DENIC eG • Wiesenhüttenplatz 26 • 60329 Frankfurt am Main

Ms S Sene
The National Telecommunication and
Information Administration (NTIA)
U.S. Department of Commerce
1401 Constitution Avenue
Washington DC

Ihr Zeichen / Ihre Nachricht vom	Unser Zeichen	
	SD	15th February 2008

Response to NTIA Request for Comment

Dear Ms Sene,

DENIC, the registry for the German Top Level Domain .de, welcomes the opportunity to contribute to the NTIA's "Midterm Review of the Joint Project Agreement" with ICANN.

When discussing the end of the JPA and the transition of ICANN, it is imperative to keep in mind that the Internet and notably its addressing systems which are subject to ICANN's coordinating function constitute a technical infrastructure, regardless of all political and legal implications that they might indeed carry or that might be attributed to them by interested parties. The farther the global reach of the Internet expands, and the more the world relies on the Internet, the more important the smooth functioning of the Internet addressing systems, including the Domain Name System (DNS), becomes. Therefore, technical stability has to remain paramount in all considerations regarding ICANN's further evolution.

As laid out in DENIC's Response to the NTIA's Inquiry on "The Continued Transition of the Technical Coordination and Management of the Internet Domain Name and Addressing System" in July 2006 (cf. http://www.ntia.doc.gov/ntiahome/domainname/dnstransition/comments/dnstrans_comment0597.htm),
the successful development of the Internet to date has mostly been made possible not by top-down (governmental) regulation but by bottom-up, initially academic and later on private coordination. As also the United Nation's Working Group on Internet Governance asserted two years ago, with respect to the Internet's practical management, "there is no specific weakness in the system", as is, in fact, not surprising for perhaps the most significant advantage of private coordination is its ability to swiftly adapt to the new technical developments and challenges (and even the policy requirements) generated by the Internet.

In view of this, DENIC supports the concept of industry self regulation which led to the creation of ICANN as a non-governmental organization.
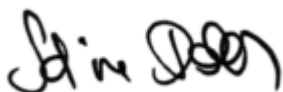
Accordingly, DENIC has actively participated in the ICANN process ever since ICANN's inception and is pleased to have, as the first ccTLD registry, exchanged letters with ICANN as the organization performing the IANA function, describing DENIC's and ICANN's respective functions and responsibilities (cf. http://www.icann.org/cctlds/de/denic-icann-letters-31may06.pdf).

With respect to ccTLDs (different from gTLDs), ICANN's function is purely technical in that ICANN performs the IANA function, whereas policy decisions, in line with the nature of ccTLDs, have to be and are in fact being made locally, not globally. Consequently, for ccTLDs, there is no need to centralize stakeholder participation at the global DNS root level within ICANN (or, as the case may be, anywhere else), even less so as for cultural and language reasons, meaningful participation will often be much more efficient on the local or regional level anyway.

In light of all of this, DENIC is mostly interested in how ICANN performs the IANA function whose smooth operation is of utmost importance for the stability, reliability, and efficiency of the DNS. In this instance, significant improvements have been achieved, yet further improvements, in particular with regard to automation of DNS root updates by full implementation of the e-IANA project, are possible and necessary in order to ensure timely implementation of authenticated root updates. There needs to be certainty to the highest possible degree that, after the end of the JPA, the IANA function will continue to be performed reliably, responsibly, and with a view to being accountable to the stakeholders that immediately rely on it (such as TLD and IP address registries (RIRs)). Also, it is important that ICANN, with regard to the IANA function, remains accountable and responsive to all ccTLD registries, irrespective of whether they are members of the ICANN ccNSO or not (for more detail, cf. DENIC's aforementioned response of July 2006).

Overall, we agree with ICANN's own notion (in ICANN's contribution to the Midterm Review) that "yes, ICANN can do more". At the same time, however, we also share ICANN's view that the completion of the JPA and the transition of ICANN's functions as enshrined in ICANN's bylaws shall continue to be the aim. With that, ICANN will demonstrate that industry self-regulation works and is, in fact, the best model of Internet governance.

Yours sincerely

Sabine Dolderer
CEO - DENIC eG