR was operated by USC/ISI.

In November 2000, the name of the sponsoring organization was changed to United States Minor Outlying Islands Registry, with the Admin and Tech contact changed to reflect the same name.

Throughout 2006, the .UM zone was a lame delegation¹. IANA received a number of enquiries regarding this, and IANA approached ISI to determine the status of the registry. USC/ISI responded in October 2006, declaring that they are no longer interested in managing the .UM domain, and asking for the delegation to be removed.

There appear to have been no registrations in .UM historically, and there are no current delegations in the zone. The currently designated name servers appear to have been repaired in December 2006 so they are no longer lame.

Under these circumstances, IANA recommends that the .UM delegation be removed and that .UM be returned to the pool of unallocated ccTLDs.

Evaluation and Recommendation

As this involves revoking a delegation, and there are no affected parties, there is little to consider. The removal has the consent of the current operator. The removal would not

preclude any future operation of the domain that meets the standard ccTLD delegation criteria.

IANA recommends that .UM be returned to unallocated status, and removed from the DNS root zone.

Postscript: Board Resolution and Implementation

On 16 January 2007 the Board of ICANN passed the following resolution:

Whereas, the .UM top-level domain was originally delegated in December 1997.

Whereas, the currently assigned operator is the University of Southern California's Information Sciences Institute.

Whereas, the .UM domain is not in active use, and the current operator no longer wishes to operate it.

Whereas, ICANN has reviewed the request, and has determined that the returning the domain to unassigned status is the appropriate action to reflect its status.

Recognizing, this would not prohibit future delegation of the domain to another party that meets the regular ccTLD delegation criteria.

Resolved (07.04), that the delegation of .UM be removed from the DNS root, and that it be returned to unassigned status.

On 12 March 2008, IANA received a letter from the United States Department of Commerce, National Telecommunications and Information Administration, noting that the .UM domain is associated with a group of islands under the jurisdiction of the United States, and thus, any decision regarding the domain must have the approval of the U.S. Government. The letter expressed that the U.S. Government had no objection to USC/ISI's request to no longer operate the .UM domain. In addition, the letter supported the ICANN Board's recommendation that the .UM domain be placed in an unassigned status. The letter also noted that ICANN should take no action with respect to future delegation of the .UM domain without consultation with and prior approval of the U.S. Government.

Annex B - .yu retirement

+ICANN Board Minutes 20070911 (September 11th, 2007, .ME, .RS, .YU)

Resolved (07.78), that the Serbian National Registry of Internet Domain Names be instructed to report their progress on decommissioning the .YU domain every six months to ICANN against a relevant set of metrics.

Resolved (07.79), that the Serbian National Registry of Internet Domain Names, and the Government of Montenegro, work to complete the transition from the .YU domain to the .RS and .ME domains, so that it may be removed from the DNS root zone no later than 30 September 2009.

1. Change of policy or application of policy?

1.1. Existing policies and facts

- 1.1.1. The .YU code was removed from ISO 3166-1 at the time of the decision.
- 1.1.2. RFC1591 does not have any mention of removing a ccTLD from the root.
- 1.1.3. ICP1 does not have any mention of removing a ccTLD from the root.
- 1.1.4. The GAC Principles (2005) does not have any mention of removing a ccTLD from the root.
- 1.1.5. There are no other documented policy decisions by the Board with regard to removing ccTLDs from the root because their ISO 3166-1 code was no longer active:

- 1.1.5.1. The .ZR decision from June 20th, 2001 was not the subject of an ICANN Board decision and was deleted at the request of the delegee when it was ready. The IANA Report for this action contains the following text which may be relevant:

- 1.1.5.1.1. When an alpha-2 code for a country is changed on the ISO 3166-1 list, the IANA's historical practice has been to set up a top-level domain with the new code and to delegate it to the same manager as the existing top-level domain, with the expectation that a transition will occur and that the deprecated top-level domain will be deleted once the migration is completed.

- 1.1.5.2. The .UM decision of January 16th 2007 involved a ccTLD that was still on the ISO 3166-1 list and should be considered as an unrelated situation.

1.2. Evaluation:

- 1.2.1. This is an explicit decision by the Board concerning the retirement of a single ccTLD .

1.2.2. The core elements of this decision are not covered by an existing policy.

1.2.3. The decision will generate noticeable changes

1.2.3.1. The removal of a ccTLD from the root is one of the most critical operations with regard to ccTLDs. Adding a new policy for doing so should be considered critical.

