

行政院及所屬各機關出國報告

(出國類別：會議)

出席「網際網路名稱與號碼指配機構」
(ICANN)第八次會議報告書

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遠傳電信股份有限公司	副總經理	喻芝蘭
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出國地區：澳洲墨爾本

出國期間：九十年三月九日至十三日

報告日期：九十年四月二日

H6/
C0900/457

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壹、前言

「網際網路名稱與號碼指配機構」【ICANN】第八次會議於本(九十)年三月九日至十三日於澳洲墨爾本展覽暨會議中心(MECC)舉行，其政府諮詢委員會(GAC)亦同時舉行，本次會議援例由交通部電信總局組團出席。

本次會議討論之重點有國家碼最高階網域【ccTLD】之委任及管理政策及國際化網域名稱(Internationalized Domain Names)等議題。

本報告書首先就網際網路(Internet)網域名稱系統【DNS】管理之發展及 ICANN 之成立及其目前組織架構做一簡介，再討論本次會議議題及結論。

一、Internet 網域名稱管理

(一) 背景

鑑於網際網路【Internet】網域名稱(Domain Name)之管理及網域系統是全球電子商務行政架構之一部分，1997年7月1日時，美國總統柯林頓(Clinton)指示商務部(【DoC】: Department of Commerce)將網域名稱之管理及網址系統私有化，以促進競爭及協助全球參與 Internet，並同時維持 Internet 之穩定運作。

1998年6月5日美國商務部發表一份白皮書，呼籲企業界成立一個非營利性質的公司來管理這些網域名稱系統(【DNS】: Domain Name System)。

1998年10月：網路解答公司¹(【NSI】: Network Solutions Inc.)同意發展共用登錄系統(Shared Registration System)，此舉可讓.com, .net 及 .org 之網域名稱登錄註冊服務由多家公司經營。

¹ 網路解答公司(NSI)目前為與美國政府簽約，負責 TLD(org, net, com)登記作業至 2000年九月。

1998 年 11 月 25 日：美國商務部認定 ICANN 為新的非營利性質公司，負責管理全球的網域名稱系統。

(二) Internet 網域名稱管理之發展

1999 年 9 月：美國商務部(DoC)和「網際網路名稱與號碼指配機構」(【ICANN】：Internet Corporation for Assigned Names and Numbers)及 NSI 公司達成一連串的協定，以讓網域名稱系統(DNS)轉移給民間機構管理。

1999 年 11 月：ICANN 取得了管理網域名稱的最後許可。

美國商務部共計簽署了五項協議書，解決了在各個團體之間討論近一年的重大歧見點，即：

- 1.ICANN 及 NSI 之間的網域名稱登錄協定，
- 2.ICANN 及所有登記為 .com, .net, 及 .org 之註冊代理機構(Registrars)間修訂的網域名稱認定協議，
- 3.修訂在過去 NSI 本身尚是登錄管理機構(Registries)時，於測試階段時所登記的網域名稱和簽署的協定，
- 4.DoC 和 NSI 之間的合作協議修訂本，及
- 5.DoC 和 ICANN 之間的備忘錄修訂本。

這些協議內容可在 ICANN 的網頁：www.icann.org/agreements.htm，及 NTIA² 的網頁：www.ntia.doc.gov，還有 NSI 的網頁：www.networksolutions.com 上查閱。

美國商務部又於 1999 年 12 月時公開一個新的 InterNIC 網站 (www.internic.net)。這個新網站將提供公眾查詢所有經由 ICANN 認證的網域名稱登記代理機構及接受網域名稱登錄的機構名稱等資料，ICANN 現在接受所有以 .com, .net, 及 .org, 的網域名稱之登記申請。透過這個網站讓大眾知道網域名稱

² 美商務部國家電信與資訊局(【NTIA】：National Telecommunications and Information Administration)

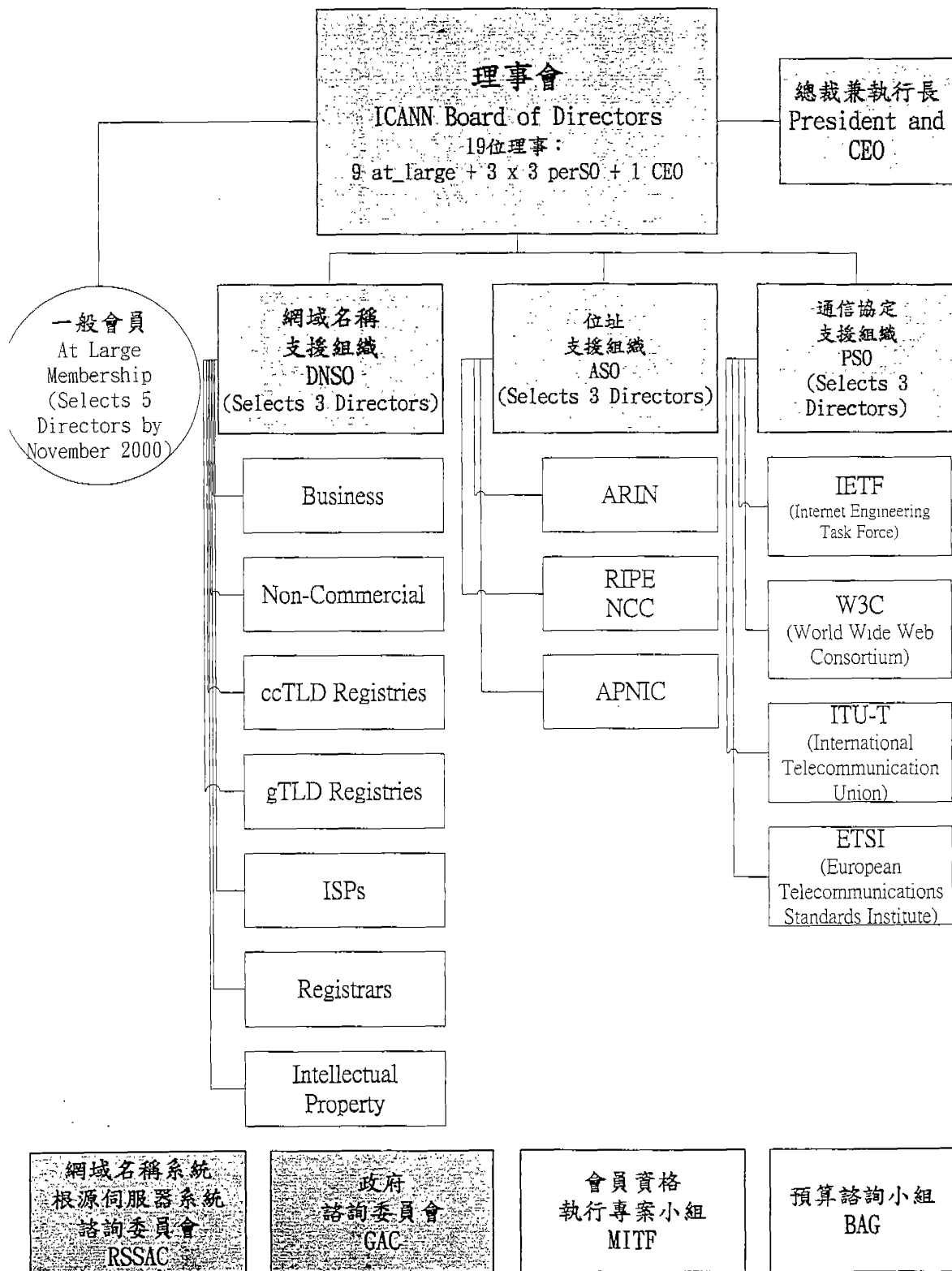
登錄的可選擇性，以促進網域名稱登錄的競爭環境。根據 DoC 和 ICANN 及 NSI 於 11 月 10 日簽訂的協議條文規定，NSI 在未來幾個月當中，將會代表商務部經營 InterNIC 網站，而後再將 InterNIC 網站移交給商務部管理。

二、ICANN 簡介

ICANN 為一非營利、國際性機構(International corporation)成立於 1998 年 10 月，負責監督原由美國政府管理之部分 Internet 技術管理功能(technical management functions)； ICANN 將陸續接掌 protocol parameters 之協調、DNS 之管理、IP³位址之安排及根伺服器系統(root server system)之管理。

(一) ICANN 組織架構圖

³ IP 為 Internet 之通信協定，IP 使得大型、各式電腦網路間得以透過各式實體鏈路(physical links)而快速、經濟地互相通信。一 IP 位址為一以數字表示之位址，使得 Internet 上之位置得以確定，Internet 上電腦間之資訊傳輸及建立連結即藉此 IP 位址達成，一般大眾係藉 DNS 以使用人性化名稱(human-friendly names)來辨識。



架構圖內名詞說明：

縮寫	全名	譯名	運作說明
ARIN	American Registry for Internet Numbers	美洲網路位址登記管理機構	ARIN 為一非營利性會員組織，承接先前由 Network Solutions 公司所負責區域 IP 位址之管理及登記，含北美、南美、加勒比海區及非洲次撒哈拉沙漠區 (sub-Saharan)。
RIPE and RIPE NCC	Reseaux IP Europeens		RIPE 為由歐洲 ISP 所組成之開放、自願性組織，RIPE NCC 為歐洲區域之 RIR (Regional Internet Registry；區域 Internet 登記管理機構)，負責參與 RIPE 組織之協調工作及使用者(end-users)位址指配之 LIR(Local Internet Registries；地區 Internet 登記管理機構)IP 位址區塊(blocks)之指配。
APNIC	The Asia Pacific Network Information Center	亞太網路資訊中心	APNIC 為一非營利性會員組織，負責亞太區 IP 位址之管理及註冊，含我國、日本、韓國及中國。
IETF	Internet Engineering Task Force	網路工程任務小組	IETF 為一大型、開放、國際性社團，由關心 Internet 架構及順利運作(smooth operation)之網路設計者、業者、廠商及研究人員所組成，其成員亦開放予有興趣的一般大眾 (interested individual)。

W3C	World Wide Web Consortium	WWW 聯盟	W3C 為一國際性工業聯盟(industry consortium)成立於1994年10月以發展能促www改良及互連之通信協定，其所提供之服務，含：對www研究及使用者之資訊儲存所、提昇標準參考碼之執行及新技術使用之示例。
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(二) ICANN 組成單位之功能

1. 理事會

ICANN 理事會係由 19 位理事組成，其為：

- 9 位一般理事(At-Large Directors)由 ICANN 會員選出
- 9 位理事為支援組織之代表，即
 - 網域名稱支援組織(DNSO)三位，
 - 位址支援組織(ASO)三位，
 - 通信協定支援組織(PSO)三位；及
- 1 位為 ICANN 理事長兼執行長(President and CEO)

2. 支援組織

各支援組織(Supporting Organization)有一特定之功能，每一支援組織負責提名理事會中之三位理事：

1. 位址支援組織(ASO)：ASO 負責向 ICANN 提出有關 IP 位址安排及管理之政策性建言，其著重於識別單一 Internet 上各種電腦之 IP 位址系統，如 128.9.128.127。
2. 網域名稱支援組織(DNSO)：DNSO 負責向 ICANN 提出有關 DNS 之政策性建言，DNSO 由會員大會(General Assembly)、名稱評議會(Names Council)及七個選舉人團(Constituency Groups)組成，著重於區

