George C. Newstrom
Chairman

WITSA Comments on the Joint Project Agreement (JPA)

February 15, 2008

Mrs. Suzanne Sene
Office of International Affairs
National Telecommunications and Information Administration
1401 Constitution Avenue, N.W.
Room 4701
Washington, DC 20230

RE: Docket No. 071023616-7617-01

Dear Ms. Sene:

The World Information Technology and Services Alliance (WITSA) welcomes the opportunity to provide comments to the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA) in response to its request on "The Continued Transition of the Technical Coordination and Management of the Internet's Domain Name and Addressing System: Midterm Review of the Joint Project Agreement", reference Docket No. 071023616-7617-01.

WITSA supports **The Internet Corporation for Assigned Names and Numbers (ICANN)** and its consultative approach to managing the Internet's domain names and related services. Following the adoption of earlier reforms, WITSA recognized ICANN's positive steps such as the established and effective mechanisms for dispute resolution, the continuing introduction of registrar competition, and above all an improved and transparent review process. In a February 2004 statement[1], WITSA called for continued evolutionary changes in

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[1] http://www.witsa.org/papers/ICANN204Final.pdf

accountability, transparency and bottom up participation to ensure ICANN's success as the means of managing the Internet's technical coordination issues.

WITSA sees the evolution and acceptance of ICANN and its role within the international community of organizations as a very positive outcome that has been built on the good will, hard work, and collaboration of the stakeholders themselves. WITSA also acknowledges that, as the Internet evolves and grows, ICANN informational resources to support informed and meaningful participation must continue to improve and be easily accessible by the diverse range of interested stakeholders.

The 2006 Joint Partnership Agreement is broadly in agreement with WITSA's previous positions, and provides a three year period for ICANN to achieve the evolution to full private sector management. WITSA recognizes that the Midterm is a useful step in this process, and renews its support for ICANN's continued evolution, as described below:

WITSA's Objectives for ICANN's Continued Evolution:

1. Stability and Security
ICANN's first priority must continue to be the operational stability and security of the Internet as it carries out its charter and charter and discrete technical mission related to the administration of the Internet's address system.

2. Transparency and Accountability
ICANN (in particular activities of the Board, the Supporting Organizations (SO), and Advisory Committees) must continue to improve its overall transparency and accountability and interact in a responsive, timely manner with multistakeholders on decisions that affect ICANN's stability, and indeed, the stability of the Internet.   Accordingly, WITSA recognizes progress being made in this area, and this direction should continue. Improved mechanisms in both transparency and in improvements in robust accountability mechanisms will help to increase ICANN's credibility and acceptance by all multistakeholders, including governments.

3. Bottom-up Coordination
The policy development process and ICANN's overall legitimacy as the steward of the globally unique indicators is founded on bottom-up coordination and consensus-based policy development. Both should be maintained and respected. Further enhancement and improvement is desirable in these areas. ICANN must strengthen its support to the existing ICANN organizations and structures in its efforts to broaden and deepen participation.

4. Representation and informed participation
It remains critical to ICANN's legitimacy to continually encourage informed participation by all interested multistakeholders, including those who are not yet engaged. A challenging objective for ICANN is to focus on enhancing the

means to ensure 'informed participation'; and examining what representation means in a globally diverse and distributed Internet world. In creating ICANN, there was a commitment to ensuring geographical diversity and broad representation of interested sectors, and this commitment must continue as ICANN evolves.

5. Outreach and Communication
Many players, including the technical community, commercial and non-commercial users, governmental agencies, NGOs and individual users seek a greater understanding of ICANN's role and activities, including the policy development process, in order to enable their informed participation. In particular, ICANN should:
- Support building from the strength of its existing base of supporters as it broadens outreach initiatives. These outreach initiatives must remain focused and consistent with ICANN's narrow technical mission.
- These outreach initiatives should support building and strengthening interactions with professional and industry associations, as well as individual business entities of all sizes, with a focus to encouraging participation in ICANN overall.
- Seek a balance across multistakeholder views as it continues to define its role in the universe of international entities, mindful of its unique private sector leadership role, its consensus-based decision-making process and the importance of informed participation from a disparate and increasing base of stakeholders.
- Continue to seek supportive engagement with other bodies, from non-governmental organizations to intergovernmental organizations and individual governments as consistent with ICANN's mission and core values.