1.2.4. This decision applies to a single ccTLD but is clearly precedent setting.

1.2.5. The IANA historical practice did not mention any timing or reporting requirements for the retirement of such ccTLDs.

1.3. Conclusion

1.3.1. This explicit decision by the Board meets the four criteria from the decision tree and supports the DRDWG classifying this decision as a change in policy that is applicable to the delegation, re-delegation or retirement-revocation of ccTLDs.

2. Did this meet the requirements for policy development?

2.1. The date of this decision, September 11th 2007, makes it subject to all the current requirements for policy development:

2.1.1. Notice:

2.1.1.1. (i) provide public notice on the Web Site explaining what policies are being considered for adoption and why;

2.1.1.2. (ii) provide a reasonable opportunity for parties to comment on the adoption of the proposed policies, to see the comments of others, and to reply to those comments; and

2.1.1.3. (iii) hold a public forum at which the proposed policy would be discussed.

2.1.2. Core Values

2.1.2.1. 4. Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.

2.1.2.2. 7. Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.

2.1.2.3. 9. Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected.

2.1.3. ccNSO rules for developing policies for ccTLDs

- 2.1.3.1. Annex B and C clearly define that in most cases policy affecting ccTLDs can only be developed by the ccNSO via the PDP.

2.2. Evaluation:

- 2.2.1. There is no record of a ccNSO PDP on this subject or any communication between the ccNSO and the Board on this matter.
- 2.2.2. There is no record of any type of public consultation on this policy by precedent or any seeking of broad informed participation.
- 2.2.3. There is no record that there was a public forum to allow for discussion of this topic.
- 2.2.4. There is no public record of a policy development process although a policy was defined by setting a precedent.
- 2.2.5. There is no record informed input was sought or received from those entities most concerned – the ccTLDs.

2.3. Conclusion

- 2.3.1. This policy decision failed to meet all of the requirements for policy development in effect at the time. This supports the DRDWG classifying this as Significantly Interesting.

3. Supporting material:

3.1. Board minutes regarding this decision

3.1.1. Of interest in the Board minutes is:

- 3.1.1.1. Peter Dengate Thrush explained that his reservation was associated with his belief that such policy decisions concerning delegation should rest with the ccNSO as specifically provided under the bylaws. He noted that he has raised this issue on a number of occasions suggesting that this matter should be referred to the ccNSO but to no avail. (and the reply from the Chair to this)
 - 3.1.1.2. The Chair noted that these practices have been in existence prior to the formation of the ccNSO, and that if policy is required in this area that the ccNSO work on a policy proposal, that might be properly considered.
- 3.1.2. This last statement by the Chair seems to be at odds with the Bylaws of the corporation and is of significant interest to the DRDWG.

ICANN Board Minutes 20070911

Document source: <http://www.icann.org/en/minutes/minutes-11sep07.htm>

Delegation of the .ME (Montenegro) Domain

Delegation of the .RS (Serbia) Domain

Redelegation of the .YU (former Yugoslavia) Domain

Kim Davies advised that the delegation of .ME (Montenegro) and .RS (Serbia) and the redelegation of .YU (Yugoslavia) were interrelated. At the time that Serbia and Montenegro became new countries, the ISO 3166-1 list was altered to give the two countries individual codes .RS and .ME respectively. To date, the countries covered have been using the .YU domain. The YU code is no longer in the ISO 3166-1 list and has been replaced with .ME and .RS and as such should be decommissioned in a responsible way. The transition plan from .YU to .RS and .ME involves an MOU between the two entities and would see that .YU is assigned to the proposed .RS sponsoring organization, which is effectively the same operator as today. They would act as caretaker for .YU for two years to allow for a stable transition. ICANN's proposed resolution language is consistent with this plan however a three-year transition period is proposed to allow for contingencies. The proposed resolutions support the two new delegations and acknowledge the two parties involved in de-commissioning of the .YU domain, and state it is to be retired in three years time.

In addition to explaining the ICANN evaluation of the delegation applications, the board was also advised of last-minute correspondence IANA had received in relation to the delegation of the .ME domain.

Steve Goldstein asked if there is any provision in the agreement to restrict new registrations in .YU. Kim Davies advised that he would have to check to be certain, but as soon as new registrations are allowed in .RS and .ME it was his understanding that it would not be possible to register new domains in .YU.

