

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)第十七次會議報告書

出國人員：

服務機關	職稱	姓名
交通部電信總局	副局長	高凱聲
交通部電信總局	主任	江幽芬
交通部電信總局	副處長	許錫蘭
交通部電信總局	科長	周永津
外交部國際組織司	組長	鄧卓然
中華電信股份有限公司	科長	徐清棋
台灣網路資訊中心	監察人	劉靜怡
台灣網路資訊中心	執行長	陳文生
台灣網路資訊中心	組長	李曉陽
台灣網路資訊中心	組長	左玉苓
台灣網路資訊中心	管理師	喬敬

出國地區：突尼西亞迦太基、義大利羅馬、比薩

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出席「網際網路名稱與號碼指配機構」(ICANN)第十七次會議報告書

主辦機關:

交通部電信總局

聯絡人/電話:

李菲菲/02-23433679

出國人員:

高凱聲 交通部電信總局 副局長
江幽芬 交通部電信總局 法制室 室主任
許錫蘭 交通部電信總局 綜合規劃處 副處長
周永津 交通部電信總局 公眾電信處 科長
鄧卓然 外交部 國際組織司 組長

出國類別: 其他

出國地區: 義大利 突尼西亞

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內容摘要: 「網際網路名稱與號碼指配機構」(ICANN)第十七次會議於九十二年十月二十五日至十月三十一日在突尼西亞迦太基舉行，係目前負責全球網際網路域名系統管理、IP位址分配暨指派及根伺服器系統管理之國際機構，下設理事會、位址支援組織、同屬性名稱支援組織、國碼名稱支援組織、根伺服器系統諮詢委員會、網路安全及穩定諮詢委員會、政府諮詢委員會、一般會員諮詢委員會、技術聯絡人小組等組織。本次會議我國係由交通部電信總局、外交部國際組織司、中華電信股份有限公司及台灣網路資訊中心共同組團與會，會議討論重點包括ccTLD再委任政策暨運作程序、VeriSign's Wildcard 服務、WHOIS資料庫、國際域名(Internationalized Domain Name, IDN)等議題。

本文電子檔已上傳至出國報告資訊網

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壹、前言

「網際網路名稱與號碼指配機構」(ICANN)第十七次會議於九十二年十月二十五日至三十一日在突尼西亞迦太基舉行，其間政府諮詢委員會(GAC)於十月二十六日至二十八日舉行。本次會議我國係由交通部電信總局、外交部國際組織司、中華電信股份有限公司及台灣網路資訊中心共同組團與會。

本次會議討論之重點包括 ccTLD 再委任政策暨運作程序、VeriSign's Wildcard 服務、WHOIS 資料庫、國際域名(Internationalized Domain Name, IDN)等議題。本報告書首先就 ICANN 最新的組織現況作一簡介，再報告本次會議重要議題及內容。

ICANN 簡介

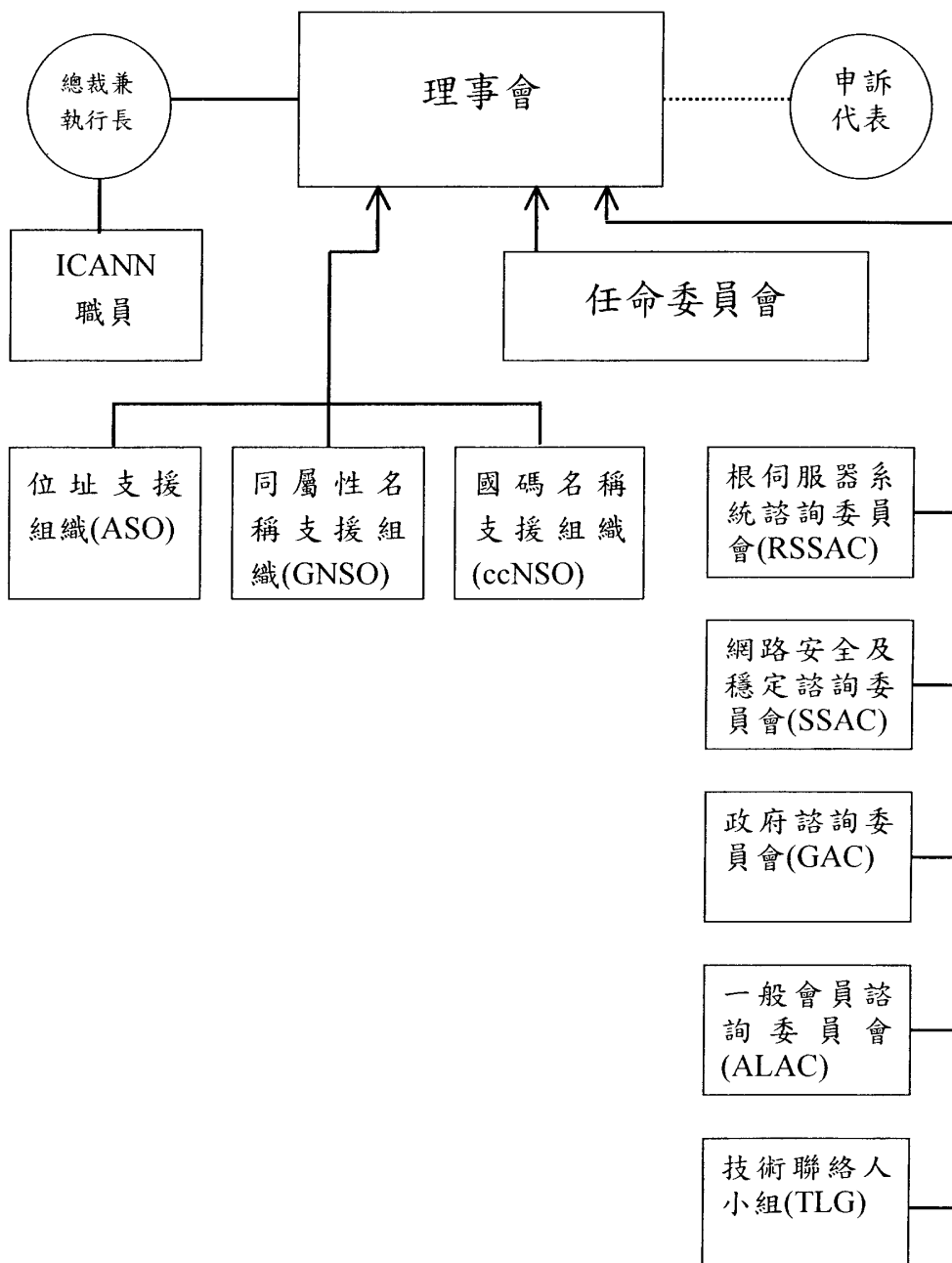
ICANN 係一全球性、非營利、共識導向的國際性機構(International corporation)，1998年10月成立於美國加州，負責監督原由美國政府管理之部分網際網路技術管理功能(Internet technical management functions)、通訊協定參數及通訊埠(Protocol Parameters and Port)之協調、域名系統(DNS)之管理、IP¹位址之分配暨指派及根伺服器系統(root server system)之管理，以維持全球網際網路運作之穩定性、可靠性及安全性為其主要宗旨。

(一) ICANN 組織架構圖

ICANN 下設有理事會 (Board of Directors)、二個支援組織 (Supporting Organization, SO)、四個諮詢委員會 (Advisory Committee, AC) 及技術聯絡人小組 (Technical Liaison Group, TLG) 等，其組織架構圖如下：

¹ IP 為網際網路通信協定(Internet Protocol)之意，使得不同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 上之電腦位址得以確定，Internet 上電腦間之資訊傳輸及建立連結即藉此 IP 位址達成，一般大眾係藉使用 DNS 以人性化名稱(human-friendly names)來辨識主機位址。

ICANN 組織架構圖



(二) ICANN 組成單位之功能

1. 理事會

依 2002 年 12 月 15 日 ICANN 通過之新版組織章程，ICANN 理事會係由十五位具投票權之理事組成，其中八位理事由任命委員會選出，另由位址支援組織(ASO)、同屬性名稱支援組織(GNSO)、國碼名稱支援組織(ccNSO)各選出二位，總裁為當然理事。任期三年，每年改選部分理事。此外，六位不具投票權之聯絡人則分由根伺服器系統諮詢委員會(RSSAC)、網路安全及穩定諮詢委員會(SSAC)、政府諮詢委員會(GAC)、一般會員諮詢委員會(ALAC)、技術聯絡人小組(TLG)及網際網路工程任務小組(IETF)指派。目前理事會成員共有十八位，分別為：

- 1) Vint Cerf (USA) – 理事主席
- 2) Alejandro Pisanty (Mexico) – 理事副主席
- 3) Thomas Niles (USA)
- 4) Tricia Drakes (UK)
- 5) Ivan Moura Campos (Brazil)
- 6) Lyman Chapin (USA)
- 7) Njeri Rionge (USA)
- 8) Mouhamet Diop (Senegal)
- 9) Veni Markovski (Bulgaria)
- 10) Masanobu Katoh (Japan)
- 11) Michael Palage (USA)
- 12) Hualin Qian (China)
- 13) Steve Crocker – 網路安全及穩定諮詢委員會聯絡人
- 14) Roberto Gaetano – 一般會員諮詢委員會聯絡人
- 15) Francisco A. Jesus Silva – 技術聯絡人小組聯絡人

16)John Klensin – 網際網路工程任務小組聯絡人

17)Mohamed Sharil Tarmizi – 政府諮詢委員會聯絡人

18)Paul Twomey – ICANN 總裁兼執行長

2. 支援組織

各支援組織 (Supporting Organization) 均有其特定之功能，為 ICANN 在各專責領域之主要政策建議來源及諮詢單位，目前 ICANN 下設有三個支援組織：

- 1) 位址支援組織(ASO)：ASO 負責向 ICANN 提出有關 IP 位址運作、指配、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，係根據 ICANN 與各區域網際網路登記註冊管理機構(RIR)洽簽之 MoU 所設立之組織。目前按區域所設立之 RIR，分別有負責北美洲區域之 ARIN、歐洲區域之 RIPE NCC、拉丁美洲區域之 LACNIC、亞洲區域之 APNIC 及非洲區域之 AFRNIC。一般 RIR 基本的位址分配政策係依區域需要及視未來一年內位址可能的可能情形來分配位址區塊(Address Block)。
- 2) 國碼名稱支援組織(ccNSO)：ccNSO 負責向 ICANN 提出有關 ccTLD(諸如：.us, .uk, .it, .tw, .cn, .jp, .hk 等)之政策性建言，ccNSO 係由 ccTLD 管理者組成，下設評議會(Council)管理相關政策制定程序。
- 3) 同屬性名稱支援組織(GNSO)：GNSO 負責向 ICANN 提出有關同屬性頂級域名之政策性建言，係由 gTLD 登記註冊管理機構、智慧財產權團體、商業團體、學術機構及消費者團體所組成，下設評議會(Council)管理相關政策制定程序。

3. 諮詢委員會

諮詢委員會為一正式諮詢體，由來自 Internet 社群

(community)代表組成，負責向 ICANN 作政策性之建言，ICANN 組織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 理事會目前設有四諮詢委員會，即

1) 政府諮詢委員會(GAC)

GAC 為一由國家級政府、國際論壇承認之經濟體、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。

2) 網路安全及穩定諮詢委員會(SSAC)

SSAC 係負責就網域名稱及位址指配系統之安全及完整性向 ICANN 理事會提出建言，包括安全架構之擬定、與網際網路技術社群及重要 DNS 管理者、業者之溝通協調、風險分析評估等。

3) 根伺服器諮詢委員會(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。

4) 一般會員諮詢委員會(ALAC)

ALAC 代表網際網路個別使用者向 ICANN 提出建言。

貳、ICANN 第十七次會議

一、會議時間、地點及議程

- (一) 時間：九十二年十月二十五日至十月三十一日
- (二) 地點：突尼西亞迦太基
- (三) 議程：詳 ICANN 網站 <http://www.icann.org/carthage/>

二、主要討論議題

ICANN 會議包括理事會議、公眾論壇、各支援組織及諮詢委員會會議，如政府諮詢委員會等，僅述重要會議決議如下：

(一) 政府諮詢委員會(GAC)

ICANN 政府諮詢委員會(GAC)於 2003 年 10 月 26-28 日在突尼西亞迦太基召開第十七次會議，出席成員包括 39 個國家政府、國際論壇承認之經濟體、多國政府及協約組織。就全球網際網路目前影響 ICANN 政策、GAC 會員長期關注（如 ccTLD 委任、再委任暨管理）及 GAC 未來組織架構、財務機制、副主席選舉之時間及方式等議題進行討論。

