ISOC statement at the public meeting of the US Commerce Department's National Telecommunications and Information Administration (NTIA) on the transition of the technical coordination and management of the Internet Domain Name and Addressing System to the private sector.

Washington, D.C., July 26th, 2006.

Founded in 1992, the Internet SOCiety (ISOC) is a not-for-profit membership organization that provides leadership in addressing issues that confront the future of the Internet, through support of open standards, education, and policy. With offices in Washington, DC, and Geneva, Switzerland, we are dedicated to ensuring the open development, evolution and use of the Internet for the benefit of people throughout the world. ISOC has roughly 100 organizations, 80 International Chapters and greater than 24,000 individual members in over 180 countries.

ISOC is the organizational home for the groups responsible for Internet infrastructure standards, including the Internet Engineering Task Force (IETF), the Internet Architecture Board (IAB), and the Internet Research Task Force (IRTF). These organizations together play a critical role in ensuring the Internet develops in a stable and open manner. For over 14 years ISOC has run international network training programs for developing countries and these have played a vital role in setting up Internet connections and networks around the globe.

For completeness and transparency, in 2002, ISOC was awarded the .ORG registry as a result of a competitive open bid process conducted by ICANN; and a Sole Member corporation, called Public Interest Registry (PIR), was established for this purpose.

My comments today build on the statement we submitted to the NTIA several weeks ago (http://www.isoc.org/pubpolpillar/ISOC_NTIA_response_060707.pdf). We trust that the ISOC statement will be taken into account as there are points there we feel strongly about (namely the IAB IANA, and root server comments) that I may not touch upon today due to time constraints.

ISOC believes that the success of the Internet lies in the fact that it is a "network of networks" characterized by distributed management and a minimum of regulation. Operational and governance mechanisms are implemented as locally as possible using bottom-up community based processes built on publicly developed principles. These principles and processes have also enabled the Internet to grow rapidly, adapt to new demands and opportunities (and as such is an organic development model), and this is where the strength and stability of the Internet model lies. It has also meant that no one entity or indeed any one government can "own" or "control" the Internet, and this is still true today.

ISOC has always supported the self-regulation model of the Internet, and strongly supports ICANN and the role it plays in coordinating certain aspects of the "collaborative" Internet management model. The Department of Commerce states that the milestones in the 6th amendment to the MOU are "intended to ensure ICANN is a sufficiently stable, transparent, representative, efficient, and sustainable management organization capable of handling the important DNS tasks well into the future." ISOC believes that ICANN has made commendable progress in meeting these milestones and that its operations are sufficient vis-à-vis the 6th Amendment. While there is always room for improvement, we believe that ICANN, related organizations and their supporting processes are ready to take the next step in the move to support the Internet's management and development in a private sector model, just as envisioned by the US Government in 1998. We believe it is time to move to a minimal, transitional MOU where the US Government plays a "backstop" role that would only come into play in the event of a serious organizational failure.

We continue to be concerned about attempts to politicize the Internet and its management. As long as the US Government has a role in ICANN's governance and management, organizations and other governments have an incentive to try to leverage political channels to their favor, rather

than allowing the Internet to evolve organically through the proven, bottom-up, need driven, community processes that have clearly served it well.

Further, given the purpose of the MOU was to transition the US Government's responsibilities to the private sector we do not believe that the DOC should be in the position of repeatedly evaluating and directing ICANN's performance. The longer this continues the more difficult it will be to break out of this "oversight" model, as the Internet and the organizations involved in its development are constantly changing, meaning there will always be yet more "tasks" to be completed.

ISOC believes the MOU as it is currently constructed, is no longer necessary or appropriate at this stage of the Internet and ICANN's development. The current MOU puts the DOC in an affirmative position of involvement in, and to some extent in a position of needing to dictate specific ICANN activities. This can hamper ICANN and other organizations and can be seen as competing with the established principles. These principles are important, but no longer need to be codified in an MOU.

Further, the task list approach currently employed risks locking in approaches and constraining the ability of the Internet community to develop responses to complex and evolving issues.   And as new technological developments occur, whether in the underlying infrastructure, in the development of new ways to navigate on the Internet, or in ways yet unforeseen, the role today's Domain Name System plays will change over time. We need to ensure that ICANN and the other organizations in the Domain Name space have enough autonomy to respond appropriately, following the models of development and management that have been used for the last thirty years.   These processes allow all parties (including governments) the chance to participate in the Internet's development and management and have stood the Internet very well to date. Again, these "tasks" are important but they will change over time and should not be codified in an MOU, even though they will be addressed inside the ICANN framework. ICANN needs room to develop processes that suit the Internet's continual evolution and it is time to take this next step.

Finally, as the MOU has become a symbol internationally of US control over the DNS, it can be argued that the MOU, which was originally designed to support and shore up ICANN in its early days, is now actually hampering ICANN's continued development and their legitimacy in the eyes of many.

In summary, while we recognize and applaud the "light-hand" the US Government has always taken with respect to the Internet, the time has come for the DOC to take another step toward its intended final state and move to an even more hands-off "backstop" role. This will allow the DOC to focus on more appropriate interests such as the long-term stability of ICANN – which is also a legitimate international interest. ISOC believes a clear unambiguous signal needs to be made internationally that we are entering a new phase and taking steps to move to the private sector model per the original vision of the US Government.   We do not believe it is necessary to extend the MOU as it is currently structured, and we believe ICANN is ready to take the next step in its transition, assuming the US Government moves to a role where they act as a true "backstop" and not operational overseer.

Thank you for the opportunity to comment.

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