別 Internet 位置及資源之名稱系統，DNS 將容易記憶之名稱(如 www.icann.org)轉為 IP 位址。

3. 通信協定支援組織(PSO)：PSO 負責向 ICANN 提出有關通信協定標準之政策性建言，其關注於讓 Internet 上各種電腦交換資訊及通信管理之標準，包括目前 IPv4 及未來將大量擴增 IP 位址之 IPv6 通信協定。

每一支援組織必須自行組成、定義自身規則及說服理事會其特定區域之代表性，經理事會採認該支援組織後，其將有任命理事之權力及擔任 ICANN 主要政策的諮詢者。

3. 諮詢委員會

諮詢委員會為一正式諮詢體，由來自 Internet 社區 (community)代表組成，負責向 ICANN 作政策性之建言，ICANN 章程明定設立不同之諮詢委員會，諮詢委員會不代表 ICANN 行使職權，惟向 ICANN 理事會提出其研究報告及建言。

ICANN 理事會目前成立二個諮詢委員會，即

1. 政府諮詢委員會(GAC)

GAC 為一由國家級政府、多國政府組織及條約組織 (treaty organizations)代表所組成之諮詢委員會，其功能為向 ICANN 理事會表達政府單位之關切事項，GAC 以論壇方式討論政府之權益及關切議題 (interests and concerns)，包含消費者權益；GAC 不代表 ICANN 行使職權，惟向 ICANN 理事會提出其研究報告及建言。

GAC 主席目前為澳籍 Dr. Paul Twomey。

2. 根源伺服器諮詢委員會(RSSAC)

RSSAC 係負責向 ICANN 理事會提出有關網域名稱根源伺服器運作之建言，包含主機硬體容量、作業

系統、名稱伺服器軟體版本、網路連結、硬體環境、安全問題及系統效率、可靠度等。

RSSAC 主席為 Jun Murai。

貳、ICANN 第八次會議

一、會議時間、地點及議程⁴

(一) 時間：九十年三月九日至十三日

(二) 地點：澳洲墨爾本展覽暨會議中心(MECC)

(三) 議程：

日期	上午	下午
三月		
九日 星期五	- GAC - ICANN-ccTLD Managers	- GAC - At Large Study Committee - DNSO ccTLD Registries Constituency
十日 星期六	- GAC - Domain Name Supporting Organization Constituency Meetings 1. CcTLD 2. Non-Commercial 3. ISP 4. Registrars - ICANN Orientation Workshop	- GAC - Domain Name Supporting Organization Constituency Meetings 1. CcTLD 2. Non-Commercial 3. Business & Commercial 4. gTLD 5. Intellectual Property Constituency
十一日 星期日	- Domain Name Supporting Organization: General Assembly	- Domain Name Supporting Organization: Name Council
十二日 星期一	- ICANN Public Forum	- ICANN Public Forum
十三日 星期二	- ICANN Board Meeting	- ICANN Board Meeting

⁴ ICANN 第八次會議公告如【附件一】

二、主要討論議題

(一) 政府諮詢委員會 (G A C) 首任主席選舉

由 G A C 現任主席澳籍 Dr. Paul Twomey 當選，任期兩年。

(二) ccTLD 之委任及管理原則

ICANN GAC 主席澳籍 Dr. Paul Twomey 與各國代表於經前幾次 GAC 會議之討論後，研擬出一份國家碼最高階網域【ccTLD】之委任及管理原則(Principles for the Delegation and Administration of country code Top Level Domains)，此原則主要係闡明下列三者之角色：

- (1)政府(government or public authority)：為 ccTLD 之最高政策當局，並確保 ccTLD 之管理符合公眾利益。
- (2)ICANN：建立、傳播、監管全球 DNS 運作之技術標準及法規。
- (3)Delegee (指受政府委任之 ccTLD 管理者)：依 ISO 3166-1 內容對相對國家或領域之居民及"全球網際網路社群"負有服務之義務，即為受委任網域之受託人(trustee)，其政策應區分管理、行政及行銷，此些功能可由同一或不同機構(entity)負責，惟委任本身須由政府或 ICANN 同意方可。

在三者間，兩兩之關係，即

- (1)政府 & ICANN：互相聯繫、互相尊重
- (2)政府 & Delegee：委任之關係
- (3)ICANN & Delegee：ICANN 提供 ccTLD 相關服務，如維護含每一 ccTLD 資訊之資料庫、確保根伺服器 (root servers) 穩定安全地運作等，而 Delegee 理應分擔 ICANN 運作之費用。

G A C 本次會議重申支持其原提出之"國家碼最高階網域

之委任及管理原則"(GAC Principles)內主張之① I C A N N、②政府或公眾當局 (the relevant government or public authority) 及③ c c T L D 管理者三方之通訊體制 (three-party communications regime)，G A C 認為此三方體制應為 I C A N N 及 c c T L D 管理者間關係之目標，G A C 成員將採取對策以加速執行 G A C 原則。

(三) 國際化網域名稱 (IDN: Internationalized Domain Names)

多語言網域名稱的重要性普獲與會人士重視，I C A N N 與 G A C 亦均組成工作小組以探討網域名稱系統 (D N S) 增加使用 non-ASCII 字元所須面臨之互運 (interoperability)、爭議解決及智慧財產議題。

三、DNSO 各選舉人團 (Constituency) 會議

(一) Intellectual Property Constituency

智慧財產選舉人團 (【IPC】: Intellectual Property Constituency) 代表全球智慧財產使用者之觀點及利益，特別強調於商標 (trademark)、著作權 (copyright) 及相關智慧財產權 (intellectual property rights) 及其效果及與 DNS 之互動。

本次會議情形有關 ICANN DNSO IPC 之相關資訊，請上網查閱：<http://ipc.songbird.com>。

(二) NCDNHC Constituency

「非營利性網域名稱所有人選舉人團」(The Noncommercial Domain Name Holders Constituency; 【NCDNHC】) 由 (a) 至少擁有一網域名稱 (b) 為一非商業體 (non-commercial entity) 或以非營利基礎、非商業性目的之

運作(c)致力於非商業活動，含政治、教育、宗教、慈善、科學及藝術之組織所組成。

NCDNHC 的成立目的，是為了支持網路上的非營利性言論與活動，並保護該言論所位處的網域名稱。NCDNHC 可以說是目前 ICANN 網域名稱支援組織(Domain Name Supporting Organization; DNSO)中唯一代表非營利性言論的機構。

NCDNHC 組成的成員，包括來自公共網路、公共組織、藝術推動、兒童福利、宗教信仰、教育、科學研究、人權以及其他許多領域的非營利性組織。

有關 ICANN DNSO NCDNHC 之相關資訊，請上網查閱：
<http://www.ncdnhc.org>。

(三) **gTLD Registry Constituency**

屬性型最高階網域(【gTLD】:generic Top Level Domain)選舉人團係由 gTLD 註冊管理機構(registries)所組成，美國 Network Solutions, Inc.【NSI】為其重要成員。

有關 ICANN DNSO gTLD Registry Constituency 之相關資訊，請上網查閱：<http://www.gtldregistries.org>。

(四) **ISPCP Constituency**

Internet Service Providers and Connectivity Providers 選舉人團組成分子含藉運作 DNS nameservers 以服務第三者之單位及藉運作 TCP/IP Internet backbone 網路或提供轉接(transit)至 Internet users 或第三者之 Internet content。

有關 ICANN DNSO Internet Service Providers and Connectivity Providers Constituency 之相關資訊，請上網查閱：<http://ipc.songbird.com>。

(五) **Business Constituency**

Commercial and business entities 選舉人團代表藉使用

Internet 以從事其業務單位之觀點及利益。

有關 ICANN DNSO Business Constituency 之相關資訊，
請上網查閱：<http://www.bc.dnso.icann.org>。

(六) ccTLD Constituency

國家碼最高階網域(【ccTLD】:country code Top Level Domain)選舉人團係由 ccTLD 管理者組成。

有關 ICANN DNSO ccTLD Constituency 之相關資訊，請上網查閱：<http://www.cctld.dnso.icann.org>。

(七) Registrars Constituency

註冊登記機構(Registrars)選舉人團成員目前限為 ICANN 認可(accredited)之 Registrars，未來計畫擴大成員範圍以含 ccTLD registrars、resellers 及其他具 "registrar" 運作性質之單位。

目前 ICANN 認可者有一六九家，本次會議討論包括服務水準、行為規範、MDN、對新 TLD 之立場。

有關 ICANN DNSO Registrars Constituency 之相關資訊，請上網查閱：

<http://www.dnso.org/constituency/registrars/registrars.html>

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四、重要決議

(一) 政府諮詢委員會(GAC)

政府諮詢委員會公報

二〇〇一年三月
澳洲墨爾本

二〇〇一年三月十日，星期六 — ICANN 政府諮詢委員會【GAC】於三月九至十日於澳洲墨爾本（Melbourne, Australia）召開第八次會議。計有三十二個國家級政府、國際間認可之個別經濟本及多國政府及條約組織之出席代表就全球 Internet 相關議題作具體討論，並發表下列聲明：

A. 關於 GAC 首任主席之選舉：

GAC 舉行第一次主席之選舉，並由原主席澳籍 Dr. Paul Twomey 當選連任，依 GAC 運作原則（Operating Principles）之規定，主席任期為二年。

B. 關於國家碼最高階網域(ccTLD)之委任及管理

GAC 與網域名稱支援組織（DNSO）之 ccTLD 選舉人團（Constituency）、ICANN 理事及幕僚就 ccTLD 之委任及管理議題有建設性、開放及有用之討論。

GAC 重申支持其原提出之"國家碼最高階網域之委任及管理原則"(GAC Principles)內所主張之①ICANN、②政府或公眾當局（the relevant government or public authority）及③ccTLD 管理者三方之溝通體制（three-party communications regime），GAC 認為此三方體制應為 ICANN 及 ccTLD 管理者間關係之目標，GAC 成員將採取對策以加速執行 GAC 原則。

同時，若 ICANN 與 ccTLD 管理者雙方簽訂協議(bilateral ("legacy") agreement)，此協議本質上應為條件性及暫時性，以保留三方體制下政府或公眾當局表達意見之空間。

任何雙方協議應包含如在該協議有效期內達成三方溝通體制之提

前結束條款。因此，

在下列三種情況下應無雙方協議之存在：

- 要求重新委任 ccTLD 管理者之申請尚在審理中。
- 政府或公眾當局通知 ICANN 其已採取步驟以執行三方體制。
- ccTLD 管理者不在有關政府或公眾當局之管轄內（但有關政府或公眾當局認同者除外）。

GAC 希望 ICANN 在擬訂與 ccTLD 管理者之協議中，ICANN 能考慮該國或相對應 ccTLD 領地內私國際法規協定之標準商業慣例（standard commercial practice for private international legal agreements）。

C. 關於 GAC 之運作方式

鑑於 GAC 執行有效程序以支持 ICANN，並提供政府關心議題建言之職責，GAC 已成立工作小組（Working Groups）以檢查及報告下列議題：

- 多語言網域名稱（multilingual domain names）
- 最高階（Top Level）及第二階（Second Level）網域之地理及地緣政治（geographical and geopolitical）語彙
- 國際慣例之應用（applicability of international conventions）