GAC 主席首先對於十月二十五日在迦太基所舉行之非洲及阿拉伯區域研討會有高達十七個該區域的國家參與研討，較以往會議有明顯之增加表達歡迎及滿意。

遭懸置之 ccTLD 再委任案（其中尚有長達半年的懸案，一般案件正常處理時間 ICANN 總裁報告平均為五天）在迦太基會議中仍為若干 GAC 會員之關注重點，GAC 促請 ICANN 正視 ccTLD 委任及再委任議題之優先性。GAC 檢視 ccNSO 之設置進度，重申其於蒙特婁會議對 ICANN 之建言，並促相關工作持續全力推動。GAC 同意進行 ccTLD 委任暨管理原則之修正，並強調與 ccTLD 社群及 ICANN 諮商之重要性。本次 ccTLD 委任暨管理原則之修正草案主要係配合 ICANN 組織章程中 ccNSO 相關條文之修改，預計於羅馬會期修正完畢，草案修正重點如后：

- (1) 強調政府在 ccTLD 委任及再委任程序之主導權。

(2) 明定每個國家／經濟體都有權使用其國碼作為 ccTLD。

(3) 美國商務部放棄其最後同意權，將所有權都移交 ICANN。

有關 GAC 未來組織架構暨財務機制議題，GAC 決議成立工作小組，欲加入該工作小組之會員，請於十一月十日前通知秘書處，秘書處將於該日發出邀請函。該工作小組將檢視上海及迦太基會議所提出之工作，內容包括秘書處、財務、發展方案及在這領域內，階段性的未來發展方向等，並訂於明年一月十五提交報告，俾在羅馬會議時討論並作最後決定。

有關 GAC 運作原則修正案，經 GAC 出席會員以 35 票對 0 票一致通過決議修訂該 GAC 運作原則，並預計於羅馬會期修正完畢，目前修正重點如后：

- (1) 依 ITU 建議刪除 Whereas 第五點與第六點重複部分。並於第六點加入 ICANN 章程中所關 GAC 角色定位部分及加入第七點將原第七條第二十四項原則有關 GAC 支援 ICANN 相關條文內容。
- (2) 第四條第十四項原則，新增線上會議規定。
- (3) 第四條第十六項原則，除政府及其他公權力機關代表，GAC 會員有投票權，其他如國際組織及非公權力機關團體僅能作觀察員。
- (4) 第七條第二十一項原則，增加 GAC 主席得連任一次的規定。
- (5) 第七條第二十二項原則，明定 GAC 主席及副主席應由政府、公權力機關代表及會員中選出，主席及副主席依第三十四項原則之規定同時選舉。
- (6) 第七條第二十二之一項原則，特加註觀察員得擔任 GAC 主席及副主席以外之任何職務。
- (7) 第九條第三十八項原則，增加單一候選人之處理方式。

ITU 針對 GAC 運作原則修正草案中，擅將國際組織及其他公權力機關以外之實體貶為觀察員提出嚴正抗議，認為該修正內容未經 GAC 會議充分討論，並強調 ITU 對未達法定出席人數所同意之 GAC 運作原則修正草案均不表支持。為達目前 GAC 會議法定出席門檻（45 人），未出席本次迦太基會議之 GAC 代表將獲邀請於十一月十七日前補行電子投票，秘書處將儘速於會後以電

子郵件或傳真方式發出選票。並決議將主席所提出之修正草案再緩六十天，於明年一月十七日前開放表示意見。依第十四條第五十四項原則規定，隨著本決議之採納，GAC 將會被要求於下次羅馬會議時應採認協議之修正案版本。

有關 GAC 副主席選舉，由於目前 GAC 運作原則未規定副主席選舉時間，而該修正草案預訂明年三月羅馬會議時才能通過，而現任副主席明年三月即任期屆滿，故於本次迦太基會議中必須確認其選舉時間及方式。所提備選方案有二：

- (1) 依 GAC 運作原則第三十四條規定於年底前選出(援用主席選舉規定)。
- (2) 於明年一月選出臨時副主席，續任至新任副主席選出。

經討論後決議採第一方案，GAC 決議於 2003 年最後一季進行副主席之選舉，另瑞典及挪威提出選舉應採線上秘密投票，最後決議是以電子郵件或傳真方式進行(註：電子郵件或傳真作業方式在現階段並無法達成秘密投票功能，該項決議 GAC 主席似乎是在矇著眼睛說瞎話)。秘書處將正式發出選票通知，並訂於一月初至十一月二十九日徵求提名，屆時請提出意願書。如候選人超過三人，秘書處將於十二月一日發出選票，選舉活動將於十二月二十日結束。

有關 WIPO II 建議書之實作，ICANN 總裁於十月六日宣佈成立 WIPO II 聯合工作小組，由 Jonathan Cohen 擔任主席，成員包括 GNSO、GAC、ALAC 代表。ITU 對該工作小組職掌提出質疑，認為根據 GAC 先前決定應增列「特別問題解決方案之草擬」。對聯合工作小組未能在本次迦太基會議中提出其工作大綱及時間表，GAC 深表遺憾。並重申蒙特婁會議對此議題之建議，該工作小組職掌僅限於分析執行 WIPO II 建議書之實務面及技術面，最後並對 ICANN 總裁指示該工作小組於羅馬 ICANN 理事會會中提出報告表示歡迎。

有關 Whois 資料庫，GAC 對 ICANN 總裁諮詢委員會所提於迦太基召開 Whois Workshop 之倡議表示歡迎，並對其議程及成果表示高度興趣。GAC Whois 及 gTLD 工作小組於 GNSO 評議會會談，討論 GNSO 對 Whois 議題之政策發展程序。另 GAC Whois 工作小組於 GAC 會中報告其正透過問卷調查彙整 GAC 會

員有關 Whois 資料在公共政策的使用情形。GNSO 評議會對取得該調查結果深表興趣並對 GAC 此項倡議表示感謝。

有關 IPv6，GAC 體認 IPv6 已由研究發展階段邁入實用階段，並同意應加速 IPv6 工作小組作業以進行資訊及經驗交流，並蒐集 IPv6 在網際網路不同系統的佈建現況資料，內容包括 DNS 根伺服器系統及 ccTLD 伺服器，並思考 GAC 未來之作法。GAC 對十月二十九日召開之 IPv6 Workshop 表示歡迎並鼓勵有興趣的團體在本議題上能有更多的交流。

有關新的登記註冊服務，GAC 在瞭解各界（網際網路社群利益團體）對 DNS Wildcards 服務使用上的辯論及聽取 ICANN 總裁兼執行長、網路安全及穩定諮詢委員會(SSAC)主席有關檢視 Sitefinder 服務的簡報後，GAC 認知 VeriSign 引進本項服務後所產生之各種負面效應，並對競爭、技術及使用者等層面所產生之影響提出關切。GAC 注意到 ICANN 總裁已指示 GNSO 就引進新的登記註冊服務提出一具及時、可預期、透明而且客觀程序的計畫書，GAC 對其處理過程將持續監督，尤其是有關公共政策方面的議題。

有關 DNS 安全及根伺服器，GAC 注意到目前佈建 Anycast 功能以映射根伺服器所作的努力，並肯定根伺服器業者為整個網際網路社群福祉提高根伺服器安全與穩定之貢獻。GAC 並鼓勵根伺服器業者提供更多資訊以增進大眾對安全議題之認知與瞭解。

GAC 下次會議訂於 93 年 2 月 27 日至 3 月 2 日在義大利的羅馬舉行。

(二) 國家碼頂級域名(country code Top Level Domain; ccTLD) 會議

本次會議主要討論 ICANN 新增 ccNSO (country code Name Supporting Organization) 章程。其中因為各國 ccTLD 對於章程的效力解讀不一，大部分歐洲國家仍保持觀望態度，認為該章程間接地造成 ccTLD 與 ICANN 的從屬合約關係。故 ccNSO 仍無法舉行 council 的選舉 (但召開了第一次會員大會)。另外代表們互相分享了對 WSIS、IDN、VoIP、WHOIS、ISO-3166、Wildcard 等議題的看法。非洲地區之 AfTLD 也舉行了第一次的會員大會，

約有十個非洲區的 ccTLD 代表參加。

總計大約 55 國 ccTLD 代表參與了這次為期三天的會議，會後 ccTLD 秘書處舉行了為期兩天的 Name Server 訓練課程。

(三) Wildcard 之公開討論

主要是討論今年 9 月 15 至 10 月 4 日由 Verisign Global Registry (.com / .net 管理單位)不預警地提供了對於 DNS 設定上的更改。此舉不僅造成了全球用戶對於網路瀏覽習慣的改變，並且對於網路安全與穩定造成不同程度的影響。研討會中有來自 gTLD、ccTLD、IAB、ICANN 網路安全委員會及相關技術及法界人士參與討論。

(四) WHOIS Workshop

本次 WHOIS Workshop 較以往定義了更明確的主題。主要討論三個方面：國際化 WHOIS 議題、WHOIS 資料成分剖析、網址用戶分級等。

針對國際化域名的時代來臨，傳統 WHOIS 如何用當地文字呈現 WHOIS 資料，對於各 gTLD 以及 ccTLD Registry，又是一項艱難的挑戰；WHOIS 資料的保密性與正確性，一直是網址管理單位最頭痛的問題，如何能避免犯罪，讓 WHOIS 資料不為人所誤用或濫用，是各國網域政策制定單位必須正視的問題。我國 TWNIC 陳文生執行長也應邀參與本次討論會。

(五) 公共論壇

本次公共論壇如同往常，由 ICANN 總裁，各委員會主席以及工作小組提出報告。此外各輔助組織如 ASO、GNSO、ccNSO Launching Group 做出現況報告。另外針對 gTLD 網址註銷政策、ICANN 網站版面更新、IPv6 發展狀況做詳盡的報告。

(六) ICANN 理事會會議

ICANN 理事會於二〇〇三年十月三十一日正式採納下列決議：

- 一、正式通過 .INFO 恢復寬限期；
- 二、正式通過 .pro 第二

層登記註冊服務 (如 .cpa.pro, .law.pro, .med.pro 等); 三、正式採納 GNSO 委員會網域刪除政策建議; 四、增加新 gTLD 制定之標準程序(包括公開解釋流程、選擇標準, 以及選擇決定的基本原則等); 五、完成新增 sTLD RFP。

此外,「國際化網域名稱委員會」(Internationalized Domain Name Committee)與「總裁的國際化網域名稱登記註冊實施委員會」(President's IDN Registry Implementation Committee)的任務已告一段落,於本次會議後解散,理事會同時對卸任理事 Mr. Masanobu Katoh 致上謝意。

(七) .tw 全球註冊發表會

本發表會係由 TWNIC 協同 NeuLevel 公司(現負責.us, .biz 之全球註冊服務)於 10 月 30 日早上 11:00—12:30 於 ICANN 會議同一場地之 Cartage 10 會議室舉行,會議由 TWNIC 陳文生執行長與 NeuLevel 副總裁 Richard TINDAL (Vice President, Registry) 共同主持,另李組長曉陽亦於會中對.tw 全球註冊政策作一詳細報告,會後並接受與會人員提問及解答,約有三十餘人包括對.tw 有興趣協助全球推廣之 registrar 代表與會,會議相當成功,也圓滿達成與 NeuLevel 合作共同推動.tw 海外註冊,以提升.tw 知名度之初步目標。

參、參訪

10 月 31 日本局高副局長率本局江主任、周科長、外交部鄧組長及外館同仁等六人,前往位於義大利羅馬,經營第三代行動通信業務之 Hutchison Whampoa Company [簡稱 H3G S. P. A] 電信公司參訪。經與該公司 Network Management Director 之 Antonio Romagnoli 先生洽談略以:

- 該公司非屬既有已經營第二代行動通信業者,係僅經營第三代行動通信業務之新進業者,於今年(2003 年)3 月開始營運。
- 目前已有三十五萬 3G 客戶,預估迄今年底其客戶將可達 50 萬。該公司是全歐洲 WCDMA 系統首先提供服務的業者,自有資金達 88%,目前主要服務項目為育樂性節目、運動性節目、新聞(下載 30 秒的新聞動畫約 0.5 歐元台幣即 20 元)。

- 該公司設置基地台亦遭遇民眾抗爭之困擾，對於民眾抗爭問題，該公司不輕易妥協，採訴諸法律解決爭議。

11月3日赴義大利比薩參訪義大利資訊通信研究所(Instituto di Informatica e Telematica; IIT，同時為義大利國家頂級域名“.it”管理單位)。全團聽取 .it 主任及技術及客戶服務部負責人的簡報。我方則由 TWNIC 陳文生執行長向義方報告 .tw 發展狀況。

.it 註冊總量約 800,000 個，目前仍維持文件審查制度，以保護消費者權益，.it 成立於 1980 年代中期，政策制定與註冊營運分屬不同單位管理。ICANN 下一次會議將於羅馬舉行，此次拜會有助於我們提前做好參與的準備。