Steve Goldstein asked why the preference for a three-year transition rather than two. Kim Davies advised they didn't want to propose something that was too aggressive. The applicants had proposed a two-year transition period, but the Board could consider a different length.

The Chair proposed that the language in the resolution could be changed to be up to and no more than three years.

Steve Crocker acknowledged that some transitions have taken a long time. An additional suggestion would be to ask for regular reports with metrics measuring progress towards the outcome.

Kim Davies noted that the resolution proposed does suggest that the .YU registry report every 6 months to ICANN Staff on progress. The proposed resolution also makes it clear

the domain must be removed no later than 2010, which was considered a responsible timeframe that was neither too aggressive, nor unnecessarily prolonged. If the community felt it could transition quicker there is nothing to stop that from happening.

Paul Twomey suggested that the wording be slightly amended asking that they report progress against appropriate metrics.

There were no objections to the suggested amendments.

Dave Wodelet asked if it mattered if they take till 2008, 2009 or even 2010 and the Chair responded that we do want a certain end date.

Kim Davies advised that there is no strong precedent for how long transition will take from one to the other. There have only been a small number of transitions of country codes in the history of ccTLDs. In trying to determine what they considered a reasonable timeframe for transition the closest comparable situation that IANA was aware of is when telephone-numbering systems change. These transitions generally take place in one-to-two years.

The Chair noted that the language proposed by Paul Twomey seems acceptable, an alternative to an extra year would be to stick with two years to 2009 and if the party needs more time they could come back and explain why, which may be the best option. Putting in a two-year timeframe provides them with leverage to help their community to promptly perform the transition. The Chair recommended the alternative on the basis it was made clear to them that if they have a problem with two years they can come back with an explanation to ICANN as to why they need more time.

Susan Crawford noted that she understands the direction and appreciates the conservative approach, but asked what mechanism should be used if the transition moves too slowly.

The Chair reflected that if they come back and have a reasonable explanation, then this should be okay. He believed you would help them with a shorter deadline as they can point to that as a mandate to move ahead and transition to other the domain.

Janis Karklins noted that human nature suggests they will take as much time as they are given for transitioning. He suggested that the resolution should include a point that ICANN Staff should keep the Board informed of the progress of the transition.

In summation, the Chair suggested that the Board approves all three requests, and that ICANN Staff is expected to keep the Board informed on the retirement of .YU domain. Paul Twomey added that they communicate according to appropriate metrics.

Steve Goldstein moved and Vanda Scartezini seconded the following resolution:

Delegation of .ME

Whereas, the .ME top-level domain is the designated country-code for Montenegro,

Whereas, ICANN has received a request for delegation of .ME to the Government of Montenegro,

Whereas, ICANN has reviewed the request, and has determined that the proposed delegation would be in the best interest of the local and global Internet communities,

Resolved (07.75), that the proposed delegation of the .ME domain to the Government of Montenegro is approved.

Delegation of .RS

Whereas, the .RS top-level domain is the designated country-code for Serbia,

Whereas, ICANN has received a request for delegation of .RS to the Serbian National Register of Internet Domain Names,

Whereas, ICANN has reviewed the request, and has determined that the proposed delegation would be in the best interest of the local and global Internet communities,

Resolved (07.76), that the proposed delegation of the .RS domain to the Serbian National Register of Internet Domain Names is approved.

Redelegation of .YU

Whereas, the .YU top-level domain is currently used by the citizens of both Serbia and Montenegro,

Whereas, ICANN has delegated the .RS domain for use in Serbia, and the .ME domain for use in Montenegro,

Whereas, the ISO 3166-1 standard has removed the “YU” code, and the ISO 3166 Maintenance Agency recommends its use be discontinued,

Whereas, ICANN is not responsible for deciding what is or is not a country, and adheres to the ISO 3166-1 standard for guidance on when to add, modify and remove country-code top-level domains,

Whereas, there is a transition plan to move registrations in .YU to the new domains .RS and .ME, with the operator of .RS acting as the temporary caretaker of .YU until the transition is complete,

Resolved (07.77), that the .YU domain be redelegated to the Serbian National Registry of Internet Domain Names in a temporary caretaker capacity.

Resolved (07.78), that the Serbian National Registry of Internet Domain Names be instructed to report their progress on decommissioning the .YU domain every six months to ICANN against a relevant set of metrics.

Resolved (07.79), that the Serbian National Registry of Internet Domain Names, and the Government of Montenegro, work to complete the transition from the .YU domain to the .RS and .ME domains, so that it may be removed from the DNS root zone no later than 30 September 2009.