D. 關於國際的網域名稱（IDNs: international domain names），GAC 重申其重要性及此發展對全球 Internet 使用者之利益，GAC 更認為測試基台倡議及三項主要公共政策方面須受到 ICANN、其支援組織及廣大 Internet 社群之優先考慮，即：

- 目前及未來 Internet 間互運（interoperability）之實質重要性
- 預防網域名稱搶佔（cybersquatting）及 IDNs 環境下之爭議解決機制
- 競爭及市場進入、消費者保護及智慧財產原則之應用。

GAC 聲言：

反網域名稱搶佔（Anti-cybersquatting）原則及機制應從目前之 ASCII

碼環境升級到 non-ASCII 環境，技術實作亦應與其標準發展同步。

保留網域名稱系統 (DNS) 之全球連接及接取 (universal connectivity and accessibility)，對 Internet 作為全球網路是極為重要的。於尋求統一標準過程中，不同技術實驗可能須經審查，而最後達成多語言網域名稱之一致、互運標準以使系統之能力可於 Internet 上普遍存在。

IDNs 於最高階網域 (TLD) 之註冊應自有效及公平之競爭條件及在適當層級及活動規模下獲利。ICANN 應採取步驟與 IDNs 測試基台 (testbed) 業者溝通，其應告訴消費者其 testbed 狀態及運作，包括註冊情形，尤其是系統完全運作前的註冊環境。

GAC 感謝澳洲政府，特別是澳洲資訊經濟國家辦公室 (National Office for the Information Economy) 主辦本次會議及管理 GAC 網站。

GAC 下一次會議將於二〇〇一年六月於瑞典斯得哥爾摩 (Stockholm, Sweden) 與 ICANN 下一回合之會議一起舉行。

(二) 理事會(Board of Directors)

ICANN 理事會決議

二〇〇一年三月十三日

澳洲墨爾本

於 2001 年 3 月 13 日墨爾本理事會中，ICANN 理事批准下列決議：

會議紀錄之批准

決議[01.14]：理事會通過並採納 2000 年 9 月 25 日、2000 年 10 月 17 日及 31 日及 2000 年 11 月 16 日（組織的會議）等理事會議紀錄。

Reconsideration 委員會之建議

決議 [01.15]：Reconsideration 委員會之建議 RC-00-6 及 RC-00-7，依建言內所述理由通過並採納。

特別工作小組(Ad Hoc Group)

鑑於：在 1999 年 8 月 26 日之決議 99.79，理事會成立一個特別工作小組負責發展與規劃未來於號碼(numbering)領域之目標及政策結構，尤其是須符合全球市場的需要及考慮資訊技術服務與網路的整合(convergence)；

鑑於：召集號碼及位址(Numbering and Addressing)方面之特別工作小組旨在透由公眾意見論壇網站(web-based public comment forum)討論這些問題；

鑑於：自從成立了論壇時起，各個參與者已在號碼及位址議題方面之公眾論壇網站作出貢獻，包括 2001 年 3 月 8 日由 Mr Mark McFadden 與 Mr Tony Holmes 所提出之廣泛(extensive)報告；

決議[01.16]：理事會將 2001 年 3 月 8 日 McFadden/Holmes 的報告提交位址支援組織(Address Supporting Organization)之位址評議會(Address Council)作進一步考量並作適當建言。

決議[01.17]：理事會宣布特別工作小組在號碼及位址方面之工作已完成。

決議[01.18]：理事會請求 ICANN 職員維持特別工作小組實體佈告之持續線上檔案至少一年。

決議[01.19]：理事會感謝 Mark McFadden、Tony Holmes 及編輯小組對特別工作小組工作所作之顯著貢獻。

一般會員研究委員會之成員

鑑於：一般會員研究委員會 (At Large Membership Study Committee) 主席與副主席已向理事會提出一份該委員會候選委員資料，理事會樂見被提名候選委員之豐富資歷及不同的背景，理事會已知悉，該委員會的主席、副主席可能考慮向理事會提出增加一位或更多位候選委員成為該委員會的委員，以提供遺漏之技術部分，惟此仍須受預算之限制；

決議[01.20]：理事會批准 Pierre Dandjinou、Esther Dyson、Oliver Iteanu、Ching-Yi Liu (中央大學專任助理教授劉靜怡)、Thomas Niles 及 Oscar Robles 為一般會員研究委員會委員。

一般會員研究委員會之預算

鑑於：ICANN Bylaws 第 5 節第二條規定有關 ICANN 一般會員之概念、結構及處理之整體研究；

鑑於：在決議 00.11 中，理事會成立一個臨時性的諮詢委員會，即一般會員研究委員會，進行此項研究；

鑑於：一般會員研究委員會已向財務委員會(Finance Committee)提出一份研究計畫預算；

鑑於：財務委員會已審查該計畫預算並已向理事會作建議；

決議[01.21]：總裁(president)獲授權於不超過 US\$450,000 範圍內(其中 US\$100,000 已獲理事會授權)，並於一般會員研究委員會主席的指導下，擴大 ICANN (Corporation)基金以支持一般會員研究；預期一般會員研究委員會的主席及委員將持續審慎的擴大此基金，以支持該委員會規章(charter)之完成。

提議修改 VeriSign 的協議

鑑於：修改 ICANN、Network Solution,Inc.及美國商務部之間協議(在決議 99.132 及 99.133 中，已於 1999 年 11 月 4 日獲批准並於 1999 年 11 月 10 日簽署)之提議已向理事會提出；

鑑於：理事會擬考慮在其計劃於 2001 年 4 月 2 日舉行之會議中(時間未定)對此提議採取行動；

決議[01.22]：理事會要求網際網路社群成員，包括名稱評議委員會(Name Council)及任何選舉人團及其他參與網域名稱支援組織者於 2001 年 3 月 31 日前對該提議的實質優點提供意見。

決議[01.23]：職員已奉示自即日起續維持公眾意見論壇網站 (web-based public comment forum)，以接收各方的意見。

新高階網域之協議(New TLD)

鑑於：在決議 00.89 中，理事會已選出七項營運或贊助的最高階網域【TLD】提案供 ICANN 與註冊業者或贊助組織協商，俾獲致適當的協議。

鑑於：在決議 00.90 中，理事會已授權總裁及 General Counsel 代表 ICANN 進行這些協商，倘再進一步獲理事會同意或批准，亦可進行簽署適當的協議。

鑑於：已與四個選出的非贊助(unsponsored)TLD 註冊業者(NeuLevel、Afilias、Global Name Registry 及 RegistryPro)協商基本的協議；

鑑於：基本的協議及許多相關的附錄業經協商完成與獲同意，
並已公布徵詢公眾意見；

鑑於：理事會已收到 General Counsel 與建議者對其協商結果
與進展方面之簡報；

鑑於：已在公眾意見論壇網站及 2001 年 3 月 12 日舉行之公眾
論壇(Public Forum)收到公眾的意見；

鑑於：理事會已考慮公布的協議與附錄、簡報及公眾的意見，
並發現同意該協議對增進 ICANN 的目的是有必要且適當的；

決議[01.24]：授權並要求總裁及 General Counsel 儘快地完成
其餘 unsponsored TLD 附錄之協商，並在 ICANN 網站上公布
附錄協商結果或對已公布的基本協議及附錄所作的任何小幅
修正或調整。

決議[01.25]：理事會應就任何四個非贊助的高階網域(.biz、.info、.name,
及.pro)全部公布的協議與附錄通知，在通知後應准許理事會會員
有七日時間向總裁與 General Counsel 表示意見。

決議[01.26]：倘理事會會員基於政策考量無相反的意見，在這七日作成
結論後，將授權總裁簽署該公布的協議。

決議[01.27]：一經簽署協議，將授權總裁採取行動，包括作成報告，向
美國商務部提出報告，因施行該等協議是適當的。

網域名稱支援組織檢討(DNSO Review)

鑑於：理事會已自名稱評議委員會(【NC】：Names Council)收到 DNSO
檢討報告及其他相關資料。

理事會亦獲通知，NC 已計劃在其 2001 年之商業計畫(business plan)
陳述檢討結果，將以一個臨時委員會開始建立進一步行動的委
託事項。

決議[01.28]：理事會要求 NC 及其他來源將其建議分成改善目前 DNSO
運作的建議與可能導致 DNSO 結構改變或其功能重大改變的建
議。

決議[01.29]:理事會鼓勵有關改善目前 DNSO 運作之改變的建議於 2001 年 4 月 16 日前提出，根據該建議理事會將訂於上述期間結束採取進一步的行動。

支付與簽發支票授權 (Disbursement and Check Signing Authority)

決議[01.30]:副總裁與 General Counsel、Louis Touton、財務長(Chief Financial Officer) Andrew McLaughlin 及他們之中任何一位可授權 ICANN 法人團體基金的支付(disbursements of the Corporation's Funds)，並可簽發 ICANN 法人團體的支票，金額為 US\$10,000 或以下。

進一步決議[01.31]:M. Stuart Lynn 一成為該 ICANN 法人團體的總裁，將可授權支付 ICANN 法人團體的基金，並可簽發 ICANN 法人團體的支票，金額為 US\$50,000 或以下。

進一步決議[01.32]:M. Stuart Lynn 一成為該 ICANN 法人團體的總裁，將可授權支付法人團體的基金，並可簽發 ICANN 法人團體的支票，金額為 US\$50,000 或以下。當獲理事會財務委員會(Finance Committee)或執行委員會(Executive Committee)授權時亦是，一經顯示他們係在總裁的授權內，即應同意給予這些授權。

進一步決議[01.33]:在理事會決議 00.35 至 00.38 發布之支付基金及簽發支票授權，應於採納本決議而停止生效。

稽核員的任命(Appointment of Auditors)

鑑於:理事會已收到稽核委員會(Audit Committee)的報告，推薦 KPMG · LLP 辦理 ICANN 法人團體 2001 年 6 月 30 日止之會計年度之財務事務的稽核工作。

決議 [01.34]:任命 KPMG · LLP 辦理 ICANN 法人團體 (Coporation)2001 年 6 月 30 日止之會計年度的年度財務稽核，費用不超過 US\$28,000，以及辦理一些 ICANN 財務管理的選擇性

檢討，此額外附加費用不超過 US\$10,000。

決議[01.35]：授權總裁與 KPMG · LLP 簽訂契約書(engagement letter)。

DNSO 基金之處理

鑑於：稽核委員會(Audit Committee)已就 ICANN 基金收入、處理及對 DNSO 支持的支付等實務審查並向理事會報告；

決議[01.36]：授權總裁(President)維持一個分開的 DNSO 捐助帳戶以保管支持 DNSO 之基金收入及經名稱評議委員會(Names Council)或其指定人授權的支付。

與 ccTLD 管理者之協議

鑑於：自上次於 2000 年 11 月舉行之 ICANN 會議，ICANN 的理事與管理部門已顯著增加工作時間與努力以致力與 ccTLD 管理者訂立契約的討論；

在檀香山(Honolulu)、日內瓦(Geneva)及墨爾本(Melbourne)舉行的 ccTLD/ICANN 會議均相當成功，已顯著拉近 ccTLD 社群與 ICANN 對適當協議的本質與基本要素的共識；