肆、檢討與建議

- 一、ICANN 雖一直聲稱該機構任務應不涉及網路安全(Network Security)、網際網路內容(Internet Content)、垃圾郵件(Spam)、標準制訂(Standard-Setting)、智慧財產權(IPR)、資料隱私(Data Privacy)、消費者保護(Consumer Protection)、執法(Enforcement)等議題，鑒於網際網路之蓬勃發展，Wildcard 服務、Whois 資料庫服務等所衍生的種種問題層出不窮，日益受全球關注，ICANN 似乎也不得不將上述議題中與公眾利益相關之公共政策問題亦納入各次會議中討論及規範，為使國內網際網路之體制與國際接軌，建議我國產官學研相關單位寬籌預算，持續派員出席會議。
- 二、ICANN 涉及層面廣泛，專業程度亦高（但其研討會之技術層次不高），加上其組織之運作程序、人際關係之建立，非假以相當時日，不易上手。為免因人事異動造成業務銜接困難，宜加長業務交接之重疊時間，並建立完整之資料庫，俾能隨時掌握每次會議議題討論之進度並瞭解各國所關切問題之重點及立場，進而可對 ICANN 或 GAC 提出適切之公共政策建議，作出積極貢獻。
- 三、善用民間資源：參與 ICANN 及 GAC 活動，不能僅靠政府部門，宜將產業界、學術界之人才及資源引入，期擴大成效。現階段民間設有「財團法人台灣網路資訊中心」，行政部門與該中心尤應妥適分工、各司其職，必要時延請專家學者以顧問身分共同組團出席

GAC 會議，以適時提供專業性支援，俾發揮綜效。

- 四、建議 TWNIC 積極爭取 2006 年亞洲區 ICANN 會議主辦權，以凸顯我國經濟實力及提升我國在該組織之影響力及國際能見度，並積極參與 ICANN 各組織運作，爭取擔任 ICANN 理事及一般會員諮詢委員會(ALAC)委員等相關職務以加強實際參與度。

伍、附件

- 一、GAC 迦太基會議議程
- 二、迦太基會議 GAC 公報
- 三、迦太基會議 ICANN 理事會報告
- 四、ccTLD 委任暨管理原則修正草案
- 五、GAC 運作原則修正草案

附件一、GAC 迦太基會議議程

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

GOVERNMENTAL ADVISORY COMMITTEE - Meeting XVII

Carthage Palace Hotel, Gammarth

Carthage Tunisia, 25-29 October 2003

ANNOTATED AGENDA - Rev (3.0) status: 20 October.

PREPARATORY MEETINGS

Day 1: Saturday 25 October 2003, Afternoon Session 13.00-19.00

Arab & Africa Regions' Workshop – Room: Carthage 2

http://www.gacsecretariat.org/web/meetings/mtg17/arab_africa_workshop.shtml

Day 2: Sunday 26 October 2003, Morning Sessions (08.00-13.00)

Parallel Working Group meetings

All morning session (08.30-12.30):

WG4 – ccTLD Policies (joint session with ccTLD community 10.00-11.30) Room:

Carthage 4

Early morning sessions (08.00-10.00)

WGs 5+1: Whois and gTLDs Joint session Room: Carthage 5.

N.B. Meeting with GNSO, Sunday, 19.00

WG 3: Internationalised Domain Names (IDN) Room: Carthage 8

Later morning sessions (10.30-12.30)

WG 2: Root Servers and Security Room: Carthage 6

WG 6: Ipv6 Room: Carthage 7

Consultation with ALAC/RALO participants [to be confirmed]

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**Day 2: GAC Plenary - Sunday 26 October 2003, Afternoon Session 13.30-18.30. Room:
Carthage 2**

OPENING SESSION (13.30-16.00)

1. Welcome and introduction of new Members
2. Adoption of the Agenda
3. Matters arising from Montreal meeting:
 - Adoption of the Minutes of the Montreal meeting
<http://www.gacsecretariat.org/members/meetings/index.shtml>
 - Action items arising from the Minutes
4. GAC Inter-sessional Advice to ICANN (Pour memoire)

REPORTS (16.00-18.30)

5. Reports from WG Convenors and Working Group meetings

Break - Ghouroub (17.20-17.50)

6. Reports from GAC Liaisons
7. Report from the Secretariat

**Day 3: GAC Plenary - Monday 27 October 2003. Morning Session 08.00-12.30. Room:
Carthage 2.**

8. Meeting with ICANN - Open Session (08.00-10.30)

8.1 ICANN President and CEO; ICANN Chairman

8.2 ICANN-US DOC MOU extension

<http://www.icann.org/announcements/announcement-17sep03.htm>

8.3 ICANN Report on ccTLD Re-delegations.

8.4 Country Code Names Supporting Organisation (ccNSO)

<http://ccnso.icann.org/>

8.5 Implementation of WIPO II Recommendations.

<http://www.icann.org/announcements/announcement-06oct03.htm>

Extension of Dot Info country names reservation. See: Chair's letter to GAC

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<http://www.gac-icann.org/web/docs/index.shtml>

8.6 Implementation of IDN

9. Future Structure, Organisation and Financing of GAC and its Secretariat - first debate (10.30-12.30)

9.1 draft Chair-Vice Chairs/Secretariat discussion paper

<http://www.gac-icann.org/web/docs/index.shtml>

9.2 revision of the Operating Principles

<http://www.gacsecretariat.org/members/meetings/index.shtml>

9.3 Election of Vice Chairs

<http://www.gacsecretariat.org/members/meetings/index.shtml>

9.4 Secretariat funding mechanism: see discussion paper, above, Annexes 4 & 5

9.5 GAC Council/Charter

9.6 GAC working methods

LUNCH BREAK – 12.30-14.00

Day 3: Monday 27 October 2003 Afternoon Session 14.00-17.45 Room: Carthage 2.

10. ccTLD policy matters (first debate) (14.00-16.00)

10.1 ccTLD Re-delegations

10.2 ccNSO

10.3 Revision of GAC ccTLD Principles

<http://www.gacsecretariat.org/members/meetings/index.shtml>

10.3 GAC guidelines for the ccTLD Working Group

11. Recent developments in Member Countries - Tour de Table (16.00-17.00)

12. OTHER BUSINESS (17.00-17.45)

12.1 Number Resource Organisation

<http://www.ripe.net/ripence/about/regional/draft-public-comment.html>

12.2 DNS Wildcards

<http://www.icann.org/general/wildcard-history.htm>

12.3 Other Business (other)

Break - Ghouroub (17.20-17.50)

13. Review of draft Communiqué and Advice to ICANN (18.15-18.45) [not a drafting session]

Day 4: GAC Plenary - Tuesday 28 October 2003, Morning Session 08.00-12.30

14. GAC **Outreach**, membership and regional aspects (08.00-09.00)

15. Extension of **Dot Info country names** reservation (09.00-09.30)

16. Whois policy matters (09.30-11.30)

16.1 Report on work undertaken since Montreal workshop

Questionnaire from the Working Group (WG 5)

16.2 GAC participation in Carthage Whois workshop

16.3 Policy guidelines for ICANN community and GAC members

17. FLEXIBILITY at the discretion of the Chair (11.30-12.30)

LUNCH BREAK – 12.30-14.00

Day 4: Tuesday 28 October 2003

Afternoon Session 14.00-17.45. Room: Carthage 2

18. GAC Operating Principles(14.00-15.00):

Final debate and adoption of the amendments

<http://www.gacsecretariat.org/members/meetings/index.shtml>

19. GAC Communiqué (15.00-17.20) - [Drafting session]

Break - Ghouroub (17.20-17.50)

20. Meeting Closure (17.50-18.30)

OTHER RELATED EVENTS

[Day 4: Monday 27 October (all day) Room: Carthage 10

Internet Society (ISOC) Internet tutorial meeting]

<http://www.icanncarthage.tn/en/isoc.htm>

Day 5 : Wednesday 29 October 2003 - Workshop sessions

ICANN/GAC Whois workshop - Morning session. Room: Carthage 1.

<http://www.icann.org/carthage/whois-workshop-agenda.htm>

GAC IPv6 Workshop - Afternoon session. Room: Carthage 3

http://www.gacsecretariat.org/web/meetings/mtg17/ipv6_workshop.shtml

Day 6: Thursday 30 October 2003

ICANN Public Forum – Presentation of the Communiqué by from the GAC Chair.

Room: Carthage 1.

附件二、迦太基會議 GAC 公報

Governmental Advisory Committee

Carthage, 28 October 2003

GAC Communiqué – Carthage, Tunisia

25 October Workshop and 26-28 October Meeting, 2003.

1. The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in **Carthage, Tunisia** 26-28 October 2003. The participating GAC Members, included representatives from 39 national governments, distinct economies as recognised in international fora, and multinational governmental and treaty organisation. The GAC addressed several current policy issues affecting ICANN, longer term issues of concern to GAC members, and GAC's future structure and organisation.

2. GAC heard a report from the **ICANN Executive**, particularly regarding the issues currently on ICANN's agenda and changes in the management, staffing and the creation of Regional Offices. ICANN presented a thorough review of ccTLD Re-delegation policies and operations. GAC welcomes ICANN's intention to further improve the performance of the IANA function and encourages the continued implementation of measures to increase efficiency in the IANA function, in consultation with the stakeholders, as appropriate.

3. ccTLD Policies:

- Pending **re-delegations** continue to be a concern to a number of GAC members. GAC encouraged ICANN to address the issues of delegation and re-delegation in priority.
- GAC reviewed progress in creating the **ccNSO**, recalled its advice to

ICANN in Montreal and encouraged continued work to ensure the fullest participation possible.

- GAC agreed to move forward with the up-dating of the GAC **Principles for the Delegation and Administration of Country Code Top Level Domains**. In this regard, the GAC stresses the importance of consultations with the ccTLD community and ICANN.

4. Implementation of WIPO II recommendations: GAC welcomed the creation of the joint working group with GAC and representatives of ICANN constituencies. GAC recalls that the mandate of the working group is limited to "analysing the practical and technical aspects of implementing the WIPO II recommendations". Recalling its advice on this issue in Montreal, GAC regrets that the working group has not presented an outline and timetable for its work to the GAC meeting at Carthage and welcomes the request from the President of ICANN that the working group report to the Board at the ICANN meeting in Rome.

5. Whois Data: GAC welcomed the initiative by the ICANN President's Advisory Committee to convene a Whois Workshop in Carthage and expressed strong interest in the agenda and outcome of the Workshop. The GAC Whois and gTLD working groups met with the GNSO council and discussed among other things the GNSO policy development process on Whois issues. The GAC reported on its efforts to compile information regarding public policy uses of Whois data by GAC members through a questionnaire. The GNSO Council expressed its interests in receiving the results of the GAC survey, as well as its appreciation for the GAC initiative.

6. IPv6 is moving from the research stage to real use. It was agreed to accelerate the activity of the GAC IPv6 Working Group to exchange information and experience and to gather information on the IPv6 status on various systems on the Internet, including the DNS Root Server system and ccTLD Servers, and to consider the further steps to be taken by GAC. GAC welcomed the initiative of the IPv6 Workshop to encourage communication among interested parties on this matter.

7. New Registry Services: GAC is following the debate about the use of DNS Wildcards and received a briefing from President and CEO of ICANN and the Chair of Security and Stability Advisory Committee (SECSAC) regarding its review of the Sitefinder service. GAC recognises that many interests in the Internet community are engaged in the debate regarding the introduction of this service, and have raised concerns regarding the competitive, technical and user implications of the service.

GAC notes that the ICANN President has asked the GNSO to formulate a proposal for a timely, transparent and predictable procedure for the introduction of new registry services. GAC will continue monitoring these processes, particularly where they relate to public policy issues.

8. DNS Security and Root Servers:GAC takes note of the efforts to date in deployment of Anycast to mirror the root servers and recognises the efforts undertaken by the root server operators to increase the security and stability of the root servers-system for the benefit of the whole Internet Community. GAC encourages the root server operators to make more information available in order to increase awareness and understanding of these issues.

9. Outreach: GAC held a successful workshop dedicated to the Arab and African Regions with active participation from 17 countries, including government, private sector and civil society. Reinforcing communications among GAC members will continue to be encouraged on a regional basis. In view of the useful results, and following the Rio de Janeiro and Carthage precedents, further regional workshops will be considered for future meetings.

10. GAC also considered the question of its future **structure, organisation and financing**. GAC has agreed a procedure for updating the Operating Principles and for the election of Vice Chairs later this year. A working group will be set up consider the structure, organisation and financing of GAC.

* * * *

11. The Governmental Advisory Committee expressed warm **thanks to the Government of Tunisia and the Agence Tunisienne d'Internet** for hosting and organising the meeting in Carthage. GAC noted with satisfaction that participation from members in the Africa and Arab regions was significantly greater on this occasion.

12. Next Meeting: The next GAC face-to-face meeting will be in Rome, Italy, during the 27 February – 2 March 2004 period. Meanwhile, GAC will continue its work on-line, and through the Working Groups and Liaisons.