A voice vote was taken of all Board Members present and all three motions were approved by a vote of all members present 13-0, with one abstention from Peter Dengate Thrush.

Peter Dengate Thrush explained that his reservation was associated with his belief that such policy decisions concerning delegation should rest with the ccNSO as specifically provided under the bylaws. He noted that he has raised this issue on a number of occasions suggesting that this matter should be referred to the ccNSO but to no avail.

The Chair noted that these practices have been in existence prior to the formation of the ccNSO, and that if policy is required in this area that the ccNSO work on a policy proposal, that might be properly considered.

IANA Report on Delegation of the .ME Domain

Source : <http://www.iana.org/reports/2007/me-report-11sep2007.html>

Background

The Internet Assigned Numbers Authority (IANA) function of ICANN, as part of the administrative tasks associated with management of the Domain Name System root zone, is responsible for receiving requests for the delegation and redelegation of top-level domains, investigating and reporting on the circumstances pertinent to those requests, and, when appropriate, implementing the redelegations.

In accordance with ICANN's performance of these functions, IANA received a request for the delegation of the .ME top-level domain. This domain is designated in the ISO 3166-1 standard for Montenegro, a European country with a population of approximately 700,000. The application for delegation was received on 24 December 2006.

The "ME" code was assigned in the ISO 3166-1 standard by the ISO 3166 Maintenance Agency on 26 September 2006. This followed the break up of the former "Serbia and Montenegro", which was allocated the ISO 3166-1 code of "CS". The .CS domain was never delegated in the root zone for Serbia and Montenegro – instead the country used the .YU domain reflecting the former ISO 3166-1 code for Yugoslavia. The continued use of .YU rather than .CS was on the mutual understanding between IANA and the operator that there was a reasonable prospect that a referendum would result in the creation of a separate Serbia and Montenegro, and result in the issuance of two new country codes.

The delegation application seeks to assign a sponsoring organisation for .ME to the Government of Montenegro, with operations conducted by the Center of Information Systems (CIS) of the University of Montenegro.

In support of the application, IANA has been provided with documentation describing the competencies of CIS. It describes in detail the plan for establishing the registry – including detailed technical implementation details, staff resources, financial resources, and other aspects. The applicant proposes to establish a registry-registrar retail model for the .ME domain, and is being assisted in this task – both with expertise and with software – by CZNIC, the operator of the country-code top-level domain for the Czech Republic.

It is proposed that the formal supporting organisation – that is the entity that is responsible for management of the domain, including setting policy and coordinating technical activities – be the Government of Montenegro. In support of the delegation, the Government made a formal decision on 7 December 2006 to appoint CIS as "entitled to act as an administrator of the national Internet domain". This was communicated, along

with the specific endorsement of this proposal, by Zarko Sturanovic, the Secretary-General of the Government of Montenegro to IANA in July 2007.

In consideration of the transition from the .YU domain to the .ME domain (and in conjunction, the transition of the Serbian users of .YU to the .RS domain), CIS has entered into a joint arrangement with the current operator of .YU, and a proposed new operator for .RS. This agreement proposes that the operation of .YU will be transferred to the operator of .RS during the transition period. It is proposed that existing registrants under CG.YU, MN.YU, and CG.AC.YU – which reflect the sub-domains under .YU that were used in Montenegro – will be given a pre-emptive right to register new domains under .ME during the implementation phase.

Evaluation Procedure

In its role as investigator of delegation and redelegation requests, IANA procedure is guided by the practices summarized in:

- “Domain Name System Structure and Delegation” (RFC 1591). This document describes IANA’s practices relating to delegations at its publication in 1994. See <http://www.rfc-editor.org/rfc/rfc1591.txt>
- “Internet Domain Name System Structure and Delegation.” (ICP-1). This document represents an update of the portions of RFC 1591 dealing with ccTLDs and reflects subsequent evolution of the policies followed by ICANN through May 1999. See <http://www.icann.org/icp/icp1.htm>.
- The Governmental Advisory Committee Principles for Delegation and Administration of ccTLDs (GAC Principles). This document serve as “best practices” to guide governments in assuming proper roles with respect to the Internet's naming system. See <http://www.icann.org/committees/gac/gac-cctldprinciples-23feb00.htm>.