決議[01.37]：ICANN 管理部門已奉指示加強向前完成該等協議草案(draft legacy agreements)，如需要時，並在三角情況下(in triangular situations)追求可接受的 ccTLD 協議。

國際化網域名稱(Internationalized Domain Names)

鑑於：ICANN 理事會已陸續收到詢問其角色及對網域名稱系統支援之國際化網域名稱字元各種努力之觀點，除網際網路工程任務小組(IETF's)之國際化網域名稱工作小組外，一些使用非 ASCII 字元組作為網域名稱之方案已開始進行，含 VeriSign 對.com/.net/.org 註冊的測試基台(testbed)、ccTLD 註冊業者之非 ASCII 字元組之試驗，以及私人公司及其他機構之國際化網域名稱預先註冊的

行銷；

ICANN 理事會於 2000 年 9 月 25 日曾批准一些有關 VeriSign 測試基台(testbed)的決議(00.77 至 00.80)，在這些決議中，理事會了解網際網路更開放(accessible)的發展對那些不使用 ASCII 字元者的重要性，理事會強調網際網路的網域名稱系統的國際化必須要透過公開、非專屬的(non-proprietary)標準完成，該標準並須完全與網際網路現存之端對端(end-to-end)模式匹配，並在一個普遍可解決的公眾名稱空間中保存全球唯一的命名；

在墨爾本會議召開之前，ICANN 已請求公眾對下列五項一般性的主題表示意見：

- 國際化的網域名稱標準化與測試基台的配置處理(Testbed Deployment Process)；
- 在 IDNs 之智慧財產權考量；
- 國際化網域名稱之字元組對其母國語言的關係；
- 在 IDNs 方面之公共教育與延伸(Outreach)；
- IDNs 與 ICANN 註冊處/註冊員(Registry/Registrar)之協議；

在 ICANN 程序中，有關國際化網域名稱議題的關切及興趣已有增加趨勢；

DNSO 之名稱評議委員會(Names Council)於墨爾本會議時，已採納一商業計畫(business plan)，要求成立一個工作小組以發展實行國際化網域名稱政策之共識；

政府諮詢委員會(Governmental Advisory Committee)在其墨爾本會議公報中指出，其將成立一個國際化網域名稱的工作小組以針對考量的問題進行審查及報告；

理事會瞭解根源伺服器諮詢委員會(Root Server System Advisory Committee; RSSAC)已開始討論對根源伺服器運作所作努力之意涵；

決議[01.38]：理事會表達其對有關許多存在的國際化測試基台與預先註冊服務的本質與應用可能的混亂之關切，並鼓勵更加擴大及密

集之全球網際網路社群之教育及對話。

決議[01.39]：為促進對國際化網域名稱技術與政策問題更佳之瞭解，理事會指定一個由 Masanobu Katoh(主席)、Vint Cerf、Karl Auerbach 及 Ivan Campos 組成之內部工作小組，以找出各種國際化的努力及問題，俾與技術專家及其他參與這方面努力之人士進行對話，並向理事會作出適當之建議。

決議[01.40]：理事會要求該工作小組於 6 月份在下次的理事會議就其研究成果提出報告。

感謝當地主辦單位及贊助者

決議[01.41]：ICANN 感謝當地主辦單位之辛勞及對 ICANN 墨爾本會議之貢獻，理事會代表全體與會者向澳洲主辦單位全體人員致謝。

決議[01.42]：ICANN 感謝墨爾本會議當地及國際的贊助者對本會議之慷慨貢獻。

感謝 Lennie and Mike Roberts

鑑於：

Mike Roberts 今日完成其擔任 ICANN 首任總裁及執行長任務；
自 1998 年 10 月廿五日起，Mike 已經為 ICANN 投注 869 日、13 小時及 25 分鐘不間斷之心力；
其於面對巨量要求下之體能、毅力及幽默感為成功建立 ICANN 之必要條件；
於其努力之直接成果為普遍對 ICANN 之認知為”沒有比想像的差”(not as bad as it could be)，於是：

決議[01.43]：理事會代表 ICANN 社群向 Mike Robert 對其致力於網際網路公共服務之崇高理想之辛勞表達其最深之謝忱。

決議[01.44]：理事會亦持相同之謝忱，感謝 Lennie Roberts 之熱忱、耐

心及於多次 San Francisco 機場間之往返。

(三) ICANN GAC 之 ccTLD 委任與管理原則

國家碼最高階網域(ccTLD)委任及管理原則 (摘譯)

1、前言

在 RFC 1591 發布後五年以來，網際網路(Internet)已從一電腦及網路研究領域中之工具演進發展成一商業、教育及通信之全球媒介。基於 Internet 已成一國家經濟發展之工具、Internet 社群擴展、多樣化的本質等因素均使得 Internet 技術功能之傳統管理方式必須有所演進。

因此，網域名稱系統(DNS)功能，包含 DNS 根伺服器之管理、網域名稱註冊政策之發展、Internet 通信規約(Protocols)之協調及 Internet Protocols 號碼(IP numbers)之指配等在透過 ICANN 之程序後已有更清楚之界定及正式化。同樣地，ccTLDs 之委任與管理之程序與架構亦須發展出一套更健全、明確及可靠之制度。

儘管修訂 RFC 1591 原則是需要的，惟該原則仍具重要地位，ccTLD 管理者(manager)係代表相關地區社群執行公眾服務業務，並對該社群負責。關於"全球網際網路社群(global Internet community)"並不特指一法定或國際個體(entity)，而是受相關 TLD 影響之所有人，因為此運作可能侵犯到多個管轄權(jurisdiction)及影響相關國家或地區及其他地區的個人或個體之利益，此為我們對 RFC 1591 內所述"全球網際網路社群"意義之解讀。

2、本文之目的

本文之目的係擬對 ccTLD 委任及管理原則提供建議以協助最佳運作方式(best practice)之產生，這些原則的用意在於促成下列模式(models)之發展：

- 政府及公眾當局(relevant government or public authority)及 ICANN 間之溝通(communication)
- ICANN 及管理者/受委任者(Delegee)間之溝通

- 政府及 Delegee 間之溝通

3、定義

本文使用下列定義：

- 3.1 "Alternative Dispute Resolution"(或"ADR")指非訴訟程序之爭端解決機制，可為仲裁、調解、和解或行政爭端解決之處理。
- 3.2 "Communication"應含一法律、規則、協定、文件、合約、備忘錄或其他適當形式書面文件等。
- 3.3 "Country code top level domain(國家碼最高階網域)"或"ccTLD"為依 ISO 3166-1(國名及其分區域之名稱代碼)兩碼代碼所訂之最高階網域。
- 3.4 "Delegation"(委任)特指 ICANN/IANA 對負責 DNS root 中之 TLD 管理之委任。
- 3.5 "Delegee"(管理者)指受政府任命以管理 ccTLD 之組織、公司或個人，Delegee 亦可為政府本身，Delegee 亦可將 ccTLD 之行政管理工作外包。
- 3.6 "Designation"(指派)指政府之指派。
- 3.7 "DNS"：網域名稱系統。
- 3.8 "ICANN"：網際網路名稱與號碼指配機構。
- 3.9 "Relevant government or public authority"(政府)：於 ICANN 章程或 GAC 運作原則所述之政府代表國家級政府或國際間認可之個別經濟體。
- 3.10 "Relevant local community"代表 ISO 3166-1 所述之地區社群，此定義限於本文件使用。
- 3.11 "Top Level Domain(最高階網域)"或"TLD"為全球網域名稱系統之最高階網域(domain)。

4、ccTLD 管理者(Delegee)之角色

- 4.1 ccTLD Delegee 係依 ISO 3166-1 內容對相關國家或領域及"全球網際網路社群"居民負服務之義務，即為受委任網域之受託人

(trustee)，其政策應區分管理、行政及行銷，此些功能可由同一或不同個體(entity)負責，惟委任本身須由政府或 ICANN 同意方可。

4.2 ccTLD 本身不賦與私有智慧財產權或其他財產權，其 Delegee 亦不會由於委任的結果而產生，抑不會因任一個體從事 ccTLD 之管理、行政或行銷而產生。

4.3 在執行附著於 ccTLD 之其他管理及行政功能之運作上，可能有可買賣之貨品或服務產生。

4.4 Delegee 應了解 ccTLD 之最高政策當局為"政府"

4.5 Delegee 應與該 ccTLD 所屬之政府充分合作。

4.6 Delegee、受委任合約應居住或設置公司於該政府司法管轄下之地區，若不然，其運作方式亦應與該地區之法律或政府之公眾政策一致。

5、政府之角色

5.1 政府之角色在於確保 ccTLD 之管理符合公眾利益。

5.2 政府對公共政策目標負責，如：透明化，非歧視；予各類使用者有更多之選擇權、低價及更好之服務；尊重個人隱私；及消費者保護，爰此，政府對 ccTLD 有最高管理權，並須確保其運作符合國內公共政策目標、法規及國際法律及適用的國際慣例。

5.3 ICANN 之政府諮詢委員會(GAC)先前已採認網際網路名稱系統為一公共資源，故其運作須符公共利益之一般性原則。

5.4 政府須確保其 ccTLD 之 DNS 註冊，在適當的層級及規模下，因有效率及公平競爭而受益。

5.5 政府應確保下述第九條含於其與 Delegee 之協議中。

5.6 政府於任命 Delegee 時，應考量 ccTLD 行政及管理之穩定性，一般而言，組織及公司較諸個人可提供較高之穩定性。

6、ICANN 之角色

6.1 ICANN 之主要功能為建立、傳播、監管全球 DNS 運作之技術標準及作業要點，含：

- IP number block allocation 政策之建立；
- Authoritative root server system 之行政(Administration)；
- 擬訂新增 TLD 於 root system 之政策；
- 其他 Internet 技術參數之指配及協調；
- 其他 DNS 行政功能協調事項。

6.2 於 ccTLD 之行政及運作上，ICANN 之角色為發展及執行下述第 10 條之政策。

7、委任之原則

7.1 當政府與 ccTLD Delegee 之溝通雖存在，惟如政府表示該 ccTLD Delegee 違反合約或合約屆期等情形下，ICANN 應迅速協調政府或公眾當局重新指派 Delegee。

7.2 在政府與 ccTLD Delegee 缺乏溝通、政府當局表示該 ccTLD Delegee 未受到地區社群及政府支持或違反 RFC 1591 之條款(material provisions)之情形下，ICANN 應迅速協調政府或公眾當局重新指派 Delegee。

7.3 當 ICANN 通知政府其 ccTLD 之運作危及 Internet 或 DNS 之穩定或違反下述第 10 條之規定，政府應協調 ICANN 解決或重新任命委任者。

7.4 未來 ICANN 對 ccTLD 之委任或重新委任須限於已受政府指派之組織、公司或個人。

7.5 Delegee 依法享有適當權力以執行其業務，不受歧視及專制的作業要點、政策或程序所影響，倘若於重新委任時(reassignment of delegation)，ccTLD 之登錄者(registrants)應得繼續網域名稱轉成 IP 位址服務(name resolution)或於合理時間移轉到另一個 TLD。