附件三、迦太基會議 ICANN 理事會報告

ICANN's Board of Directors met on 31 October 2003 in Carthage, Tunisia.

The Board adopted the following resolutions:

Approval of .INFO Redemption Grace Period

Whereas, in resolution 02.83, the Board authorized the President and General Counsel to conduct negotiations on behalf of ICANN toward appropriate revisions to agreements between ICANN and the unsponsored TLD registry operators to implement the proposed Redemption Grace Period applicable to registry operators in a manner consistent with an implementation proposal submitted by a Technical Steering Group on 7 June 2002;

Whereas, ICANN staff has reported to the Board that negotiations have been completed with Afilias, the operator of the .info registry, for amendments to Appendices C, G, O, and T of the .info registry agreement to provide for implementation of the Redemption Grace Period within the .info top-level domain in substantial conformity with the 7 June 2002 Technical Steering Group proposal, and has recommended that those appendices be amended accordingly, with any conforming adjustments to other appendices as may be deemed necessary or appropriate;

Whereas, the Board has reviewed the negotiated revisions to Appendices C, G, O, and T and concludes that the amendments should be approved as recommended;

Resolved [03.160] that the ICANN President and General Counsel are authorized to enter into an amendment to the .info registry agreement to include the revisions to Appendices C, G, O, and T, as well as to authorize appropriate conforming amendments to other appendices to the registry agreement as deemed necessary or appropriate.

Approval of .pro Second-Level Registration Offering

Whereas, RegistryPro, Inc. ("RegistryPro") is the registry operator for the .pro top-level domain;

Whereas, under RegistryPro's Registry Agreement as entered into with ICANN on 3 May 2002, RegistryPro is expressly permitted to propose to give .pro registrants the option of registering for second-level domain names directly in the .pro TLD;

Whereas, on 6 August 2003, ICANN received a request from RegistryPro to offer second level registrations in .pro in cases where registrants provide multiple services or would like register on the second-level with a redirect to the third-level professional designator that corresponds to their professional area;

Whereas the RegistryPro proposal specifies that the registrants at the second level would be required to meet all of the registration restrictions set forth in Appendix L to the .pro Registry Agreement;

Whereas the RegistryPro Advisory Board has provided a statement of support for the RegistryPro proposal, indicating that proposed second level .pro registrations will eliminate existing obstacles and enhance the appeal of .pro to the distribution channel, while continuing to uphold the existing eligibility requirements and restrictions;

Whereas, based on a review of the proposal, the Board has determined it is unlikely the legitimate interests of others could be harmed by the implementation of the proposal by RegistryPro to offer the second level registration product;

Whereas, ICANN's Registry Agreement with RegistryPro allows such agreement to be amended by the mutual consent of the two parties;

Resolved [03.161], that the ICANN President and General Counsel are authorized to negotiate and implement modifications to RegistryPro's Registry Agreement with ICANN for operation of the .pro top-level domain as deemed necessary to provide for the offering of such .pro second level registration product by RegistryPro, provided that the offering of such second level registration product by RegistryPro would be in accordance with and consistent with all other applicable contractual limitations in the Registry Agreement.

Adoption of GNSO Council Domain Deletion Policy Recommendations

Whereas, at its meeting on 24 June 2003, the GNSO Council voted unanimously to accept the Final Report of the Deletes Task Force and to forward it to the ICANN Board as a consensus-policy recommendation;

Whereas, the report was posted on the ICANN web site on 6 October 2003, with a call for public comment;

Whereas, various public comments were received and considered by the Board;

Whereas, the report was discussed at the ICANN Public Forum session held on Thursday, 30 October 2003, with public comment received;

Resolved [03.162] that the Board adopts the recommendations set forth in section 3 of the Deletes Task Force Final Report the under the heading "Recommendations"; and

Further resolved [03.163] that the ICANN President and General Counsel are authorized to take steps to implement those policy recommendations by consulting as appropriate with registry operators, registrars, and other knowledgeable parties and through amendments and notices, as appropriate, pursuant to ICANN's agreements with gTLD registry operators and registrars.

Response to GNSO Council Request to Maintain Three Representatives per Constituency

Whereas, the GNSO Council has requested on 14 August 2003, that the change to the number of constituency representatives on the GNSO Council remain unchanged at three (3) representatives per constituency instead of two (2) representatives per constituency as is scheduled to occur at the end of this 2003 Annual Meeting.

Whereas, the GNSO Council's predecessor organization DNSO Names Council requested on 1 August 2002, that the GNSO Council be made up of three (3) representatives per constituency.

Whereas, Article I, Section 2 (4) sets out as a core value that: -"Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making."

Whereas, Article XX, Section 5 (8), in setting out the originally proposed transition that: "In the absence of further action on the topic by the New Board, each of the GNSO constituencies shall select two representatives to the GNSO Council...."

Whereas, the Board wishes to take action in support of the GNSO Council and in response to the GNSO Council's request.

Resolved [03.164] to change the transition article (Article XX) to allow three representatives per constituency on the GNSO Council until the end of the ICANN annual meeting 2004;

Resolved [03.165] to perform a review of the GNSO Council in or around July 2004 which should include among other aspects of the review criteria, an analysis of the efficacy of having three representatives from each constituency on the GNSO Council.

New Generic TLDs

Whereas the development of an appropriate process and policy for the creation of new gTLDs has been a topic of Board and community debate since the creation of ICANN.

Whereas there is a fundamental need for a comprehensive process to move from the proof of concept test commenced with the 2000 round to the liberalization of the gTLD market.

Whereas ICANN needs to deliver this comprehensive approach to new gtlds not only in response to community demand, but also toward completion of a task agreed under ICANN's new MoU with the U.S. Department of Commerce.

Whereas ICANN has committed to deliver, by September 2004, a comprehensive evaluation of:

- a. The potential impact of new gtlds on the Internet root server system and Internet stability;
- b. The creation and implementation of selection criteria for new and existing TLD registries, including public explanation of the process, selection criteria, and the

rationale for selection decisions;

c. Potential consumer benefits/costs associated with establishing a competitive environment for TLD registries; and

d. Recommendations from expert advisory panels, bodies, agencies, or organizations regarding economic, competition, trademark, and intellectual property issues.

Whereas ICANN is also committed to define and implement a predictable strategy for selecting new gtlds using straightforward, transparent, and objective procedures that preserve the stability of the Internet (development of strategy is to be completed by September 30, 2004 and implementation to commence by December 31, 2004).

Whereas ICANN also needs to consider technical and operational means by which the operation of a TLD could be undertaken by another party in the event that any incident causes a particular TLD to become inoperable.

Whereas the Board recognizes that in order for ICANN to meet these timelines, the evaluation must commence almost immediately, and will require a significant proportion of ICANN resources.

Whereas the Board believes the development of this long-term policy should begin immediately in November 2003, with the timing of the presentation of reports and receipt of various inputs to occur between ICANN's October 2003 meeting in Carthage, and March 2004 meeting in Rome.

Whereas the areas to be covered in the development of policy on TLDs include completion of the formal review of the TLDs created in the new-TLD proof of concept initiated in 2000, obtaining advice and analysis on issues pertinent to long-term policy for TLDs from expert sources, receipt and review of community input, consideration and commencement if deemed appropriate of a targeted Policy-Development Process within the Generic Names Supporting Organization, and consultation with ICANN's Advisory Committees and other Supporting Organizations.

Whereas the final report on the success to date, and issues faced by, the TLDs created in 2000 is expected to be delivered at ICANN's March 2004 meeting in Rome.

Whereas ICANN is aware that the TLDs selected in 2000 have faced significant acceptance problems, which should be considered and addressed, if possible. These include compatibility problems with installed software (DNS resolvers, provisioning software and end-user applications) of ISPs, corporate network operators and application providers, as well as other distribution and acceptance issues, such as registrars interested in providing domain name services with respect to a new gTLD.

Whereas expert advice is expected to be sought from areas including:

an international economics organization on the introduction of competition into the TLD market and other similar markets, allocation mechanisms and possible appropriate business models for the TLD manager-ICANN relationship;

a review and report on intellectual property issues involved in the introduction of new gTLD to be provided by the World Intellectual Property Organization;

consumer protection issues, potentially from a consumer protection agency;

reports from the Internet Architecture Board and ICANN's Security and Stability Committee on technical stability issues related to the introduction of new gTLDs, including planning for registry failures;

assessment of the Internet Architecture Board on the need for additional technical standards to support multilingual TLDs.

Whereas the Board will be considering, and seeking views from experts and the community on the appropriate balance between corporate/sponsor control of a gTLD and "management on behalf of the Internet community" and with regard to clarifying and better delineating the appropriate structure and scope of the relationship between TLD operators and ICANN.

Resolved [03.166] that the Board directs the President to begin an expeditious and targeted development of strategy and policy leading to a streamlined process for the introduction of new gTLDs, and

Resolved [03.167] that the Board directs the President to begin to seek community input into development of this strategy and process immediately following this meeting in Carthage, and to establish a public forum for comments on new gTLD policy at <tldpolicy-comments@icann.org>.

Resolved [03.168] that the Board has requested that a report on the new gTLD policy should be completed by September 30, 2004 and the implementation of the new gTLD policy shall commence before December 31, 2004.

Finalization of New sTLD RFP

Whereas the ICANN community has called upon the Board to commence long term strategic plans to launch a long term process for the creation of new gTLD's and to act on community input already received in a timely manner.

Whereas the Board resolved in Montreal to invite public comment on the draft request for proposals for sTLDs posted on 24 June 2003, and in particular on the question whether or not the RFP should be limited to applicants who proposed sponsored sTLDs in November 2000.

Whereas, at the ICANN Board meeting held 13 October 2003, the Board discussed at length the topic of how, and within what timeframe, ICANN should proceed with the creation of new gTLDs, including sTLDs.

Whereas the GNSO has called upon the Board to go forward with the process for an interim round of sTLDs. The GNSO has discussed and commented on its desire for the Board to take action again on 29 October 2003.

Whereas the Board has heard the expression of concerns by experts and affected parties through the GNSO, and from users directly and through the ALAC.

Whereas the Board recognizes community consensus that it would be very difficult, both for practical reasons and as a matter of equitable policy, to restrict a new sTLD round to prior applicants from the 2000 round.

Whereas the Board also recognizes general community agreement that the appropriate form of sponsoring organization for new sTLDs should not necessarily be restricted to not-for-profit entities, but could include other forms of entity that otherwise meet the criteria for a sponsoring organization.

Resolved [03.169] that the Board directs the President to finalize and post no later than 15 December 2003 an open Request for Proposals for a limited number of new sTLDs, such final RFP to be based on the points of agreement indicated above and the comments received concerning the draft RFP.

Resolved [03.170] that upon the successful completion of the sTLD selection process, an agreement reflecting the commercial and technical terms shall be

negotiated, although such terms may be subject to further amendment, as appropriate, as a result of the New gTLD process which is scheduled to be completed in 2004.

Resolved [03.171] that the selection process and implementation for sTLDs shall be evaluated and the results of such evaluation shall be utilized in the New gTLD process scheduled to be completed in 2004.

IDN Committee changes

Whereas, the Internationalized Domain Name Committee was established by resolution 01.94 to serve as a general coordination body for the work on policy issues related to Internationalized Domain Names (IDNs);

Whereas, the IDN Committee has issued a series of reports and recommendations regarding IDNs and related issues;

Whereas, in October 2002 the Internet Engineering Steering Group approved the publication of three proposed standards defining an application-level mechanism for IDNs;

Whereas, the ICANN community would like to thank the following IDN Committee members for their service on the IDN Committee: Masanobu Katoh (Committee Chair), Mouhamet Diop, Patrik Fältström, Qiheng Hu, John Klensin, Sang-Hyon Kyong, Stuart Lynn, Elisabeth Porteneuve, Mohd Sharil Tarmizi and Vincent Wen-Sung Chen.

Whereas, the President in consultation with the Chair of the IDN Committee formed a new President's IDN Registry Implementation Committee composed of interested registries, registrars, and technical experts to consider and exchange information on ways to resolve the issues associated with implementation of IDN capabilities in existing top level domains;

Whereas the Board requested the following individuals to serve on the President's IDN Registry Implementation Committee, the Board would like to thank the following members: Masanobu Katoh (chair), Neil Edwards, Patrick Falstrom, Hiro Hotta, Kenny Huang, Cary Karp, Andrew McLaughlin, Ram Mohan, Hualin Qian, James Seng, Mark Blanchet, YangWoo Ko, Edmon Chung, Yann Courtel, Geir Rasmussen, Tom McGarry, and Tina Dam.

Whereas as the Chair informs the Board that the work of the IDN Committee is complete as to the current formulation of members.

Whereas the committees have successfully reached the conclusion of their work, the successful implementation of IDN will continue to involve the exchange of information on ways to resolve the issues associated with implementation of IDN capabilities in existing top level domains.