In considering the delegation or redelegation of a ccTLD, IANA staff seeks input from both the requesting party as well as from persons and/or organizations that may be significantly affected by the change, particularly those within the nation or territory to which the ccTLD is designated. As noted in ICP-1, the parties affected include the relevant government or public authority: "The desires of the government of a country with regard to delegation of a ccTLD are taken very seriously. The IANA will make them a major consideration in any TLD delegation/transfer discussions."

Taking these factors into consideration, the burden of proof required to permit a delegation involves determining facts that relate to the applicant’s capacity to meet the following criteria:

1. **Operational and technical skills**
 - a. The prospective manager has the requisite skills to operate the TLD appropriately. (ICP-1 §a, RFC 1591 §3.5)

- b. There must be reliable, full-time IP connectivity to the nameservers and electronic mail connectivity to the operators; (ICP-1 §a; RFC 1591 §3.1)
 - c. The manager must perform its duties in assigning domains and operating nameservers with technical competence (ICP-1 §d; RFC 1591 §3.5)
2. **Operator in country**
 - a. The prospective manager supervises and operates the domain name from within the country represented by the TLD; (ICP-1 §a; RFC 1591 §3.1)
 - b. The prospective administrative contact must reside in the country represented by the TLD. (ICP-1 §a; RFC 1591 §3.1)
 3. **Equitable treatment**
 - a. The prospective manager must be equitable and fair to all groups encompassed by the TLD that may request domain names (ICP-1 §c; RFC 1591 §3.3)
 4. **Community/Governmental support**
 - a. The prospective manager has the requisite authority to operate the TLD appropriately, with the desire of the government taken very seriously. (ICP-1 §a, GAC Principles)
 - b. Significantly interested parties in the domain should agree that the prospective manager is the appropriate party to receive the delegation (ICP-1 §a; RFC 1591 §3.4)

In meeting these criteria, the IANA staff requests information from the applicant. In summary, a request template is sought specifying the exact details of the delegation being sought in the root zone. In addition, IANA staff asks for various documentation describing: the views of the local Internet community on a change; the competencies and skills of the organisation to operate the registry; the legal authenticity, status and character of the proposed operator; and the nature of government support for the proposal.

After receiving these documents, IANA staff analyses the input it has received in relation to existing zone management procedures, seeking input from parties both related to as well as independent of the applying organization should the information provided by the applicant in their request be deficient.

Once all the documentation has been received, IANA staff will also perform various technical checks on the proposed operator's DNS infrastructure to ensure name servers are properly configured and are able to respond to queries for the top-level domain being requested. Should any anomalies be detected in the applicant's technical infrastructure, IANA will work with the applicant to address the issues.

Assuming all technical issues are resolved, IANA staff will compile a report, providing all relevant details regarding the applicant, its suitability for operating the top-level domain being requested, and any other information pertinent to the application and submit that report to ICANN's Board of Directors for its determination on whether to proceed with the request.

Evaluation

This report is being provided under the contract for performance of the IANA function between the United States Government and ICANN. Under that contract, ICANN performs the IANA function, which includes receiving delegation and redelegation requests concerning top-level domains, investigating the circumstances pertinent to those requests, and reporting on the requests. Pertaining to the obligations described in the evaluation procedure, in summary IANA staff has assessed the applicant's credentials to be as follows:

- **Operational and technical skills**

The operator has supplied a detailed plan for implementing a new registry operation for .ME. They have obtained counsel from existing country-code top-level domain registries to assist them in the task.

- **Operator in country**

Operations will be based in the country, with the Sponsoring Organisation to be the Government of the country.

- **Fair and equitable treatment**

The applicant has made undertakings to IANA that registrations will be performed on a first-come first-served basis that is fair and equitable.

- **Governmental support**

The Government is the applicant for the delegation, and has provided letters of support. It has also passed a number of resolutions in support of the request.

- **Community sentiment**

IANA has received an expression of support from the Association of Information and Communication Technologies, part of the Montenegrin Chamber of Commerce. The applicant has made undertakings that there is not a substantially organized Internet community in the country, and that this organisation is the most appropriate to express the general consensus of the local Internet community.

Recommendation

According to RFC 1591 and ICP-1, IANA needs to respect the ability for a local Internet community as well as local law and local government to make decisions about the operation of a TLD.

In its research, IANA believes that the applicant has met the criteria for reassignment. When considered in conjunction with the application for the .RS domain, and a transition and decommissioning plan for .YU, this represents an appropriate path forward for establishing a country-code for Montenegro on the Internet, and transitioning its users from its former country-code.