8、ICANN 與政府間之關係

8.1 政府與 ICANN 之溝通應含一於該地區內之聯繫窗口，政府與 Delegee 間之合約應複印一份予 ICANN。

8.2 政府應告知 ICANN 其如何要求 Delegee 遵守執行下述第 9 條之事項：

8.3 ICANN 於新增 gTLD 時應避免使用國家名稱、地區名稱及地方名稱，或 ISO 639 之語言碼，除非獲得政府或公眾當局的同意。

9、政府與 Delegee 間之關係

9.1 政府在委任時，應含下列條款，並副知 ICANN：

9.1.1 訂定各項條款，含委任期、績效評核、審核及撤銷委任程序；

9.1.2 ccTLD Delegee 之運作須以地區社群及全球 Internet 社群之利益為依歸；

9.1.3 政府具最高主導權，delegee 行事必須符合國內法律、法規、國際法及國際慣例；

9.1.4 ccTLD 管理對 TLD 本身無財產權；

9.1.5 於新 Delegee 接任時，確保 DNS 資料之轉移；

9.1.6 制定有效率、明確之網域名稱爭議解決機制；

9.1.7 Delegee 須遵照 ICANN 所發展之政策，如第 10 條之規定，執行業務；

9.1.8 在鼓勵境外人士在該 ccTLD 註冊之註冊政策中，除政府以法規或書面禁止外，delegee 應遵守 ICANN 之 ccTLD 政策。

9.1.9 無論 delegee 是否居住於該地區，均應遵守上述條款。

9.2 於 ccTLD Delegee 轉包(sub-contract) ccTLD 之技術工作時，須確定承包者具 ICANN 所定之技術能力。

9.3 於 ccTLD Delegee 轉包(sub-contract) ccTLD 之行政及管理工作中時須載明委任本身為一公共權利之行使，不是一項財產，如再委任時須依第 7 條(委任的原則)規定辦理。

10、ICANN 與 Delegee 間之關係

10.1 ICANN 應遵守下列事項：

- 10.1.1 維護含每一 ccTLD 資訊之資料庫；
- 10.1.2 確保 root servers 穩定、安全地運作；
- 10.1.3 有關 ccTLD 委任及委任相關紀錄皆要稽核存底；
- 10.1.4 適時通知 delegee 任何 ICANN 聯絡資訊之改變。

10.2 Delegee 應遵守下列事項：

- 10.2.1 維持該 TLD 之主要及次要名稱伺服器之安全及穩定運作以及確保地區檔案及正確、最新的登錄資料讓 ICANN 可獲取以確保 ccTLD 之穩定運作。
- 10.2.2 適時通知 ICANN 任何 ccTLD 聯絡資訊之改變(或變動)。
- 10.2.3 建立註冊資料之托管(escrow)或備份網站之政策。
- 10.2.4 於轉移新委任者時，確保 DNS 資料之轉移。
- 10.2.5 遵循 ICANN 既定政策。
- 10.2.6 合理分擔 ICANN 運作之費用。

參、觀感及建議事項

- 一、 本次會議在政府諮詢委員會會議【GAC】方面，鑒於該委員會係由國家級政府、經國際論壇認可之區域經濟體、多國政府組織及條約組織代表所組成，其功能為透過論壇方式討論政府之權益及關切議題，包括消費者權益，並作成報告及建議，向 ICANN 理事會表達政府單位之關切事項、立場與建言、深獲主要經濟強國如美國、英國、加拿大、德國、法國、澳大利亞、義大利、日本、韓國、大陸(派電信部門副局長級參加)、新加坡、歐盟、OECD、我國等(計 32 位代表與會)之重視，該會議討論之重點包括 GAC 主席選任要國家碼最高階網域【ccTLD】之委任與管理、GAC 之運作方式以及對國際化網域名稱之重要性、網址搶佔的預防與爭端解決政策、市場開放與競爭、消費者保護及智慧財產權原則之運用等三項公共政策之優先考量等，此均與我國國家權益及規範制定息息相關，為確保及維護我國家權益及對 Internet 網域名稱系統發展之發言權，我國政府單位確有派員與會之必要，爰謹建議繼續派員出席未來之各次會議。
- 二、 其次，在網際網路名稱與號碼指配機構【ICANN】會議方面，鑒於 ICANN 係為非營利的國際性機構，旨在負責監督原由美國政府(商務部)管理之部分網際網路(internet)技術管理功能，及 Protocol Parameters 之協調、DNS 之管理、IP 位址之安排及根源伺服器系統之管理，其性質屬民間部門之國際性會議，與會者係由各國網際網路管理者或經營者及其他相關業者組成，本次會議運作方式，主要係透由 ICANN 下設之各支援組織之各選舉人團或相關委員會先各別召集會議，與相關與會業者並同時透過網路與線上業者作廣泛開放之意見討論，再向其支援組織之會員大會或相關委員會議提報建言，循序再召開大眾論壇，開放與會業者及網路線上業者大眾再就上述建言交換意見及廣納新建言後，最後再將結論提交 ICANN 理事會議討論並作成決議。本次會議討論重點主要包括前次會議紀錄之批准、

特別工作小組之運作發展、一般會員研究委員會的新會員選任及其預算、提議修改 VeriSign 的協議、新最高階網域【TLD】之協議、網域名稱支援組織【DNSO】之檢討、支付與簽發支票授權、稽核員之任命、DNSO 基金的處理、與國家碼最高階網域【ccTLD】管理者之協議、國際化的網域名稱等方面，大部分與國內網際網路管理者、經營者及相關業者或公會之業務運作及未來發展方向有關，爰併建請鼓勵國內相關業者及公會參與該會議。

- 三、另本次會議代表團團長交通部電信總局高副局長凱聲亦趁與會之便，與 GAC 主席 Dr Paul Twomey 洽談其接受交通部葉部長邀請訪華細節，T 主席已暫訂於今年五月初訪華，屆時將參訪我電子商務相關單位及衛生醫療相關網路單位。有關 T 主席訪華相關接待事宜，將由電信總局負責辦理，預計安排 T 主席拜會交通部、經濟部、外交部、行政院衛生署及台灣網路資訊中心【TWNIC】等單位，並舉辦一場研討會以介紹 GAC 之運作原則。

肆、附件

一、ICANN VIII 公告

二、ICANN VIII GAC 公報

三、ICANN VIII 理事會決議

四、ICANN GAC 之"ccTLD 委任及管理原則"



ICANN Meetings in Melbourne

9-13 March 2001

[Click Here for the Local Hosts' ICANN/Melbourne Meeting Website!](#)

ICANN's next round of meetings will be held (9-13 March, 2001), in Melbourne Australia. The meetings are free to attend, and open to any interested person. ICANN encourages broad participation in its bottom-up consensus-development process.

Please be aware that there are a number of events being held in Melbourne around the time of the ICANN meeting, so early hotel booking is strongly recommended.

The Host Committee have provided a [local website](#) with information regarding the area, the meeting and local Hotels.

The meetings will be held at the [Melbourne Exhibition & Convention Centre \(MECC\)](#).

Details about the meetings are being posted on this page as they become available. Please check back often!

Meeting Schedule	Agendas	Sponsors and Sponsorship Opportunities
Webcast & Remote Participation	Pre-Registration	Press & Media

MEETING SCHEDULE

ICANN Meetings by Special Arrangement

On **Friday March 9th 2001** the following additional meetings will take place:

- [At Large Study Committee](#)
 - Time: 12:30 - 16:30
 - Location: Bellarine 1
- [ICANN - ccTLD Managers](#)
 - Time: 8:30 - 12 noon.

- Location: Corryong 1 & 2
- **DNSO ccTLD Registries Constituency**
 - Time: 13:00 - 18:00
 - Location: Corryong 1 & 2

ICANN Meetings

On **Saturday March 10th**, there will be an **ICANN Orientation Workshop** (9:00-10:00, YouYang 1 & 2), and meetings of the **DNSO Constituencies**:

- Business Constituency
 - Time: 13:30 - 18:00
 - Room: Howqua 2
- ccTLD Registries Constituency
 - Time: 8:00am - 18:00pm
 - Room: Corryong 1 & 2
 - Agenda
- gTLD Registries Constituency
 - Time: 13:00-15:00
 - Room: Howqua 3
- Intellectual Property Constituency
 - Time: 13:30 - 18:00
 - Room: You Yangs 1 & 2
- ISP Constituency
 - Time: 8:30-12:30
 - Room: Howqua 3
- Non-Commercial Constituency
 - Time: 9:00-18:00
 - Room: You Yangs 3
- Registrars Constituency
 - Time: 8:30-12:30
 - Room: Howqua 2

On **Sunday March 11**, there will be a meeting of the **DNSO Names Council** (13:30 - 17:00) and a **DNSO General Assembly** (08:30 - 12:30), in the Latrobe Theatre.

On **Monday March 12**, there will be an **ICANN Public Forum** (08:45 - 18:30, agenda below), in the Latrobe Theatre.

On **Tuesday March 13**, there will be an **ICANN Board Meeting** (08:30 - 15:00, open to public observation), in the LaTrobe Theatre.

AGENDA FOR ICANN PUBLIC FORUM AND BOARD MEETING

The agenda for the ICANN Public Forum on 12 March 2001 currently includes the following discussion items and reports:

- New TLD agreements
 - Topic Paper on New TLD Agreements
- ccTLD agreements
- DNSO review
- Internationalized Domain Names
- Proposed Revisions to VeriSign Agreements
- Status report by At Large Study Committee
- ICANN Budget 2001-2002
- Final report of the Ad Hoc Group on Numbering and Addressing

Other items may be added in the near future, so please check back. Comments on the agenda should be sent to [Andrew McLaughlin](#), or to any member of the ICANN Board of Directors.

The schedule for the Public Forum on 12 March currently is as follows:

- 0845 - Welcome and Introductions (including Dr. Stuart Lynn, new CEO)
- 0900 - CEO Report
- 0920 - Committee Reports
 - Root Server System Advisory Committee
 - Governmental Advisory Committee
 - Reconsideration Committee
 - Finance Committee (including Budget 2001-2002)
- 1015 - Break
- 1030 - Public comment
- 1100 - Reports (continued)
 - Supporting Organizations (including DNSO Review)
 - At Large Study Committee
 - Ad Hoc Group on Numbering and Addressing
- 1145 - Public comment
- 1215 - Welcome from Sen. Richard Alston, Minister of Communications, Australia
- 1230 - Lunch break
- 1400 - Status of ccTLD Agreements
- 1415 - Public comment
- 1430 - New Registry Agreements - new TLDs (including public comment)
- 1530 - New Registry Agreements - com/net/org (including public comment)
- 1630 - Break
- 1645 - Reports on Internationalized Domain Names
- 1715 - Other Business/Open Mike
- 1800 - Adjourn

Here again, this schedule is tentative and subject to change as we get closer to 12 March.

SPONSORS AND SPONSORSHIP OPPORTUNITIES

As the meeting is being run on a cost-recovery basis, sponsorship

opportunities are limited. If you or your organization are interested in sponsorship please feel free to contact [Greg Crew](#).

We are presently actively seeking sponsors for the meeting Webcast. If you or your organization are interested please feel free to contact [John Crain](#)

WEBCAST AND REMOTE PARTICIPATION INFORMATION

As usual, ICANN will be webcasting the DNSO General Assembly and Names Council Meetings (11 March), the ICANN Public Forum (12 March), and the ICANN Board meeting (13 March). [Click here](#) for details on the webcasts and remote participation opportunities for those unable to attend the meetings in person.