Whereas the ICANN Board wishes to express its extreme gratitude to Mr. Katoh for his services in chairing and leadership in the area of ICANN's IDN work, beginning with the Internal Working Group, the IDN Committee and the President's IDN Registry Implementation Committee.

Hereby resolved [03.172] to bring to a close the work of the IDN Committee, and the President's IDN Registry Implementation Committee.

Resolved [03.173] that ICANN will continue to participate and provide guidance on the community's work with the objective to achieve coordinated implementation of IDN.

Thanks to Masanobu Katoh

Whereas, Mr. Masanobu Katoh has served as an ICANN director since November 2000, having been chosen to represent the Asia-Pacific region in the At-Large voting process conducted in October 2000;

Whereas, prior to his service to the Board of Directors, Katoh-san served as the Asia-Pacific representative of the business constituency on the Names Council of the former Domain Name Supporting Organization (DNSO);

Whereas, Katoh-san has served with honor and distinction as Chair of the Internal Working Group created by the Board to investigate facts and identify issues that may arise concerning Internationalized Domain Names (IDNs); as Chair of the IDN Committee since its creation and until this meeting, which continued and formalized further the work for the Internal Working Group; as Chair of the President's IDN Registry Implementation Committee composed of interested registries, registrars, and technical experts to consider and exchange information

on ways to resolve the issues associated with implementation of IDN capabilities in existing top-level domains, created by the Board; as Chair of the Committee of the Board Conflicts of Interest; member of the Board Governance Committee; member of the Reconsideration Committee;

Whereas, Katoh-san served in all these functions, as well as in Board meetings and in contact with the ICANN community, with unfailing loyalty, unsinking good humor, unvanishing smile, the will to solve conflicts constructively, clarity of thought, clear sense of ICANN's mission and priorities, and a well-centered, principles-based pragmatic approach;

Whereas, Katoh-san has been exemplary in bridging cultures: between his native Japanese and others; between his legal training and technical concerns; between business and broader social concerns, to the benefit of ICANN and its community;

Whereas, Katoh-san earned the appreciation of his fellow Directors and many in the community for the above-mentioned qualities and a friendly, open attitude;

Therefore, the Board of ICANN resolves [03.174] that the Board expresses its thankfulness and recognition for Katoh-san's company, work, and accomplishments; and wishes him all the best success and happiness in his endeavors, together with a happy family life.

In addition to these resolutions above, the Board also held an organizational meeting in Carthage, Tunisia on 31 October 2003.

附件四、ccTLD 委任暨管理原則修正草案

Governmental Advisory Committee

Working Group 4 – ccTLDs

12 October 2003

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

1. PREAMBLE

In the nine years since the issuance of [RFC 1591](#), the Internet has evolved from a tool primarily reserved for computer and networking research, to a global medium for commerce, education, and communication. Advances in the global information infrastructure, especially the Internet, are of crucial importance as a vehicle for national and global economic growth. Top Level Domains (i.e. domains in the top level of the global domain name system) play a very significant role in this respect. Country code Top Level Domains (ccTLDs), in particular, have evolved from a simple technical and organisational level in the hierarchical structure of the Domain Name System (DNS) into the Internet identities of countries and geopolitical territories and have been acquiring an increasing part in the domain names market².

Most policy issues related to ccTLDs are national/local and should be addressed by each ccTLD Registry in consultation with the local Internet community and national government, according to national law. There is a limited number of technical issues on which policy decisions should be taken globally by the Internet Corporation for Assigned Names and Numbers (ICANN) Board in response to Policy Development Processes taking place in the Country Code Names

² Since the objective of this document is to address ccTLD issues, it would be useful to make reference to the ccTLDs up front.

Supporting Organisation (ccNSO). These are listed in annex C to article IX of the ICANN Bylaws and in clause 6 below³.

Governments represent the interests of the population of the country or territory for which a ccTLD has been delegated and they should be able, if they so choose, to play an active role in co-ordinating the resolution of management and administrative issues arising with respect to their ccTLDs, according to their laws and policies⁴.

In particular , the procedures and framework of accountability for delegation and administration of ccTLDs need to be clarified to ensure they continue to evolve into a robust, certain, and reliable system. Most governments, ccTLD Registries and ICANN share the objective of a Domain Name System that is stable, secure, open, and easily accessible.

There is currently 243 ccTLDs that have been delegated or re-delegated by IANA or John Postel. Initially, this was done by “selecting a designated manager for a domain that was able to do an equitable, just, honest, and competent job”.⁵ There was no government involvement in the designation process in RFC 1591 or before. In some countries, there has been some government participation in the operation of the ccTLD Registry. In some countries there have been laws explicitly addressing ccTLD issues. Most ccTLD Registries were established inside the territory of the country concerned, but in some cases this was not the case, either because IANA has been unable or unwilling to find an appropriate person or body or because the government or ccTLD Registry concerned decided to outsource the operation outside the territory of the country concerned. This has created a variety of legacy ccTLD situations with different legal or contractual frameworks. These have to be taken into account in any new re-delegation requests taking into account the responsibilities of government.

³ The principle that most ccTLD policy issues should be addressed nationally/locally is an important one and has been missing in the current GAC principles.

⁴ Suggested by the ITU, with slight modifications

⁵ RFC 1591

A number of different initiatives have been taken to further address ccTLD policy issues, subsequent to RFC 1591, including but not limited to:

- The principles for the delegation and administration of ccTLDs, issued by the GAC in February 2000
- IPC 1 issued by the Internet Corporation for Assigned Names and Numbers (ICANN) in March 2000
- CENTR comment on ICANN AXFR requirement for ccTLDs, June 2002
- IANA ccTLD re-delegation step-by-step overview, June 2002
- ICANN Bylaws regarding the country code Names Supporting Organisation (ccNSO), June 2003

2. OBJECTIVE OF THIS DOCUMENT

The objective of this document is to update the principles set out in the February 2000 document in order to take account of experience in the interim with regard to the delegation and administration of ccTLDs, and to further develop best practice for the delegation and administration of ccTLDs. That is, a framework for good practice and proper behaviour to try to ensure that the different parties work within a reasonably consistent framework, where there is a general measure of mutual understanding in a dynamic sector. The principles for the delegation and administration of ccTLDs are intended to contribute to the development of models of:

- a communication between the relevant government or public authority and ICANN about their respective roles;
- an appropriate communication between ICANN and the ccTLD Registry; and
- a communication between the relevant government or public authority and the ccTLD Registry where this is deemed appropriate by the government concerned.

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.⁶

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 ccTLD in the DNS root⁷.

3.5. 'Reassignment of delegation' means the change of the person or body responsible for the administration of a ccTLD Registry effected by ICANN/IANA upon receipt of an authoritative request.⁸

3.6. Authoritative request is the request for the delegation or reassignment of delegation or any root zone file change concerning a ccTLD Registry addressed to

⁶ Richard Hill considers this definition to be overly broad. Norway, on the other hand, finds this useful and considers the possibility of including oral communication.

⁷ An important question needs to be answered here: Does ICANN/IANA have authority to delegate responsibility for administration of a ccTLD? Or is such authority to be established according to national law? If the latter is the case, this concept needs to be re-defined: A possible alternative would be: "Delegation" means the procedures that need to be taken by ICANN/IANA for the inclusion of a ccTLD in the root zone file upon receipt of an authoritative request."

⁸ Hong Kong has asked for a definition of this concept; definition attempted by your scribe.

ICANN/IANA according to the national law of the country concerned or, in the absence of such law, RFC 1591.⁹

3.7 'ccTLD Registry' means the entity (whether an organisation, enterprise or individual) responsible for managing and administering a ccTLD. [This may be an entity designated, recognised, accepted or not accepted¹⁰ by the relevant government or public authority to exercise the public trust function of a ccTLD and consequently recognised through a communication between ICANN/IANA and the entity concerned]¹¹. The Registry for a ccTLD may be the relevant government or public authority itself or an oversight body designated, recognised or accepted by the relevant government or public authority.

3.8 'Designation' means designation by the relevant government or public authority or any other body foreseen by the national law of the country concerned of the ccTLD Registry.

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.

4. ROLE OF ccTLD REGISTRY

4.1 The ccTLD Registry 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-

⁹ This definition has been suggested by your scribe. It hopefully reflects the spirit of your comments concerning delegation and reassignment of delegation

¹⁰ This reflects more precisely the current situation; relevant remark made by UK; Richard Hill suggests replacing "recognised or simply accepted" with "recognised or not". Norway suggests "...recognised, accepted or not" and considers more discussion is needed to cover all possibilities.

¹¹ France is suggesting the deletion of the text in brackets

1, as well as the global Internet community according to a naming policy reflecting the principle that the manager of the ccTLD performs a public service. However the delegation itself cannot be sub-contracted, sub-licensed or otherwise traded without the agreement of the relevant government or public authority and appropriate enforcement by ICANN/IANA.

4.2. Two core functions must be performed by the ccTLD Registries:

1. Entering and maintaining data into a database (Data Entry Function) and
2. Maintaining and ensuring upkeep of name-servers for the TLD (Name Server Function)

The Data Entry Function should be fully defined by a naming policy which must specify the rules and conditions:

- a) under which data will be collected and entered into a database or data changed (at the TLD level among others, data to reflect a transfer from registrant to registrant or changing registrar) in the database.
- b) for making certain data generally and publicly available (be it, for example, through Whois or name servers).

The Name Server Function involves essential interoperability and stability issues at the heart of the DNS. The importance of this function extends to name servers at the ccTLD level, but also to the root servers (and root-server system) and name servers at lower levels. On their own merit and because of interoperability and stability considerations, properly functioning name servers are of utmost importance to the individual, as well as to the local and the global Internet communities. With regard to the name server function, therefore, policies need to be defined and established. Most parties involved, including the majority of ccTLD Registries, have accepted the need for common policies in this area by adhering to the relevant RFCs, among others RFC 1591.

4.3. In performing these functions ccTLD Registries must respect applicable national law and in particular data protection legislation and principles.

4.4 Any intellectual property rights that the ccTLD Registry may have acquired as the result of delegation or any entity may have acquired as a result of the management, administration or marketing of the ccTLD, shall be taken into account and dealt with in accordance with the law of the seat of the ccTLD

Registry [but should not be exercised in a way to impede re-delegation of a ccTLD Registry decided according to national law or under the circumstances described under clause 7 below].¹²

4.5 Ultimate public policy authority over the relevant ccTLD rests with the relevant government or public authority to the extent that the relevant government or public authority has a mandate, under national law, to exercise such a public policy authority.

4.6 The ccTLD Registry should work co-operatively with the relevant government or public authority of the country or territory for which the ccTLD has been established, within the framework of the country or distinct economy concerned and public policy objectives of such relevant government or public authority.

4.7 The ccTLD Registry, and the Registry's administrative contact, shall be resident or incorporated in the territory and/or jurisdiction of the relevant government or public authority unless formally decided otherwise by the relevant government or public authority. [Where the Registry, 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. This includes re-delegation procedures¹³].

4.8 The ccTLD Registries may participate in the ICANN Policy Development Processes through the Country Code Names Supporting Organisation (ccNSO) which is responsible for:

¹² Combination of ITU and Danish suggestions reflecting reality with regard to IPRs; UK has also expressed doubts that the initial text is achievable. Richard Hill has eventually suggested deleting the phrase in square brackets arguing that you cannot put any restrictions on whatever flows from national law.

¹³ Spain considers this clause as stating a basic principle. The UK and Norway have expressed doubts that (at least part of) clause 4.6. is achievable. Indeed this would be doubtful unless there is a contract between the government and the ccTLD Registry concerned; otherwise the Registry is likely to be under the jurisdiction of the territory in which it is established.

1. Developing and recommending to the Board global policies relating to country-code top-level domains;
2. Nurturing consensus across the ccNSO's community, including the name-related activities of ccTLDs; and
3. Coordinating with other ICANN Supporting Organizations, committees and constituencies under ICANN.

In addition to the above core responsibilities, the ccNSO may also engage in other activities authorized by its members, including: seeking to develop voluntary best practices for ccTLD managers, assisting in skills building within the global community of ccTLD managers and enhancing operational and technical cooperation among ccTLD managers. The ccNSO organization, policy-development process and scope are described in Article IX of the ICANN Bylaws adopted at the ICANN Montreal meeting.

5. ROLE OF GOVERNMENT OR PUBLIC AUTHORITY

5.1 Every country or distinct economy with a government or public authority recognised in accordance with article 3.7 above has the right to have its country code represented as a ccTLD in the DNS and to designate the Registry for the ccTLD concerned. Existing ccTLD Registries have the right to maintain their responsibilities, unless the government or public authority concerned decides to designate a new Registry according to national law and provides ICANN/IANA with the necessary authoritative request concerning the new Registry.

5.2 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.

5.3 Governments or public authorities have responsibility for public policy objectives including : transparency and non-discriminatory practices; greater choice, lower prices and better services for all categories of users; security of critical infrastructures; 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.