IANA therefore concludes that the .ME domain should be delegated to Government of Montenegro as per their request.

Postscript: Board Resolution

On September 11, 2007 the Board of ICANN passed the following resolutions:

Whereas, the .ME top-level domain is the designated country-code for Montenegro,

Whereas, ICANN has received a request for delegation of .ME to the Government of Montenegro,

Whereas, ICANN has reviewed the request, and has determined that the proposed delegation would be in the best interest of the local and global Internet communities,

Resolved (07.75), that the proposed delegation of the .ME domain to the Government of Montenegro is approved.

Annex C – Deletion of codes from ISO 3166

Deletion of codes from ISO 3166

This memo describes the process of the deletion of a country code from the ISO standard 3166.

Introduction

ISO 3166-1 defines the process for the addition as well as for the deletion of code elements in its maintenance clause, Clause 7. A Maintenance Agency, ISO 3166/MA, was established for the purpose of carrying out the maintenance of the ISO 3166-1 codes. The administrative procedures for the ISO 3166/MA are outlined in a separate document, the Guidelines for the ISO 3166 Maintenance Agency (not publicly available) which establishes the procedure in detail for the deletion and/or reservation of country codes in its Maintenance Clause 7.

When a country code is deleted from Part 1 of ISO 3166, it should also be deleted from Part 2 of ISO 3166 (ISO 3166-2, Country subdivision code) and the code element is added to Part 3 (ISO 3166-3, Code for formerly used names of countries) of the ISO 3166 series of standards.

Furthermore, the code is placed on a reserved list.

Although the reserved list of officially only available by request from the ISO secretariat, the reserved codes and the reason for their reservation can be found in the decoding table[1] for the alpha-2 country codes. This decoding table contains the status of all possible alpha-code elements and can be found on the web site of the ISO 3166/MA[2] together with other useful information.

The main focus of the following description is on the deletion of alpha-2 code and alpha-3 codes from ISO 3166-1. Note also that it is a generic description of the process, the ISO 3166/MA can always take the liberty to deviate from the rules when required by specific circumstances.

Deletion of a code

According to 7.3 of ISO 3166-1, a code can be deleted on the basis of information from the United Nations Headquarter, or upon the request of a member of ISO 3166/MA. Annex A to the ISO 3166 Guidelines specifies that the UNTERM (UN Terminology Division) or the UNSD (UN Statistics Division) should notify the ISO 3166/MA when they delete a name from the “UN Terminology Bulletin - Country Names” (UNTB) and their maintained databases[3] or the “UN Standard Country of Area Code for Statistical use” (UNSCCC)[4]. A request for deletion of a country name should be supported by a justification for the request. In general, a code is deleted from the list for one of the following reasons:

- a country changes a significant part of its name;

- a country is divided into two or more new ones;
- two or more countries merge.

In reality, the ISO 3166/MA often knows in advance that there will be a deletion because an ISO member body, an ISO 3166/ MA member or the country itself has notified the ISO 3166/MA secretariat (ISO 3166/MAS) of the possible deletion.

The ISO 3166/MAS informs the ISO 3166/MA and requests comments. In an effort to be as expedient as possible,, the ISO 3166/MAS together with its Chair prepares a Draft Newsletter to update 3166-1 based on the results of the comments received. . It is submitted to the ISO 3166/MA members for vote. If the vote is unanimous, the Newsletter is approved. Otherwise, it must be resubmitted for a second vote where it only requires consensus.

If the Newsletter is approved, the ISO 3166/MAS will have to start to work on a newsletter to update ISO 3166-2 in addition to an update of ISO 3166-3.

Reservation of deleted codes

Subclause 7.5.1 of ISO 3166-1 requires that a deleted code element be reserved for a limited period. Such a code is generally known as transitionally reserved[5]. The transitionally reserved period is fifty years in order to phase out the use of the code.

Reallocation of deleted codes

Subclause 7.5.2 of ISO 3166-1 states that deleted codes should not be used during a period of at least 50 years and that the exact period is determined in each case on the basis of the extent to which the former code element was used.

Links

[1] <http://www.iso.org/iso/iso-3166-1_decoding_table>

[2] <http://www.iso.org/iso/country_codes.htm>

[3] <<http://unterm.un.org/>>

[4] <<http://unstats.un.org/unsd/methods/m49/m49.htm>>

[5] <http://www.iso.org/iso/customizing_iso_3166-1.htm>