PRE-REGISTRATION

Pre-registration for the Melbourne meetings is now closed. Registration will be available on-site. You can review the public list of pre-registrations by [clicking here](#).

Due to possible space/security requirements pre-registration may be necessary for invitation to some receptions.

PRESS AND MEDIA INFORMATION

Members of the press should contact [Brett LaGrande](#) for assistance.

Comments concerning the layout, construction and functionality of this site should be sent to webmaster@icann.org.

Page Updated 09-March-2001

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GOVERNMENTAL ADVISORY COMMITTEE COMMUNIQUE

Melbourne, Australia - March 2001

SATURDAY 10 March 2001: The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) held its eighth meeting in Melbourne, Australia, yesterday and today. The attending GAC Members, representing 32 national governments, distinct economies as recognised in international fora and multinational governmental and treaty organisations, had fruitful discussions across issues relating to the Internet worldwide, and issued the following statement:

- A. With regard to the election of the First Chair of the Governmental Advisory Committee, that:

The GAC has held the First Election for Chair of the GAC, and that Dr Paul Twomey of Australia, the Initial Chair, was elected as Chair of the GAC, to serve for a term of two years, in accordance with the GAC Operating Principles.

- B. With regard to issues relating to the delegation and administration of country code top level domains (ccTLDs) that:

The GAC had a constructive, open and useful dialogue with the ccTLD Constituency of the Domain Name Supporting Organisation (DNSO), and the ICANN Board and staff, on issues relating to the delegation and administration of ccTLDs.

The GAC reaffirms its commitment to the appropriateness of a three-party communications regime among ICANN, the relevant government or public authority and the ccTLD administrator, as provided for in the GAC document "Principles for the Delegation and Administration of Country Code Top Level Domains" (the GAC Principles). The GAC considers that such a three-party regime should be the goal of relationships between ICANN and ccTLD administrators, and GAC members will take steps to facilitate implementation of the GAC Principles.

Meanwhile, should ICANN and the ccTLD administrator envisage entering into bilateral ("legacy") agreements, such agreements should be provisional and interim in nature, pending appropriate expression by the relevant government or public authority for participation in a tri-partite regime.

Any bilateral agreements should contain provisions for early termination should a tri-partite communications regime be reached within the term of such an agreement.

There should be no such bilateral agreements in the following three cases:

- with administrators of ccTLDs for which redelegation requests are pending;
- in instances where the relevant government or public authority has advised ICANN that it is taking steps to implement a tri-partite regime; or
- where the ccTLD administrator is not within the jurisdiction of the relevant government or public authority, unless the relevant government or public authority is comfortable with such an arrangement.

In drafting and negotiating agreements with ccTLD administrators, the GAC hopes that ICANN will have regard to standard commercial practice for private international legal agreements in the country or territory corresponding to the ccTLD.

C. With regard to GAC working methods, that:

In recognition of its goal to implement efficient procedures in support of ICANN and to provide thorough and timely advice and analysis of relevant matters of interest to governments and public authorities, the GAC has established working groups to examine and report on issues for consideration, including issues relating to:

- multilingual domain names;
- geographic and geopolitical terms as top level and second level domains; and
- the applicability of international conventions.

D. With regard to international domain names (IDNs), the GAC confirms the importance and interests of this development to the benefit of Internet users worldwide. Further, regarding IDNs, including testbed initiatives, the GAC considers that three key public policy areas need to be kept at the forefront of the considerations of ICANN, its Supporting Organisations and the broader Internet community. These are:

- the essential importance of interoperability of the present and future Internet;
- the prevention of cybersquatting and resolution of disputes in the IDNs environments should be addressed by appropriate means and processes such as an appropriate dispute resolution policy and implementation of sunrise periods; and
- the application of competition and market access, consumer protection and intellectual property principles.

Specifically, the GAC states that:

Anti-cybersquatting principles and mechanisms should translate from the current ASCII character set environment to any non-ASCII character set environments, and that technological implementation should appropriately keep pace with any developments in this area.

Preserving the universal connectivity and accessibility domain name system is vital to the continuance of the Internet as a global network. While various technical experimentation may need to be investigated in the pursuit of unified standards, ultimately, a unified or interoperable standards for multilingual domain names should be achieved, with the ability of systems to work ubiquitously across the Internet.

IDNs registration in top level domains should benefit from effective and fair conditions of competition, at appropriate levels and scale of activity. ICANN should take steps to communicate to operators of IDNs testbeds that they should note any legal obligation they have to inform consumers regarding both the status and operation of their testbeds, including the status of their registrations within that testbed, particularly in circumstances where registrations are taken prior to full system implementation.

The GAC notes its thanks to the Government of Australia, and particularly to Australia's National Office for the Information Economy, for hosting its meeting and for hosting and administering the GAC website.

The next meeting of the GAC will be held in June 2001 in Stockholm, Sweden, to coincide with ICANN's next round of meetings.



Preliminary Report

Meeting of the ICANN Board in Melbourne

13 March 2001

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At its meeting on 13 March 2001, in Melbourne, the ICANN Board of Directors approved the following resolutions.

For on-line archives of the meeting, [click here](#).

Approval of Minutes

RESOLVED [01.14] that the minutes of the meetings of the Board for 25 September 2000, 17 and 31 October 2000, and 16 November 2000 [organizational meeting], are hereby approved and adopted by the Board as posted.

Recommendations of Reconsideration Committee

RESOLVED [01.15] that the Reconsideration Committee's Recommendations RC 00-6 and RC 00-7 are adopted for the reasons stated in those recommendations.

Ad Hoc Group

Whereas, on 26 August 1999, in resolution 99.79, the Board established an ad hoc group to be charged with developing the objectives and proposing structures for future policies in the area of numbering, especially as required to meet global market needs and taking into account the convergence of information technology services and networks;

Whereas, an Ad Hoc Group on Numbering and Addressing was convened for discussion of these issues by way of a web-based public comment forum established for that purpose under the guidance of an editorial group;

Whereas, in the time since establishment of the forum various participants have made useful contributions to the web-based public comment forum on numbering and addressing issues, including an extensive report posted by Mark McFadden and Tony Holmes on 8 March 2001;

It is therefore

RESOLVED [01.16] that the Board refers the 8 March 2001 McFadden/Holmes report to the Address Council of the Address Supporting Organization for further consideration and development of recommendations as appropriate by that body;

RESOLVED [01.17] that the Board declares the work of the Ad Hoc Group on Numbering and Addressing completed;

RESOLVED [01.18] that the Board requests the ICANN staff to arrange for continued on-line archiving of the substantive postings of the Ad Hoc Group for a suitable period of at least one year; and

RESOLVED [01.19] that the Board thanks Mark McFadden, Tony Holmes, and the editorial group for their significant contributions to the work of the Ad Hoc Group.

Membership of At Large Membership Study Committee

Whereas:

The chair and vice-chairs of the At Large Membership Study Committee have submitted to the Board a set of individuals to be members of the committee.

The Board is pleased to note the strong credentials and diverse backgrounds of the nominated individuals.

The Board has been notified that the chair and vice-chairs of the Committee may, in dialogue with the community, consider submitting to the Board for ratification one or more additional individuals as committee members to provide missing skill sets, subject to the constraints of the committee's budget.

It is resolved that:

[Resolution 01.20] The Board ratifies Pierre Dandjinou, Esther Dyson, Olivier Iteanu, Ching-Yi Liu, Thomas Niles, and Oscar Robles as members of the At Large Membership Study Committee.

Budget for At Large Membership Study Committee

Whereas, Article II, Section 5 of the ICANN Bylaws provides for a comprehensive study of the concept, structure and processes relating to an "At Large" membership of ICANN;

Whereas, in resolution 00.11 the Board established a temporary Advisory Committee, known as the "At Large Membership Study Committee," to undertake this study;

Whereas, the At Large Membership Study Committee has presented to

the Finance Committee a proposed budget for the study;

Whereas, the Finance Committee has reviewed that proposed budget and has made recommendations to the Board that funds be appropriated accordingly;

It is therefore

RESOLVED [01.21] that the President is authorized to expend funds of the Corporation in support of the At Large Membership Study in an amount not to exceed US\$ 450,000 (of which US\$ 100,000 has already been authorized by the Board) on direction of the Chair of the At Large Membership Study Committee, with the expectation that the Chair and members of the At Large Membership Study Committee will continue to expend these funds carefully in support of the accomplishment of the charter of that Committee.

Proposed Revision to VeriSign Agreements

Whereas, a proposal has been presented to the Board for various revisions in the agreements among ICANN, Network Solutions, Inc., and the United States Department of Commerce that were approved on 4 November 1999 in resolutions 99.132 and 99.133 and were signed on 10 November 1999;

Whereas, the Board intends to consider what action, if any, to take on this proposal in its meeting to be scheduled for 2 April 2001 at a time to be confirmed;

It is therefore

RESOLVED [01.22] that the Board requests all members of the Internet community, including the Names Council and any of the constituencies and other participants in the Domain Name Supporting Organization, to provide comments on the substantive merits of the proposal no later than 31 March 2001;

RESOLVED [01.23] that the staff is directed to maintain through that date a web-based public comment forum for the purpose of receiving such comments.

New TLD Agreements

Whereas, in resolution 00.89 the Board selected seven proposals to operate or sponsor top-level domains for negotiations toward appropriate agreements between ICANN and the registry operator or sponsoring organization;

Whereas, in resolution 00.90 the Board authorized the President and General Counsel to conduct those negotiations on behalf of ICANN and, subject to further Board approval or ratification, to enter into appropriate agreements;

Whereas, the base agreements have been negotiated with the four selected unsponsored top-level domain registry operators (NeuLevel, Afilias, Global Name Registry, and RegistryPro);

Whereas, the base agreements and many of the associated appendices, as completed and agreed by the negotiators, have been posted for public comment;

Whereas, the Board has received a presentation from the General Counsel and the proponents on the progress and results of their negotiations;

Whereas, comments from the public have been received on a web-based public comment forum and at a Public Forum held on 12 March 2001;

Whereas, the Board has considered the posted agreement and appendices, the presentations, and public comments and finds that approval of the agreements is necessary and appropriate to further ICANN's purposes;

It is therefore

RESOLVED [01.24] that the President and General Counsel are authorized and requested to complete negotiation of the remaining unsponsored top-level domain appendices as soon as feasible and to post the resulting appendices on the ICANN web site, along with any minor corrections or adjustments to the base agreement and appendices as already posted;

RESOLVED [01.25] that the Board shall be notified of the complete posting of the agreement and appendices for any of the four unsponsored top-level domains (.biz, .info, .name, and .pro) and after that notification seven days shall be allowed for Board members to make any additional comments to the President and General Counsel;

RESOLVED [01.26] that in the absence of the request of any Board member to the contrary based on policy considerations, the President is authorized to sign the posted agreements after the conclusion of those seven days; and

RESOLVED [01.27] that upon signature of the agreements the President is authorized to take such actions, including causing reports to be made to the United States Department of Commerce, as appropriate to implement the agreements.

DNSO Review

Whereas:

The Board has received the DNSO Review report from the Names Council, and other materials on the subject.

