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ICANN asks: "how would you like your multistakeholder?"   **Domain names**
International - Hogan Lovells LLP

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Earlier this year the Internet's "historic steward" - the US-based National Telecommunications and Information Administration (NTIA) - announced its "intent to transition key internet domain name functions to the global multistakeholder community". Naturally, this was a hot topic at the 49th ICANN meeting held in Singapore in March and, last month, ICANN sought to crystallise the views expressed at the ICANN meeting and get the ball rolling on the transition process by publishing a "Call for Public Input: Draft Proposal, Based on Initial Community Feedback, of the Principles and Mechanisms and the Process to Develop a Proposal to Transition NTIA's Stewardship of the IANA Functions".

The NTIA's power lies in its role as the Internet Assigned Numbers Authority (IANA) functions contractor, which sees it charged with administering changes to the authoritative root zone file, when and if such changes are requested by ICANN. In view of the NTIA's wish to bow out of this role, coupled with the fact that the current IANA functions contract expires in September 2015, the NTIA has mandated ICANN with convening a multistakeholder process to develop a proposal for transitioning the role to another body. The NTIA has set strict criteria for any transition proposal, stipulating that it must support and enhance the multistakeholder model and maintain the openness of the Internet.

At a "session on IANA Stewardship Transition" held at the ICANN meeting in Singapore aimed at defining the transition process and seeking public and community input, the following questions were posed:

- What are the most important principles for this process?
- What mechanisms are important to ensure a well-run process?

In respect of the first of these questions, the subsequent discussion included calls for the process to be inclusive, transparent, global, accountable, and based on a multistakeholder model. With regard to the mechanisms to be employed, the suggestions included making the platform web-based, for it to offer multilingual support and multiple comment fora and for a clear and visible timeline to be established.

In its recent proposal, ICANN has stated its intention to form a "steering group" to produce the transition proposal that should convene for the first time at the 50th ICANN meeting to be held in London in June 2014. The steering group is to consist of 22 members plus an ICANN board liaison representative with ICANN bodies such as the Generic Names Supporting Organisation and the Governmental Advisory Committee, as well as external organisations such as the Internet Society and The Internet Engineering Task Force providing two members each. This should mean that there will probably be only two government representatives in the group, something that should help to allay fears that the Internet could be taken over by forces controlled by a less-than-democratic government.

In order to guide the process of forming the steering group, ICANN has produced a "Scoping Document" which sets out clearly what is both within and outside the scope of the proposal. For example, it states that "ICANN's role as the operator of the IANA functions is not the focus of the transition" and that issues not within the IANA functions, such as cybersecurity and privacy, are not at issue. It also asserts stridently that "the NTIA role does not involve the exercise of discretion or judgment with respect to root zone change requests, nor should any new authority or process exercise such discretion or judgment".

As has been pointed out by some commentators, there is an irony inherent in this exercise in that the NTIA already receives its instructions regarding changes such as those to the root zone file from ICANN, itself a multistakeholder body. ICANN is thus convening a multistakeholder process to constitute a multistakeholder replacement for the NTIA, which yields largely symbolic power. In light of this, the question has been posed as to whether the NTIA's role even needs to be replaced. Also ironic is that, in seeking to cut ties with the US, the decision on a replacement will be taken by the NTIA itself, effectively giving the last word on the transition to a body controlled by the US.

Irony aside, it will be interesting to see if the steering group can be formed in time for the 50th ICANN meeting in less than two months and what its members will have to say at their first sitting.

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