5.4 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.¹⁴

5.5 The relevant government or public authority should be able to ensure that DNS registration in the ccTLD benefits from effective and fair condition of competition, at appropriate levels and scale of activity.

5.6 To give effect to governments' or public authorities' public policy interests, governments or public authorities are invited to consider the extent to which their communication with ccTLD Registries should conform to the terms outlined in Clause 9.

5.7 In making a designation for a ccTLD Registry, the government or public authority should be invited to 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.

5.8 In developing public policies concerning ccTLDs within their jurisdiction, governments and public authorities may seek advice from other governments and

¹⁴ Richard Hill is asking “Did the GAC actually say this? I thought that many GAC members take the position that the Internet is a private-sector activity. I know that several ITU Member States take that view. For example, they explicitly do NOT impose universal access obligations on Internet-related suppliers etc. This will be documented in the forthcoming IP Policy Handbook”. This view seems to be shared by Norway which makes an additional remark: “If the meaning is that certain obligations will apply due to this finding, these should be stated. The current text is not binding in a legal way”.

public authorities and from ICANN/IANA on matters falling within the competence of ICANN/IANA as described in section 6 below.¹⁵

5.9 ¹⁶Governments and public authorities represented in the GAC may participate in the ICANN ccNSO policy development processes as described in annex B of article IX of the ICANN Bylaws. In particular, the GAC: may start a policy process by calling for creation of an Issue Report; request participation of up to two GAC members in a ccNSO task force; offer opinion or advice to the ccNSO Council in case no task force is created; submit comments on a ccNSO Task Force Report; offer opinion or advice to the ccNSO Council on a Final Report; offer advice directly to the ICANN Board on any public policy issue, including issues related to the ccTLDs, as described in article X of the ICANN Bylaws; and participate in the ICANN Board meetings on ccTLD-related policies through its liaison, the GAC Chair.

5.10 In addition, the GAC may do specific work related to ccTLDs through its Working Group 4 as indicated in the WG4 terms of reference and will maintain a direct dialogue with the ccTLD community through its ccTLD liaison¹⁷.

6. ROLE OF ICANN

6.1 The mission of ICANN is to coordinate, at the overall level, the global Internet's systems of unique identifiers, including domain names. In this capacity, with regard to the ccTLDs core functions, the Data Entry Function and the Name

¹⁵ It is already current practice that ICANN/IANA advise certain governments, in particular of developing countries. A similar advisory role may be undertaken by governments and public authorities with ccTLD policy experience. It is also useful to specify the limits of ICANN/IANA advisory role.

¹⁶ Norway: "Does this paragraph need to be included in this document? I thought this was described sufficiently in other documents". France has suggested deletion of the paragraph. Your scribe: I think that if we are to keep sections describing the roles of governments, ccTLD Registries and ICANN it is useful to maintain this summary description here. But I have no strong views about it.

¹⁷ This takes into account the GAC working methods agreed in Rio de Janeiro. France is suggesting the deletion of this paragraph.

Server Function, ICANN is involved in the administration of a range of technical functions :

Name Server Function

- policy and accountability role with regard to the root server system (primarily through the Root Server System Advisory Committee);
- policy (through the ccNSO) and accountability (through IANA) role with regard to ccTLD Registry Name Servers in respect to interoperability

Data Entry Function

- policy (through the ccNSO) and executive (through IANA) role in the Root Level Registry

How ICANN should best perform these functions should be decided by the ICANN Board in response to policy proposals submitted by the ccNSO and after consultation with all relevant constituencies, in particular the GAC, as specified in article IX of the ICANN Bylaws. Any modification to this role may only take place through a ccNSO PDP, including consultation of the GAC, as specified in the same article of the ICANN Bylaws.

6.2 ICANN/IANA may provide advice to governments and public authorities on public policy matters concerning the areas of ICANN/IANA competence addressed in this section, upon request from the government or public authority concerned.¹⁸

7. PRINCIPLES RELATING TO DELEGATIONS AND REASSIGNMENT OF DELEGATIONS^{19 20}

¹⁸ This addresses the point raised under 5.8, from an ICANN/IANA perspective.

¹⁹ At a meeting which took place in Brussels on 15 November 2002, a small working group of European governments and ccTLDs met with two leading ICANN members of staff, Stuart Lynn, then CEO, and Theresa Swinehart, Counsel for International Legal Affairs to discuss a number of ccTLD issues, including delegation and re-delegation. At

7.1 ICANN should act with the utmost promptness to delegate or re-delegate a ccTLD Registry in line with a request from and in coordination with the relevant government or public authority.²¹ Such requests are made in line with the law of the country or distinct economy concerned, including for Registries established outside the jurisdiction of the country concerned.²² Governments make sure that

that meeting, the ICANN delegates said that although each re-delegation case is unique, practical cases might be grouped into 12 categories:

1. Individual to organisation where there is community and government support.
2. Individual to organisation, where original administrative contact does not support, but community and government does
3. ccTLD administrator licensed out, community and government interest in returning it back in country
4. ccTLD administrator licensed out, litigation or hostile situation involved, interest to return to country (but some dishonesty at national level that must be dealt with)
5. Government demands immediate take over of ccTLD management, though never any problems with ccTLD administration
6. Technical or administrative contact wants out of administering ccTLD immediately, but no appropriate local organisation to move to, and need to find third party as 'caretaker'
7. Unfreezing of frozen ccTLD, and rebuilding it.
8. ccTLD administrator wants stable situation and endorsement for running it
9. Individual request to re-delegate, that has no support (the arbitrary request we get)
10. Manager decides to sell out to another; no consideration by community
11. Government wants to transfer from in-country manager to out-of-country manager, in order to achieve revenues
12. Re-delegation and government has no interest to be involved

²⁰ UK expresses doubts that clause 7 is achievable. Norway would prefer having this paragraph earlier in the document.

²¹ Danish suggestion; this presupposes that the relevant government or public authority has established appropriate legal basis domestically with regard to ccTLD Registries established on their territory. Luxembourg has made this point. Richard Hill considers that many ITU Member States would find it difficult to communicate formally with ICANN, a US private company;

²² Danish suggestion; it reflects the views of a number of governments with pending re-delegation requests, but requires careful legal analysis and discussion with ICANN/IANA competent staff; issues of jurisdiction, contract law, possible compensation to incumbent Registry will have to be addressed. Norway considers this should be examined more closely, as it may lead to bi-lateral conflicts between

authoritative requests are sent to ICANN. In case of doubt, ICANN consults with the diplomatic authorities of the country concerned [or with the GAC].²³ ICANN may delay a reassignment of delegation until the necessary technical [and legal?]²⁴ steps have been taken. Any such delay must be duly explained by ICANN to the government or public authority concerned. [In case of dispute, the GAC and the ccNSO should be consulted]²⁵ [informed?]²⁶.

7.2 When ICANN is notified by the relevant government or public authority that [the Registry has contravened the terms of its communication with the government or public authority or the term of the designation has expired, or] there has been a re-designation process according to national law²⁷ [or national public policy]²⁸ the government or public authority concerned and ICANN take prompt steps for reassigning the delegation.²⁹ [Notwithstanding the need for a communication-based regime for ccTLD designation, delegation and administration, in the absence of such communication between the relevant government or public

countries claiming jurisdiction on the ccTLD Registry.

²³ The ITU delegate Richard Hill has contributed the thought that the ITU-T could assume a formal role (if there is agreement of ITU Member States) as an alternative: “In case of doubt, ICANN consults with the Director of TSB who will consult with the concerned country, in accordance with ITU Recommendation E. (to be developed) and provide the needed information to ICANN”. It is also worth pursuing the thought of the ITU offering this service to the GAC, rather than directly to ICANN. This is preferred at least by Norway. France does not consider the GAC may have a role here and is suggesting the deletion of the text in brackets.

²⁴ Norway

²⁵ Danish suggestion giving the GAC and the ccNSO an explicit role in case of disputed, stalled re-delegation processes; ITU considers this whole phrase to be vague and would favour its deletion. This is also the view of France, which does not see a role for the GAC or the ccNSO here.

²⁶ Norway

²⁷ The current principles do not include this possibility which should probably be the starting point, and would probably make the preceding phrase (in square brackets) redundant; in the current text, a re-delegation seems to be a sort of punishment to the incumbent Registry.

²⁸ Text in brackets suggested by France

²⁹ Simple shifting of text by one paragraph, for better coherence purposes

authority and the administrator of the ccTLD³⁰], ICANN should, upon the tendering of evidence by such government or public authority that a re-designation process has taken place³¹, act with the utmost promptness to reassign the delegation in line with the authoritative request from and 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 Registry, 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 ccTLD³².

7.4. Any government requesting a reassignment of delegation should cooperate with ICANN/IANA to confirm the technical competence of the new Registry.³³

7.5. With respect to future delegations or reassignment of delegations, ICANN should delegate the Registry administration of a ccTLD only to an organisation, enterprise or individual that has been designated by the relevant government or public authority, unless the government concerned has explicitly declined the role of designating a new ccTLD Registry [or has not responded to a relevant ICANN invitation within a period of X months]³⁴. ICANN must ensure that the invitation has

³⁰ There does not seem to be government consensus about such a regime, let alone the urgency of such a regime. Richard Hill suggests deleting the phrase in square brackets: "I don't see how you can put conditions on national decisions."

³¹ This presupposes of course that the government or public authority concerned has the legal basis for requesting a reassignment of delegation

³² This presupposes that the government concerned has, in line with national law, an active role in the functioning of the ccTLD Registry concerned (and may initiate remedies) and the legal basis to ask for a reassignment of delegation.

³³ Danish suggestion; explicit recognition of ICANN/IANA role of confirming technical competence of Registry. Richard Hill and Hong Kong considers this should be left to the private sector and suggests deleting the sentence.

³⁴ France is suggesting the deletion of the text in brackets.

been received by the government concerned. In such cases, the ICANN Board³⁵ may designate the Registry following an open and transparent procedure and after consulting with the government concerned.³⁶

7.6 ccTLD Registries 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 particular which are not in conformity with national law or with policies agreed with the GAC and the ccNSO.]³⁷ ³⁸ 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 TLD³⁹.

³⁵ France is putting a question mark here. Your scribe has used this term because he could not think of any alternative, in case the government concerned was unwilling to assume the designating role. At least the ICANN Board may contact the government concerned, is in contact with the GAC and the ccNSO and has currently the responsibility for the IANA function.

³⁶ Danish suggestion; there may indeed be cases of governments not wishing or not having a legal basis domestically to initiate a re-delegation process but would be contend to be consulted. Richard Hill suggests deleting the paragraph: 3it is not needed and adds complexity”.

³⁷ Danish suggestion attempting to specify what would constitute arbitrary government or ICANN behaviour; a possible rewording of the last phrase, in the light of the new ICANN ccNSO Bylaws would be as follows: “or with policies adopted after proposals from the ccNSO and in consultation with the GAC”

³⁸ France is suggesting the deletion of the text in brackets. Your scribe thinks that it would be a good gesture if governments would state that they have no intention to act arbitrarily. Legally this of course states the obvious since national courts would eventually decide, but it would still be goodwill gesture. Probably the reference to the ccNSO may be deleted since it is agreed that ccNSO policies should not override national laws or public policies as regards the ccTLD concerned.

³⁹ Richard Hill suggests deleting the paragraph: “It is not needed”.

**8. PRINCIPLES CONCERNING THE COMMUNICATION [RELATION]⁴⁰
BETWEEN THE RELEVANT GOVERNMENT OR PUBLIC AUTHORITY AND
ICANN**

8.1 In cases in which there is communication between the relevant government or public authority and ICANN, concerning a reassignment of delegation, it should include a designated point of contact within the relevant government or public authority and a person or body empowered to make authoritative requests⁴¹, as well as the name and contact details of the designated or recognised ccTLD Registry and duration of this designation or recognition. In the absence of a communication, or where there are reasons for doubt, ICANN should consult with the diplomatic authorities of the country concerned [or with the GAC]⁴² on the competent authority and appropriate contact point of the country concerned.⁴³

**9. PRINCIPLES CONCERNING THE COMMUNICATION [RELATION]⁴⁴
BETWEEN THE RELEVANT GOVERNMENT OR PUBLIC AUTHORITY AND
THE ccTLD REGISTRY**

9.1 Any communication between a relevant government or public authority and any newly designated Registry⁴⁵ should include the following provisions⁴⁶:

⁴⁰ France prefers this term

⁴¹ Receipt of an authoritative request is a necessary step in a delegation or reassignment of delegation process.

⁴² France is asking for the deletion of the text in brackets.

⁴³ ITU (Richard Hill) makes the same suggestion as in footnote 25.