The Board also is informed that the Names Council has planned to address the results of the review in its business plan for 2001, beginning with an interim committee to establish terms of reference for further action.

Therefore it is resolved that:

[Resolution 01.28] The Board asks the Names Council and other sources to separate their proposals into those that improve operations of the DNSO as it is constituted today and those which may result in changes in the structure of the DNSO and/or major changes in its functioning.

[Resolution 01.29] The Board encourages input related to changes that improve operations of the DNSO as it is constituted today no later than April 16, 2001. Further Board action on the basis of that input will be scheduled at the end of that period.

Disbursement and Check Signing Authority

RESOLVED [01.30] that the Vice President and General Counsel, Louis Touton, and the Chief Financial Officer, Andrew McLaughlin, and each one of them, may authorize disbursements of the Corporation's funds, and sign checks of the Corporation, in amounts of US\$ 10,000 or less.

FURTHER RESOLVED [01.31] that, upon his taking office as President of the Corporation, M. Stuart Lynn may authorize disbursements of the Corporation's funds, and sign checks of the Corporation, in amounts of US\$ 50,000 or less.

FURTHER RESOLVED [01.32] that, upon his taking office as President of the Corporation, M. Stuart Lynn may authorize disbursements of the Corporation's funds, and sign checks of the Corporation, in amounts exceeding US\$ 50,000, when so authorized by action of either the Board, the Finance Committee, or the Executive Committee. Such approvals shall be given upon a showing that they are within the President's authority.

FURTHER RESOLVED [00.33] that the authorizations to disburse funds and to sign checks as set forth in Board resolutions 00.35 through 00.38 shall cease to be effective as of the adoption of this resolution.

Appointment of Auditors

Whereas, the Board has received a report of the Audit Committee recommending that KPMG, LLP, be engaged to conduct an audit of the Corporation's financial matters for the fiscal year ending 30 June 2001;

It is therefore

RESOLVED [01.34] that KPMG, LLP, are appointed to conduct the annual financial audit of the Corporation for the fiscal year ending June

30, 2001, for a fee not to exceed US\$ 28,000 and to conduct selective reviews of ICANN's financial management for an additional amount not to exceed US\$ 10,000; and

RESOLVED [01.35], that the President is authorized to enter an engagement letter with KPMG, LLP for this purpose.

Handling of DNSO Funds

Whereas, the Audit Committee has reviewed and reported to the Board on the practices by which ICANN receives, handles, and disburses funds contributed to the support of the Domain Name Supporting Organization;

It is therefore

RESOLVED [01.36] that the President is authorized, until further action by the Board, to maintain a separate bank account for holding funds contributed to the support of the Domain Name Supporting Organization, to place in that account funds contributed for that purpose, and to make disbursements from that account upon authorization of the Names Council or its designee.

Agreements with ccTLD Managers

Whereas:

Since the last ICANN meeting in November 2000, ICANN Directors and management have significantly increased the amount of time and effort dedicated to contractual discussions with ccTLD managers.

Successful ccTLD/ICANN meetings have been held in Honolulu, Geneva, and Melbourne, bringing the ccTLD community notably closer to consensus on the nature and elements of appropriate agreements with ICANN.

It is resolved that:

[Resolution 01.37] ICANN management is directed to press forward with continued vigor toward the completion of draft legacy agreements, and to pursue, as needed, acceptable ccTLD agreements in triangular situations.

Internationalized Domain Names

Whereas:

The ICANN Board has begun to receive inquiries about its role and views with regard to the various efforts to internationalize the domain name character sets supported by the domain name system. In addition to the IETF's working group on internationalized domain names, several other initiatives to use non-ASCII characters for domain names have begun, including the VeriSign testbed for the .com/.net/.org registries,

trials of non-ASCII character sets by ccTLD registries, and the marketing of internationalized domain name pre-registrations by private corporations and others.

The ICANN Board on 25 September 2000, approved a set of resolutions (00.77 to 00.80) relating to the VeriSign testbed. In those resolutions, the Board recognized the importance of the Internet evolving to be more accessible to those who do not use the ASCII character set. The Board emphasized that the internationalization of the Internet's domain name system must be accomplished through open, non-proprietary standards that are fully compatible with the Internet's existing end-to-end model, and that preserve globally unique naming in a universally resolvable public name space.

In advance of the Melbourne meetings, ICANN called for public comment on five general topics:

- Internationalized Domain Name Standardization and Testbed Deployment Process.
- Intellectual Property Considerations in IDNs.
- Relationship of Character Sets for Internationalized Domain Names to Their Parent Languages.
- Public Education and Outreach on IDNs.
- IDNs and ICANN Registry/Registrar Agreements.

Within the ICANN process, there has been increasing interest in—and concern over—issues surrounding internationalized domain names.

At its Melbourne meeting, the DNSO Names Council has adopted a business plan calling for the establishment of a task force to develop consensus policies for the implementation of internationalized domain names.

In its Melbourne communiqué, the Governmental Advisory Committee has reported that it will be forming a working group on internationalized domain names "to examine and report on issues for consideration."

The Board understands that the Root Server System Advisory Committee has begun discussions of the possible implications of these efforts for the operation of the root servers.

It is resolved:

[Resolution 01.38] The Board expresses its concern over likely confusion about the nature and implications of the numerous existing internationalization testbeds and pre-registration services, and urges wider and more intensive education and dialogue among the global Internet community.

[Resolution 01.39] In order to promote better understanding of the technical and policy issues surrounding the internationalization of domain names, the Board designates an internal working group consisting of Masanobu Katoh (chair), Vint Cerf, Karl Auerbach, and

Ivan Campos to identify the various internationalization efforts and the issues they raise, to engage in dialogue with technical experts and other participants in these efforts, and to make appropriate recommendations to the Board.

[Resolution 01.40] The Board asks that the working group submit a report on its efforts at the next Board meeting in June.

Thanks to Local Hosts and Sponsors

[Resolution 01.41] ICANN is grateful for the excellent work of our local hosts, and for their tireless—and voluntary—contributions to the successful organization of the ICANN Melbourne meetings. On behalf of all participants, the Board thanks the members of the Australian national host committee:

Tony Hill, ISOC-AU (Chair)
Greg Crew, ICANN
Peter Gerrand, Melbourne IT
Sam Hendry, Melbourne IT
Eli Fried, Maddock Lonie & Chisholm Lawyers
Craig Ng, Maddock Lonie & Chisholm Lawyers
Chris Disspain, auDA
David Thompson, auDA
Jo Lim, auDA
Tony O'Dea, Multimedia Victoria
Samantha Smith, Multimedia Victoria
Nikki Vajrabukka, NOIE
Jeremy Thomas, NOIE
Robin Savory, NOIE
Peter Coroneos, IIA

together with Jonathan Ricketts of Organisers Australia.

[Resolution 01.42] ICANN is grateful to the local and international sponsors of the Melbourne meetings for their generous contributions:

The National Office for the Information Economy (NOIE)
Multimedia Victoria
Melbourne City Council
auDA - .au Domain Administration
Melbourne IT Limited
Telstra
Ericsson Australia
Cisco Systems
Cybersource
Maddock Lonie & Chisholm
Verisign
NativeNames.net
i-DNS.net International

Thanks to Lennie and Mike Roberts

Whereas:

Mike Roberts today completes his service as ICANN's first President and Chief Executive Officer;

Since October 25, 1998, Mike has devoted 869 days, 13 hours, and 25 minutes of unbroken effort to the ICANN cause;

His energy, fortitude, and good humor in the face of overwhelming demands have been essential to the successful establishment of ICANN; and

As a direct result of his efforts ICANN is now universally acclaimed as "not as bad as it could be";

It is therefore

RESOLVED [01.43], on behalf of the ICANN community, the Board expresses its deepest gratitude to Mike Roberts for his tireless dedication to the Internet's highest ideals of public service and

[Resolution 00.44] with equally deep appreciation the Board thanks Lennie Roberts for her patience and tolerance and all the many trips to San Francisco airport.

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Page Updated 15-March-2001

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PRINCIPLES FOR THE DELEGATION AND ADMINISTRATION OF COUNTRY CODE TOP LEVEL DOMAINS

1. PREAMBLE

In the five years since the issuance of RFC 1591, the Internet has evolved from a tool reserved for computer and networking research, to a global medium for commerce, education, and communication. The new realities of the Internet, including its increased importance as a vehicle for national economic growth, and the expanding and more diverse nature of the Internet community necessitated evolution in the traditional means of managing and administering Internet technical functions.

As a result, DNS functions, including the administration of the DNS root server system, the development of policies for the registration and allocation of domain names, the coordination of Internet Protocols, and the delegation of Internet Protocol numbers are becoming more clearly delineated and formalised through the ICANN process. Similarly, the procedures and framework of accountability for delegation and administration of ccTLDs need to evolve into a more robust, certain, and reliable system as well.

While evolution is needed, the principle of RFC 1591 remains sound: the manager of a ccTLD performs a public service on behalf of the relevant local community and as such the designated manager has a duty to serve this community. The designated manager also has a responsibility to the global Internet community. By 'global Internet community' we do not mean any specific legal or international entity, but rather we interpret the term to refer to all of those who are affected by, now or in the future, the operation of the relevant TLD, because such operation may impinge on more than one jurisdiction and affect the interests of individuals and entities from both within the relevant country or territory and elsewhere. This is our interpretation of the meaning of 'global Internet community' as it is used in RFC 1591.

2. OBJECTIVE OF THIS DOCUMENT

The objective of this document is to suggest principles that will assist in the development of best practice for the delegation and administration of ccTLDs. These principles are intended to contribute to the development of models of:

- a communication between the relevant government or public authority and ICANN;
- a communication between ICANN and the delegee; and
- a communication between the relevant government or public authority and the delegee.

3. DEFINITIONS

For the purposes of this document, the following definitions apply:

- 3.1 'Alternative Dispute Resolution' (or 'ADR') means any system of resolving a dispute other than by court litigation, and includes arbitration, mediation, conciliation and processes of administrative dispute resolution.
- 3.2 'Communication' should include a law, regulation, agreement, document, contract, memorandum of understanding, or any other written instrument, as appropriate.
- 3.3 'Country code top level domain' or 'ccTLD' means a domain in the top level of the global domain name system assigned according to the two-letter codes in the ISO 3166-1 standard, 'Codes for the Representation of Names of Countries and Their Subdivisions.'
- 3.4 'Delegation' means delegation by ICANN/IANA of responsibility for administration of a TLD in the DNS root.
- 3.5 'Deegee' means the organisation, enterprise or individual designated by the relevant government or public authority to exercise the public trust function of a ccTLD and consequently recognised through a communication between ICANN and the designated entity for that purpose. The deegee for a ccTLD may be the relevant government or public authority itself or an oversight body designated by the relevant government or public authority, inasmuch as the administrative and management functions for a ccTLD may be contracted out by the deegee to another party and hence not performed by the deegee itself.
- 3.6 'Designation' means designation by the relevant government or public authority of the deegee.
- 3.7 'DNS' means domain name system.
- 3.8 'ICANN' means the Internet Corporation for Assigned Names and Numbers.
- 3.9 'Relevant government or public authority' means relevant national government or public authority of a distinct economy as recognised in international fora as those terms are used in the ICANN Bylaws and GAC Operating Principles.
- 3.10 'Relevant local community' means the local community in the context of the ISO 3166-1 code. This definition is specific to the purposes identified in this document and not broader.