6. Internationalization
ICANN should remain focused on continued internationalization in order to increase the opportunity for informed participation in its relevant role and contribution to the Internet's accessibility to users around the world. This should include more resources dedicated towards the operational aspects and implications relating to the introduction of internationalized domain names (IDNs).

7. Towards an Independent role
ICANN has shown tremendous growth in its ability to carry out its existing mandate and must continue to evolve and improve in that effort, as it addresses its existing mission, guided by the informed consensus of ICANN stakeholders and safeguarded against capture by parties whom it governs via contract, or by special interests of any segment of the stakeholders, including governments and technical experts of the DNS. It is the careful balance of interests that best protects ICANN and ensures the stability of its role. In maintaining this careful balance, principles of transparency and accountability,

supported by new procedures will support ICANN's continued improvement and evolution.
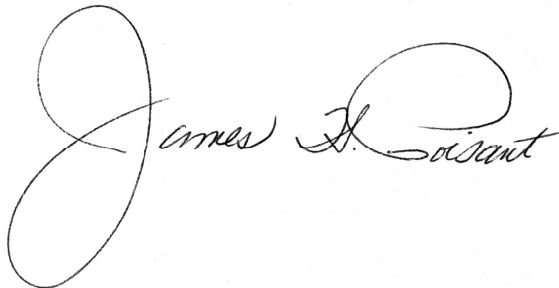
Conclusion
The best model for ICANN as it transitions to full private sector management continues to be based on bottom-up participation, collaboration and cooperation with other global multistakeholders and that draws on the advice, participation and support of governments through their advisory role in the Government Advisory Committee (GAC). We believe that the future arrangement for ICANN must ensure that there is no reduction but an expansion of appropriate roles for the participation of civil society and business/industry players. This will ensure that future governance will be led by the private sector and be efficient and responsive to societal needs and technological changes, while ensuring at the same time that governments will continue to play an advisory and consultative role.

Achieving an ICANN that is a trusted, transparent, and accountable party responsible for the technical management and coordination of the unique indicators of the Internet remains a high priority to our members.

WITSA supports ICANN's continued narrow technical mission and core values and we are fully committed to continuing private sector leadership as embodied in the white paper that led to ICANN's creation.

WITSA further recommends that ICANN develop and publish a defined work plan and timeline with the engagement of its stakeholder community to achieve the continued goal of the transition to full private sector management.

Sincerely,
Dr. James Poisant

Secretary General

WITSA

The World Information Technology and Services Alliance (WITSA) is a consortium of over 60 information technology (IT) industry associations from economies around the world. WITSA members represent over 90 percent of the world IT market.

As the global voice of the IT industry, WITSA is dedicated to advocating policies that advance the industry's growth and development and to facilitating international trade

and investment in IT products and services. WITSA also hosts the World Congress on IT; the premier industry sponsored global IT event, as well as the Global Public Policy Conference.

Founded in 1978, WITSA has assumed an active advocacy role in international public policy issues, including: increasing competition; protecting intellectual property; enhancing information security; bridging the skills gap; reducing tariff and non-tariff trade barriers; and safeguarding the viability and continued growth of the Internet and electronic commerce.

WITSA has a real impact on the global IT environment. It strengthens the industry at large by promoting a level playing field and by voicing the concerns of the international IT community in multilateral organizations, including the World Trade Organization (WTO), the Organization for Economic Cooperation and Development, the G-8 and other international fora where policies affecting industry interests are developed.