⁴⁴ France prefers this term

⁴⁵ Danish modification, presumably to address the fact that many incumbent ccTLD Registries do not have a communication with the government or public authority concerned

⁴⁶ The ITU (Richard Hill) has expressed the view that “items 9.1.1. and following place considerably more onus on ccTLD operators than is placed in many jurisdictions on providers of other telecommunications services (for example, ISPs, fixed telephony, etc). I’m not sure I understand why this should be the case at the international level. That is, I understand that individual that individual countries may wish to adopt provisions of this kind, but I’m not sure that they should be uniformly adopted world-wide.” Norway supports this view.

9.1.1 Term, performance clauses, opportunity for review and process for revocation.

9.1.2 A commitment by the Registry to operate the ccTLD in the interest of the relevant local community and the global Internet community.

9.1.3 [A recognition by the Registry that the management and administration of the ccTLD are subject to the ultimate authority of the relevant government or public authority⁴⁷], [and must conform with relevant domestic laws and regulations, and international law and international conventions⁴⁸].

9.1.4 Confirmation that the ccTLD is operated in trust in the public interest and that the Registry 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 of delegation to a new Registry is necessary.

9.1.6 References to 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 Registry. The escrow agent or mirror site should be mutually approved by the relevant government or public authority and the Registry and should not be under the exclusive control of the Registry⁴⁹;

⁴⁷ This is a rather vague statement: What is meant by ultimate authority? If it is authority to legislate, and the Registry is established inside the territory concerned, it simply states the obvious and seems a bit bizarre. If it is authority to re-delegate or establish policies for an incumbent ccTLD Registry, this authority would need to be determined by national law rather than recognised by the Registry. A relevant communication (contract) between the government and the Registry concerned would be conceivable mainly in (the rare) cases of new ccTLD Registries.

⁴⁸ This is probably redundant. It would be true for any company established in a given jurisdiction – all companies have to abide by relevant national and international law.

⁴⁹ This paragraph is included in the section on the communication between ICANN and the ccTLD Registry. In your scribe's opinion its proper place is here.

9.1.7 Conditions for the efficient and effective resolution of disputes arising from domain name registration. In addition to national judicial means, it is advised that the Registry implements 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 Registries. The Registry should, so far as possible, implement alternative dispute resolution procedures conducted online, without precluding access to court litigation.

9.1.8 The above terms and conditions shall also apply to Registries which are resident and/or incorporated outside the territory of the relevant local community and having a communication with the government or public authority representing this local community. Such Registries recognise the ultimate authority of the government related to the ccTLD concerned⁵⁰.

9.2 A Registry should not sub-contract part or all of the technical operations of the ccTLD registry affecting the global stability of the DNS without ensuring that the sub-contractor has the technical qualifications required by ICANN, and informing ICANN^{51 52}.

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

⁵⁰ Danish suggestion; the political message is clear but it requires careful legal analysis. It could be applied to new re-delegations in which there is communication (contract) between the ccTLD Registry and the government/public authority concerned, but in legacy cases a Registry established in a third country and not having a communication with the government of the country with the country code concerned would probably be under the jurisdiction of the country in which it is established. Richard Hill suggest deletion of the paragraph.

⁵¹ ITU remark: "Surely it is a commercial matter (or a national matter) how and to whom technical operations are out-sourced"

⁵² Norway: Repetition. Redundant.

state that the delegation itself is an exercise of a public right, not an item of property, and cannot be reassigned to a new Registry except in accordance with the provisions of Clause 7.⁵³

⁵³ ITU remark: “In some countries the delegation is not an exercise of a public right, since in some countries legislation specifically excludes Internet from regulation and government oversight.”

**10. PRINCIPLES CONCERNING THE COMMUNICATION [RELATION]⁵⁴
BETWEEN ICANN AND THE ccTLD REGISTRY⁵⁵**

10.1 The communication between ICANN and the Registry 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 in a timely manner from such database [and ensure that the root servers are operated in stable and secure manner⁵⁶]. Also, ensure that changes to the root zone database are made on the basis of reliable authentication procedures confirming the authority and identity of the requesting party;

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 Registry in a timely manner of any changes to ICANN's contact information.

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

10.2.1 cause to be operated and maintained in a stable and secure manner the authoritative primary and secondary name servers 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 enable any technical verifications of

⁵⁴ France prefers this term

⁵⁵ UK raises the question of whether a government may force a private company to sign a contract with another private company. Richard Hill thinks this is a national matter and nothing should be said about it at the international level.

⁵⁶ ITU remark: "ICANN has very little (if any) control over the operation of the root service. How can it "ensure that the root servers are operated in a stable and secure manner?"

zone files to be done in a way to be decided by the ICANN Board at the proposal of the ccNSO;

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 Registry. The escrow agent or mirror site should be mutually approved by the relevant government or public authority and the Registry and should not be under the exclusive control of the Registry⁵⁷];

10.2.4 [ensure the transfer of all relevant DNS data to a nominated replacement, if, for any reason, a reassignment of-delegation is necessary in line with the procedure set out in clause 7 above⁵⁸.];

10.2.5 abide by policies adopted by the ICANN Board at the proposal of the ccNSO in consultation with the GAC as being appropriate for the global stability and interoperability of the DNS ; provided that these policies do not conflict with national law and

10.2.6 Set out clear conditions and parameters for payment by the ccTLD of a 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 with the ccNSO⁵⁹.

These principles update and replace those set out in the earlier GAC communication made in 2000.

Governmental Advisory Committee, ICANN:

⁵⁷ Luxembourg considers this to be a national issue which should not be part of the communication with ICANN.

⁵⁸ Should this be part of the Registry's communication with ICANN or with the government/public authority?

⁵⁹ ITU proposes the following text: "Set out clear conditions and parameters for payment by the ccTLD of a contribution to the cost of the IANA function"; ccTLD Registries (at least in Europe) seem prepared to contribute to some ICANN overhead costs.

附件五、GAC 運作原則修正草案

COLOUR CODES: Additions, [yellow]

Deletions, [magenta]

{Members comments Green and in footnotes.}

{Secretariat explanations, turquoise.}

***Dedicated to preserving the central co-ordinating functions
of the global Internet for the public good.***

**INTERNET CORPORATION FOR ASSIGNED NAMES AND
NUMBERS**

Governmental Advisory Committee (GAC)

**Operating Principles – DRAFT AMENDMENTS Rev 5, 17 October
2003**

Confirmed and Adopted, ~~25 May 1999~~ as revised, ~~xxx~~ October 2003

*{All Articles and Principles to be renumbered on the basis of the final text, as
adopted.}*

Whereas:

1. The functions and responsibilities of the Internet Assigned Numbers Authority (IANA) are being transferred to a new private not for profit

corporation, the Internet Corporation for Assigned Names and Numbers (ICANN).

2. ICANN's functions and responsibilities will affect the functioning of the global Internet.
3. ICANN's Articles of Incorporation establish that the corporation shall operate for the benefit of the Internet community as a whole and shall pursue the charitable and public purposes of lessening the burdens of government and promoting the global public interest in the operational stability of the Internet by performing and co-ordinating functions associated with the technical management of Internet names and addresses.
4. a) The Articles of Incorporation and Bylaws establish that ICANN shall carry out its activities in conformity with relevant principles of international law and applicable international conventions and local law.

b) ICANN is committed to carrying out its activities based on the principles of stability, competition, private bottom-up coordination, and representation.
5. ICANN's Bylaws, Article XI Advisory Committees, Section 2.1 provide for the creation of a Governmental Advisory Committee that shall consider and provide advice on the activities of ICANN as they relate to concerns of governments, particularly matters where there may be an interaction between ICANN's policies and various laws, and international agreements.

{ Specific reference to ICANN bylaws. Deleted text covered by whereas 6 }
6. [The Governmental Advisory Committee should consider and provide advice on the activities of ICANN as they relate to concerns of governments and where they may affect public policy issues.

The Advice of the Governmental Advisory Committee on public policy matters shall be duly taken into account by ICANN, both in the formulation and adoption of policies.]

{New clause recalling GAC's specific role as set out in the revised ICANN Bylaws}⁶⁰

7. The GAC commits itself to implement efficient procedures in support of ICANN and to provide thorough and timely advice and analysis on relevant matters of concern with regard to government and public interests *{Moved from Article VII, Principle 24}*

Considering that:

1. The Internet naming and addressing system is a public resource that must be managed in the interests of the global Internet community;
2. The management of Internet names and addresses must be facilitated by organisations that are global in character.
3. ICANN's decision making should take into account public policy objectives including, among other things:

- secure, reliable and affordable functioning of the Internet, including uninterrupted service and universal connectivity;

⁶⁰ There are numerous other examples where the text of the Operating Principles is not aligned with ICANN Bylaws. Why not simplify and refer to relevant section of ICANN Bylaws. (ITU)

- the robust development of the Internet, in the interest of the public good, for government, private, educational, and commercial purposes, world wide;
 - transparency and non-discriminatory practices in ICANN's role in the allocation of Internet names and address;
 - effective competition at all appropriate levels of activity and conditions for fair competition, which will bring benefits to all categories of users including, greater choice, lower prices, and better services;
 - fair information practices, including respect for personal privacy and issues of consumer concern; and
 - freedom of expression.
4. Country code top level domains are operated in trust by the Registry for the public interest, including the interest of the Internet community, on behalf of the relevant public authorities including governments, who ultimately have public policy authority over their ccTLDs, consistent with universal connectivity of the Internet.

ARTICLE I – SCOPE OF THE GOVERNMENTAL ADVISORY COMMITTEE

Principle 1

The Governmental Advisory Committee (GAC) shall consider and provide

advice on the activities of ICANN as they relate to concerns of governments, multinational governmental organisations and treaty organisations, and distinct economies as recognised in international fora, including matters where there may be an interaction between ICANN's policies and various laws and international agreements and public policy objectives. ⁶¹

Principle 2

The GAC shall provide advice and communicate issues and views to the ICANN Board. The GAC is not a decision making body. Such advice given by the GAC shall be without prejudice to the responsibilities of any public authority with regard to the bodies and activities of ICANN, including the Supporting Organisations and Councils.

Principle 3

The GAC shall report its findings and recommendations in a timely manner to the ICANN Board through the Chair of the GAC.

Principle 4

The GAC shall operate as a forum for the discussion of government and other public policy interests and concerns.

Principle 5

⁶¹ c.f. Whereas 6: The Governmental Advisory Committee should consider and provide advice on the activities of ICANN as they relate to concerns of governments and where they may affect public policy issues. Coordinate these two texts. (Norway)

The GAC shall have no legal authority to act for ICANN.

ARTICLE II – MEETINGS

Principle 6

The GAC shall meet at least once annually; notwithstanding this designated annual meeting, the GAC shall meet as appropriate.

Principle 7

A meeting may be convened on the initiative of the Chair, at the request of a Member or at the request of the ICANN Board,⁶² concurred in by one third (1/3) of the Current Membership. ~~or by a decision of the ICANN Board.~~

{This provision has never been invoked in the past 4 years. In any event it is unlikely that GAC would succeed in convening and ad hoc meeting "by a decision of the ICANN Board". }

Principle 8

Face-to-face meetings of the GAC shall be convened by the Chair, by a notice issued not less than twenty-eight (28) calendar days prior to the date set for the meeting. This notice may be issued electronically, via

⁶² Delete reference to ICANN completely (ITU)

telefacsimile, or via airmail.⁶³

Principle 9

Online and electronic meetings of the GAC shall be convened by the Chair, by a notice issued not less than ten (10) calendar days prior to the date set for the meeting. This notice may be issued electronically, via telefacsimile, or via airmail.

Principle 10

An emergency meeting of the GAC may be convened by the Chair, by a notice issued not less than ten (10) calendar days prior to the date set for the meeting. This notice may be issued electronically, via telefacsimile, or via airmail.

Principle 11

In addition to face-to-face meetings, [meetings and] discussions may be conducted online via secure communications. [“Online” includes electronic mail and web-based communications, and teleconferences.]⁶⁴

{Clarification of Principle 9 that deals with notice period for online and electronic meetings, this Principle now clearly states that the term “meeting” includes online meeting. The Principle also seeks to be technology neutral. cf. Principle 20.}

⁶³ Merge Principles 7, 8 & 9 (ITU)

⁶⁴ Teleconferences are NOT an appropriate method for non-English speakers (France)

ARTICLE III- AGENDA

Principle 12

A proposed agenda for the meeting shall be communicated to Members prior to the meeting.

Principle 13

Requests for items to be placed on the agenda of a forthcoming meeting shall be communicated to the Secretariat of the GAC in writing, either via electronic mail, telefacsimile or airmail.

ARTICLE IV – MEMBERSHIP

Principle 14

Members of the GAC shall be national governments, multinational governmental organisations and treaty organisations, and public authorities, each of which may appoint one representative [and one alternate representative] to the GAC. The accredited representative of a Member may be accompanied by [one or two advisers] ~~an adviser~~. The accredited representative must hold a formal official position with the Member's public

administration.⁶⁵ ⁶⁶The term 'official' [may include/includes] a holder of an elected governmental office or a person who is employed by such government, public authority or multinational governmental or treaty organisation, and whose primary function with such government, public authority or organisation is to develop or influence governmental or public policies.