3.11 'Top Level Domain' or 'TLD' means a domain in the top level of the global domain name system.

4. ROLE OF DELEGEE

- 4.1 The delegee of a ccTLD is a trustee for the delegated domain, and has a duty to serve the residents of the relevant country or territory in the context of ISO 3166-1, as well as the global Internet community (as that term is interpreted in the Preamble to this document). Its policy role should be distinguished from the management, administration and marketing of the ccTLD. These functions may be performed by the same or different entities. However the delegation itself cannot be sub-contracted, sub-licensed or otherwise traded without the agreement of the relevant government or public authority and ICANN.
- 4.2 No private intellectual or other property rights should inhere in the ccTLD itself, nor accrue to the delegee as the result of delegation or to any entity as a result of the management, administration or marketing of the ccTLD.
- 4.3 Tradable goods and services may arise in the performance of other management and administrative functions attached to the ccTLD.
- 4.4 The delegee should recognise that ultimate public policy authority over the relevant ccTLD rests with the relevant government or public authority.
- 4.5 The delegee should work cooperatively with the relevant government or public authority of the country or territory for which the ccTLD has been established, within the framework and public policy objectives of such relevant government or public authority.
- 4.6 The delegee, and the delegee's administrative contact, should be resident or incorporated in the territory and/or jurisdiction of the relevant government or public authority. Where the delegee, administrative contact or technical contact are not resident or incorporated in the territory and/or jurisdiction of the relevant government or public authority, it should nevertheless operate in a way that is consistent with the laws and public policy of that relevant government or public authority.

5. ROLE OF GOVERNMENT OR PUBLIC AUTHORITY

- 5.1 The relevant government or public authority ultimately represents the interests of the people of the country or territory for which the ccTLD has been delegated. Accordingly, the role of the relevant government or public authority is to ensure that the ccTLD is being administered in the public interest, whilst taking into consideration issues of public policy and relevant law and regulation.

- 5.2 Governments or public authorities have responsibility for public policy objectives such as: transparency and non-discriminatory practices; greater choice, lower prices and better services for all categories of users; respect for personal privacy; and consumer protection issues. Considering their responsibility to protect these interests, governments or public authorities maintain ultimate policy authority over their respective ccTLDs and should ensure that they are operated in conformity with domestic public policy objectives, laws and regulations, and international law and applicable international conventions.
- 5.3 It is recalled that the Governmental Advisory Committee (GAC) to ICANN has previously adopted the general principle that the Internet naming system is a public resource in the sense that its functions must be administered in the public or common interest.
- 5.4 The relevant government or public authority should ensure that DNS registration in the ccTLD benefits from effective and fair condition of competition, at appropriate levels and scale of activity.
- 5.5 To give effect to governments' or public authorities' public policy interests, governments or public authorities should ensure that the terms outlined in Clause 9 are included in their communications with delegees.
- 5.6 In making a designation for a delegee, the government or public authority should take into consideration the importance of long term stability in the administration and management of the ccTLD and in the DNS. In most cases, such stability may be best served through the designation of an organisation or an enterprise rather than a specific individual.

6. ROLE OF ICANN

- 6.1 A primary function of ICANN is to establish, disseminate, and oversee implementation of the technical standards and practices that relate to the operation of the global DNS. In this capacity, ICANN administers a range of technical Internet management functions, including:
 - establishment of policy for IP number block allocation;
 - administration of the authoritative root server system;
 - creation of policy for determining the circumstances under which new TLDs would be added to the root system;
 - coordination of the assignment of other Internet technical parameters as needed to maintain universal connectivity on the Internet; and
 - other activities necessary to coordinate specified DNS administration functions.

- 6.2 Specifically in relation to the administration and operation of ccTLDs, ICANN's role is to develop and implement policies that fulfil the provisions of Clause 10 below.

7. PRINCIPLES RELATING TO DELEGATIONS

- 7.1 Where a communication between the relevant government or public authority and the delegee is in place, when ICANN is notified by the relevant government or public authority that the delegee has contravened the terms of the communication, or the term of the designation has expired, ICANN should act with the utmost promptness to reassign the delegation in coordination with the relevant government or public authority.
- 7.2 Notwithstanding the urgent need for a communication-based regime for ccTLD designation, delegation and administration, in the absence of such communication between the relevant government or public authority and the administrator of the ccTLD, ICANN should, upon the tendering of evidence by such government or public authority that the administrator does not have the support of the relevant local community and of the relevant government or public authority, or has breached and failed to remedy other material provisions of RFC 1591, act with the utmost promptness to reassign the delegation in coordination with the relevant government or public authority.
- 7.3 When ICANN notifies the relevant government or public authority that the ccTLD is being operated in a manner that threatens the stability of the DNS or of the Internet, or has otherwise breached and failed to remedy other material provisions of the communication between ICANN and the delegee, as outlined in Clause 10, the relevant government or public authority should cooperate with ICANN to remedy this situation or effect the reassignment of the delegation for the ccTLD.
- 7.4 With respect to future delegations or reassignment of delegations, ICANN should delegate the administration of a ccTLD only to an organisation, enterprise or individual that has been designated by the relevant government or public authority.
- 7.5 Delegees should enjoy, in the execution of their responsibilities, the appropriate rights under applicable law, and should not be subject to discriminatory or arbitrary practices, policies or procedures from ICANN or the relevant government or public authority. In the event of a reassignment of delegation, registrants in the ccTLD should be afforded continued name resolution, or a reasonable period in which to transfer to another TLD.

8. PRINCIPLES CONCERNING THE COMMUNICATION BETWEEN THE RELEVANT GOVERNMENT OR PUBLIC AUTHORITY AND ICANN

- 8.1 The communication between the relevant government or public authority and ICANN, as outlined in Clause 2, should include a designated point of contact within the relevant government or public authority, as well as the name and contact details of the recognised delegee and duration of this recognition. Either as part of this communication, or through a subsequent communication, the relevant government or public authority should copy to ICANN any communication established between it and the delegee, setting forth the terms and conditions of the designation and/or concerning the execution of the delegee's role and the management of the delegation.
- 8.2 The relevant government or public authority should communicate to ICANN how it will require the delegee to abide by the terms and conditions outlined in Clause 9 below.
- 8.3 Recognising ICANN's responsibilities to achieve consensus in the creation of any new generic TLDs, ICANN should avoid, in the creation of new generic TLDs, well known and famous country, territory or place names; well known and famous country, territory or regional language or people descriptions; or ISO 639 Codes for representation of languages unless in agreement with the relevant governments or public authorities.

9. PRINCIPLES CONCERNING THE COMMUNICATION BETWEEN THE RELEVANT GOVERNMENT OR PUBLIC AUTHORITY AND THE DELEE

- 9.1 The communication between the relevant government or public authority and the delegee should include the following provisions, a copy or summary of which should be forwarded to ICANN:
 - 9.1.1 Term, performance clauses, opportunity for review and process for revocation.
 - 9.1.2 A commitment by the delegee to operate the ccTLD in the interest of the relevant local community and the global Internet community.
 - 9.1.3 A recognition by the delegee that the management and administration of the ccTLD are subject to the ultimate authority of the relevant government or public authority, and must conform with relevant domestic laws and regulations, and international law and international conventions.
 - 9.1.4 Confirmation that the ccTLD is operated in trust in the public interest and that the delegee does not acquire property rights to the ccTLD itself.

- 9.1.5 Conditions to ensure the transfer of all relevant DNS data to a nominated replacement, if, for any reason, a reassignment to a new delegee is necessary.
- 9.1.6 Conditions for the efficient and effective resolution of disputes arising from domain name registration. In so far as ccTLD registration policies allow or encourage registrations from entities or individuals resident outside the relevant territory, then the delegee concerned should implement dispute resolution policies that ensure that the interests of all registrants, and of third parties, including those outside their territory and in other jurisdictions, are taken into account. Dispute resolution policies should, to the greatest extent possible, follow common principles, including due regard for internationally recognised intellectual property, consumer protection and other relevant law, and be implemented by all delegees. The delegee should, so far as possible, implement alternative dispute resolution procedures conducted online, without precluding access to court litigation.
- 9.1.7 The delegee's commitment to abide by ICANN developed policies as set forth in Clause 10.
- 9.1.8 Where ccTLD registration policies allow or encourage registrations from entities or individuals resident outside the relevant territory, the delegee commits to observe all ICANN policies applicable to such ccTLDs, not otherwise provided for in Clause 10, except where the delegee is prohibited by law from, or instructed in writing by the relevant government or public authority to refrain from, implementing such other ICANN policies.
- 9.1.9 The above terms and conditions shall apply to delegees, including delegees who are resident and/or incorporated outside the territory of the relevant local community.
- 9.2 A delegee should not sub-contract part or all of the technical operations of the ccTLD registry without ensuring that the sub-contractor has the technical qualifications required by ICANN, and informing ICANN.
- 9.3 In any sub-contracting of the technical operations of the ccTLD registry or administrative and management functions of the ccTLD, the sub-contract must state that the delegation itself is an exercise of a public right, not an item of property, and cannot be reassigned to a new delegee except in accordance with the provisions of Clause 7.

10. PRINCIPLES CONCERNING THE COMMUNICATION BETWEEN ICANN AND THE DELEE

10.1 The communication between ICANN and the delegee should contain ICANN's commitment to:

10.1.1 maintain, or cause to be maintained, a stable, secure, authoritative and publicly available database of relevant information for each ccTLD (see below);

10.1.2 ensure that authoritative and accurate root zone information is generated from such database and ensure that the root servers are operated in stable and secure manner;

10.1.3 maintain, or cause to be maintained, authoritative records and an audit trail regarding ccTLD delegations and records related to these delegations; and

10.1.4 inform the delegee in a timely manner of any changes to ICANN's contact information.

10.2 The communication between ICANN and the delegee should contain the delegee's commitment to:

10.2.1 cause to be operated and maintained in a stable and secure manner the authoritative primary and secondary nameservers for the ccTLD, adequate to resolve names within the ccTLD for users throughout the Internet, and any sub-domains over which they retain administrative authority, and ensure that the zone file and accurate and up-to-date registration data is continuously available to ICANN for purposes of verifying and ensuring the operational stability of the ccTLD only;

10.2.2 inform ICANN in a timely manner of any changes to the ccTLD's contact information held by ICANN;

10.2.3 ensure the safety and integrity of the registry database, including the establishment of a data escrow or mirror site policy for the registry data managed by the delegate. The escrow agent or mirror site should be mutually approved by the relevant government or public authority and the delegee and should not be under the control of the delegee;

10.2.4 ensure the transfer of all relevant DNS data to a nominated replacement, if, for any reason, a reassignment to a new delegee is necessary;

10.2.5 abide by ICANN developed policies concerning: interoperability of

the ccTLD with other parts of the DNS and Internet; operational capabilities and performance of the ccTLD operator; and the obtaining and maintenance of, and public access to, accurate and up-to-date contact information for domain name registrants; and

- 10.2.6 ensure the payment of its contribution to ICANN's cost of operation in accordance with an equitable scale, based on ICANN's total funding requirements (including reserves), developed by ICANN on the basis of consensus.