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**Subject:** submission from Bill Manning

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Regarding docket No. 071023616-7617-01

"The Continued Transition of the Technical Coordination on Management of the Internet's Domain Name and Addressing System: Midterm Review of the Joint Project Agreement"

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The DNS White Paper, issued June 1998, articulated four primary functions that had been historically performed by the IANA. These functions were considered to be non-severable, at least in a transition phase, because they had historically been performed by a single entity. ICANN was awarded the contract to manage the IANA tasks of:

- ) setting policy for and the direct allocation of IP number blocks
- ) to oversee the operation of the root server system
- ) oversee policy for determining the circumstances under which new TLDs would be added to the root server system
- ) to coordinate the assignment of other technical protocol parameters as needed to maintain universal connectivity on the Internet.

What has emerged is the fact that these tasks are indeed severable. To some extent ICANN, in its performance of the IANA task has evolved to an accommodation with the IETF on coordinating assignment of technical protocol parameters and with the NRO on the direct allocation of IP number blocks (and other Internet numbering resources). These are areas where ICANN has performed well.

In the other two areas I would like to express some concerns and then will answer the questions posed. First, ICANN and its responsibility to oversee the operation of the root server system. ICANN has chosen to become more tightly integrated in root server operations and is starting move beyond simple oversight to a position where it is trying to second guess the root server operators by refusing to approve the IPv6 addresses provided by the operators for their individual root servers (1) as well as exclude root server operators with published IPv6 capability from telephonic meetings regarding IPv6 transition. (2) In addition, ICANN has refused to enter into good faith negotiations with at least on root server operator on an Accountability Framework or MOU that outlines our respective roles and

responsibilities.

These behaviours tend to argue that instead of simple oversight that is called for in the White Paper, ICANN has extended its remit to contemplate complete control of the root server system. Such a position would not be good for the overall security and stability of the Internet in that it creates a single point of failure or control that will be objectionable to many. Additionally, ICANN has inherited operational control of one of four new root servers created and deployed in 1997. The intent, when those four servers were created, was to place them in operational control of diverse organizations. Prior to Jon Postels death, two of the servers were relocated. The first, K.root-servers.net. was assigned to the RIPE-NCC and the second, M.root-servers.net. was assigned to the WIDE project in Japan. The remaining two, J and L have become entrenched at Verisign and ICANN.

Oversight of operations does not usually equate to a direct operational role. In fact, many of the early RSSAC meetings were trying to grapple with technical means for selecting new locations and operators.

The second point has to do with the introduction of new TLDs. ICANN has developed a wonderful system of choice, if not real competition in the management of the TLD space by the introduction and mandated use of the registry/registrar concept. This construct allows the designated registry to focus on maintaining the accuracy and integrity of the delegation while allowing multiple parties to negotiate for and sell entries into that particular delegation. With the recent GNSO report on opening up the process and policy for adding new TLDs to the root server system, the parallels to a gTLD become more pronounced. It seems untenable that there should be two standards, one for ICANN clients and customers where a system of healthy choice exists in how one uses a gTLD registry and a monopoly position for ICANN in the management of the root registry and registrar functions.

I would argue that to ensure competition, that the registry/registrar function for the root zone be enabled and that ICANN should maintain its role as a registrar for entries into the root zone. The registry function could be handled by a new entity or the existing contractor (VSGN) or be migrated to the IANA, if there is a need for the IANA to assume day to day operational roles - which it has not had for at least 15 years.

To summarize, I believe that ICANN has done a pretty good job with some of the tasks it was given; the strength of the NRO system and the light touch ICANN has exercised there could be considered a highlight of enlightened management. With regards to the protocol parameter management, ICANN has also done quite well in exercising a light touch, allowing the IANA to work tightly with the IETF and others to ensure continued stability on that vector.

Where ICANN has done poorly or failed outright are in its management of the DNS. ICANN has turned the registry operations of the root zone into its core business, generating some USD 10m/yr with fees and donations in a client base of some 300 TLDs. With the advent of hundreds if not thousands of new TLDs being allowed to come into existence, ICANN's revenues could jump to USD 100m/yr or more. If this were to come to pass, it is not clear how much direct support the IANA functions would receive.

The last point has to do with ICANN being a point of concentration of power. ICANN, directing the IANA, wants to be in the position of being the editor of the root zone, being the auditor and attesting to the authenticity of the root zone data, being the primary publisher and participating as a root server operator. Except for the earliest days of the DNS, 25 years ago, this situation has never existed.

The IANA under Jon Postel, and its oversight manager delegated and distributed tasks and functions across a wide range of operators and providers, ensuring there was cross-industry participation and

buy in to the whole DNS management process and practice. The current situation with ICANN and the IANA holding most of these tasks and strong lobbying to be allowed to assume all of them, creates an attractive target for control as well as a well-defined suite that can be fairly easily be side-stepped. When ICANN is allowed to hold all of these roles, it becomes trivial to bypass all of them and substitute them for yourself... Concerns have been expressed that some governments are willing to do just that, in part driven by the monolithic, single point of failure that ICANN then presents.

I would seriously plead with the Department of Commerce to consider releasing ICANN from the JPA and at the same time, allow the segmentation of the IANA task to other parties.

Bill Manning

(1) <http://www.rssac.org>

(2) Subject: [rssac] Notice of IPv6 for the Root Servers :: <C3C39701.2C3%kim.davies@icann.org>