[Should an accredited representative be replaced, the new representative must be formally appointed by the Member's public administration responsible for Internet affairs. The term officially appointed may include a formal paper or electronic correspondence issued by such Member, addressed to and delivered to the Secretariat.]⁶⁷

{Amendment designed to deal ~~accommodate with the situation where the Accredited Representative is often unable to attend meetings,~~ by providing for an Alternative Representative. Also to permit the appointment of more than one Adviser, should the need arise. and the real representational function is fulfilled by the Adviser. To clarify the procedure for the appointment of a new accredited representative, and that the term "includes" is illustrative, not exhaustive.}

⁶⁵ Delete following part of this paragraph (ITU)

⁶⁶ The requirement for formal official positions should apply not only to the representative, but also to the advisors (Japan).

⁶⁷ By any existing means, scanned copy, through electronic mail, fax, airmail or other future alternative means. (Brazil)

Principle 15

Membership is open to all national governments. Membership is also open to distinct economies as recognised in international fora, and multinational governmental organisations and treaty organisations, on the invitation of the GAC through the Chair ~~or on the invitation of the ICANN Board. In the event of a dispute about whether an entity is eligible for Membership, the dispute will be referred to the ICANN Board.~~]

{Aligns text with the current method of inviting new members and ICANN Bylaws Article XI, section 2.1.b.}

Principle 16

[Representatives of governments and other public authorities, Members of GAC, have voting rights⁶⁸. Representatives of International Organisations and entities other than public authorities participate fully in the GAC and its Committees and Working Groups ⁶⁹debates, as Observers, but do not have voting rights.]⁷⁰

*{Amendment to ~~have~~ give international organisations as observer status and to facilitate a more liberal policy for observers, see Principle 18}*⁷¹

~~[Governments or organisations not having a representative to the GAC may nominate an accredited government/organisational representative to~~

⁶⁸ Clarify how this would apply to the EU (ITU)

⁶⁹ Clarify that Observers participate in Working Groups (OECD)

⁷⁰ WIPO and other multilateral institutions are unlike the EC in that we are secretariats only ... thus the proposed change is actually an appropriate one for us. (WIPO)

⁷¹ Would OECD, WIPO, ITU and so forth become observers? (OECD)

~~represent its Membership on the GAC.~~

Principle 18

{In practice GAC does not operate on the basis of Proxies, as is made clear in Principle 20, below. No government has appointed a Proxy during the past four years.}

Principle 17

Those who constitute the Current Membership are defined as those Members from whom the Chair has received formal notification of the name and contact details of their accredited representative. The list of current Members shall be updated regularly and be posted online.

Principle 17 bis

In the event that a GAC Member has not been represented at [three] consecutive face-to-face GAC meetings, the Chair may invite such Member to end its GAC Membership or to sit as a non-voting Observer.⁷²

Such ex-members may renew their GAC membership at any time through a communication to the Chair or by attending a face-to-face GAC meeting.

{This new clause would reduce the effect of passive and lapsed GAC membership on the requirements for a 50% quorum.}

ARTICLE V – OBSERVERS ⁷³

⁷² This provision is too restrictive; many countries are unable to get to ICANN/GAC meetings but are active participants in the GAC nonetheless. (New Zealand).

⁷³ Make a distinction between IGOs, members of the UN family, and others. (WIPO)

Principle 18

Representatives of invited, non-member public authorities and other relevant entities may attend meetings of the GAC as observers, at the discretion of the Chair.

ARTICLE VI – REPRESENTATION

Principle 19 ⁷⁴

If a Member's accredited representative is not present at a meeting, then it shall be taken that the Member government or organisation is not represented at that meeting. Any decision made by the GAC without the participation of a Member's accredited representative shall stand and nonetheless be valid.

Principle 20

In consideration of the GAC's commitment to efficiency, there shall be no attendance or voting by proxy. Members may only be represented at meetings, both face-to-face and electronic, by their accredited representative.

ARTICLE VII – CHAIR, ~~VICE CHAIRS~~, OTHER OFFICERS AND COMMITTEES

⁷⁴ Consider revision of Principle 19 in context of Principle 17 bis.

Some Principles in this Article have been moved to provide a more logical flow, the Principles will be re-numbered.

Principle 21

The Initial Chair of the GAC shall be appointed by the ICANN Board and shall hold that position for a term determined by the ICANN Board.

{This Principle applied only to the initial appointment of the Chair by ICANN, and no longer serves any purpose}

Principle 21 bis [Previously 26]

If the GAC moves to require additional officers other than the Chair, then three (3) Vice-Chairs shall be elected from among the Members. ~~Which members? Compare my question in Principle 22.~~ To the extent possible, the Vice-Chairs should appropriately reflect the geographic and development diversity of the membership. [The Chair shall hold office for a term of two (2) years, [renewable once]. The Vice-Chairs shall hold office for a term of one (1) year and may be re-elected, however no person may serve as Vice-Chair for more than two consecutive terms.

{Members should note that the Operating Principles are currently silent on the number of times the Chair can be re-elected. Vice Chairs may be re-elected once and serve as Vice Chairs for no more than two consecutive terms. Members are encouraged to consider if there should be a similar limitation for the Chair position}.

Principle 22

~~Subsequent Chairs~~ The GAC Chair and Vice Chairs shall be elected by the Members of the GAC from among the representatives of governments and other public authorities, Members of GAC, pursuant to procedures outlined under Article IX (Election of Office Holders) of these Operating Principles The elections of the Chair and Vice Chairs will be concurrent, as provided for in Principle 34.⁷⁵

{Amendment to provide for the election and re-election of Chair and Vice Chairs by GAC Members. }

Principle 22 bis *[previously 25]*

The GAC may designate other officers as necessary. [Such officers include GAC-ICANN Liaisons, Convenors of Working Groups and the Head of the Secretariat. Representatives of Observers may hold offices other than the Chair and Vice Chairs.]

{Amendment to provide for the current range of GAC Officers and to clarify that Observers may hold functions other than Chair and Vice Chairs. }

Principle 23

⁷⁵ .What can we do to prevent having a set of 3 new Vice-Chairs each year? It would certainly have been an advantage to have some overlapping. If not, we start at scratch each year. I also question the need for having 3 Vice-Chairs. I feel that we “consume” all at the same time. It might be difficult to have candidates for 3 new Vice-Chairs each year. (Norway)

The Chair shall normally participate in the proceedings as such and not as the representative of a Member, in which case the Member may accredit another representative. The Chair may, however, at any time request permission to act in either capacity. The Vice Chairs shall participate in the proceedings as representatives of a Member.

Principle 27

If the Chair is absent from any meeting or part thereof, one of the three (3) Vice-Chairs shall perform the functions of the Chair. If no Vice-Chairs were elected or if no Vice-Chair is present the GAC shall elect an interim Chair for that meeting or that part of the meeting.

Principle 28

If the Chair can no longer perform the functions of the office, the GAC shall designate one of the Vice-Chairs referred to in Principle 26 [21 bis.] of these Operating Principles to perform those functions pending election of a new Chair in pursuant to procedures outlined under Article IX (Election of Chair and Vice Chairs ~~Office Holders~~) of these Operating Principles. If no Vice-Chair was elected, the GAC shall elect an interim Chair to perform those functions pending the election of a new Chair.

{Changes made to bring text in line with amendments made elsewhere.}

Principle 29

~~The Secretariat of the GAC shall be provided by the services of ICANN~~

{Deleted as now irrelevant. See new Article X Bis.}

Principle 29 bis [Previously 24]

~~Whereas the GAC commits itself to implement efficient procedures in support of ICANN and to provide thorough and timely advice and analysis on relevant matters of concern with regard to government and public interests, {Moved to Whereas clause 6, above}~~

The Chair may call for the creation of Committees and Working Groups to address ~~these issues~~ [relevant matters of concern with regard to government and public interest. Accredited Representatives may designate Experts to serve on such committees.]

ARTICLE VIII – POWERS OF THE CHAIR

Principle 30

In addition to exercising the power conferred elsewhere by these Principles, the Chair shall declare the opening and closing of each meeting, shall direct the discussion, accord the right to speak, submit questions for decisions, announce decisions, rule on points of order and, subject to these rules, have control of the proceedings. The Chairperson may also call a speaker to order if the remarks of the speaker are not relevant.

Principle 31

The Chair, with the consent of the meeting, may limit the time allowed to

each speaker.

Principle 32

The Chair shall not normally have voting power; however in the event of a tie, the Chair shall have a casting vote.

ARTICLE IX – ELECTION OF CHAIR AND VICE CHAIRS

OFFICE HOLDERS

[The change in the headline is done to correspond with the change in Principle 25(Principle 22 bis) which provides for numerous office holders. Otherwise this elaborate process would need to be used for all elections of office holders. The process for elections of e.g. liaisons has been through majority decisions by the members present at a GAC meeting. It is suggested that this more informal way of selecting liaisons be maintained.]

Principle 33

[The first election shall be held at a time determined by the ICANN Board. The results of the first election shall formally be advised at the first meeting held in the year following the first election, and shall take effect from the end of that meeting.]

[This Principle only applied to the initial election of Chair and no longer serves no purpose.]

Principle 34

Subsequent elections Elections [for the Chair] shall take place during the final three (3) calendar months of every second year, beginning with the final three (3) calendar months in the second year following the first election. [Elections for the three Vice Chairs shall take place during the final three (3) calendar months of each year.] The results of each election shall formally be advised at the first meeting of the year following each election, and shall take effect from the end of that meeting.⁷⁶

Principle 35

For elections, the candidate with the most votes shall be elected to the position that he or she has stood for.

Principle 36

Nominations for candidates to elected positions shall be circulated at least four (4) weeks prior to the final three (3) calendar months of each election year.

Principle 37

For elections, votes shall be taken by ballot. This includes the taking of votes in person, by airmail ballots or ballots transmitted by telegraph, electronic

⁷⁶ If we want to continue with three Vice-Chairs, we should make sure that at least one continues for another period (Norway)

mail or facsimile. The method of ballot shall be determined by a majority vote by roll call or by the raising of cards by the voting Member's representatives present at the meeting at which the decision as to the method of ballot was taken.

Principle 38

If votes are to be taken in person, then ballot papers shall be distributed to Members' representatives at that meeting, and a ballot box placed in the conference room. However, the representative of any Member may request, or the Chair may suggest, that a vote be taken by the raising of cards, [] by roll call [or in the event of a single candidate, by acclamation.]

[The elections undertaken to date have all resulted in the nominations being confirmed by acclamation. It is therefore proposed that this possibility be reflected in the Operating Principles.]

Principle 39

If votes are to be taken by airmail ballots or ballots transmitted by telegraph, electronic mail or telefacsimile, then ballot papers shall be distributed to Members' representatives present at the meeting, and a notice shall be sent to each Member. The notice shall contain such information as the Chair considers necessary and a clear statement of the question to which each Member shall be requested to answer "yes" or "no", or in the case of an election a clear statement to which each Member shall be requested to indicate preference for one (1) candidate to be elected to the nominated position.

Principle 40

If votes are taken by airmail ballots or ballots transmitted by telegraph, electronic mail or telefacsimile, the Chair shall determine the date and hour by which votes must be received. The time-limit shall be set at no later than 30 days after the date the notice is sent. Any Member from whom a vote has not been received within such time-limit shall be regarded as not voting.

Principle 41

Members entitled to participate in a vote by airmail ballots or ballots transmitted by telegraph, electronic mail or telefacsimile are those which are Members at the time of the decision to submit the matter in question to a vote.

Principle 42

Where the taking of votes for elections is by airmail ballots or ballots transmitted by telegraph, electronic mail or telefacsimile, then the results of the ballot shall be formally advised at the first meeting in the year following the election, and shall take effect from the end of that meeting.

ARTICLE X – CONDUCT OF BUSINESS

Principle 43

A simple majority of the representatives of the Current Membership [with voting rights] shall constitute a quorum at any meeting. A quorum shall only be necessary for any meeting at which a decision or decisions must be made.

The GAC may conduct its general business face-to-face or [online].via electronic mail.

{Amendment suggested in order to align text with Principles 9, 11 and 16}

A Member may initiate an online discussion of a question by forwarding to the Chair a request for the opening of an online discussion on a specific topic. The GAC Secretariat will initiate this discussion and all Members may post their contributions during a period of time established by the Chair, the period of which is to be no longer than sixty (60) calendar days. At the end of this discussion period, the Chair will summarise the results of the discussion and may forward the results to the ICANN Board. Nothing in this Principle overrides the decision making processes set out elsewhere in these Operating Principles.

Principle 44

Representatives of Members shall endeavour, to the extent that a situation permits, to keep their oral statements brief. Representatives wishing to develop their position on a particular matter in fuller detail may circulate a written statement for distribution to Members.

Principle 45

Representatives should make every effort to avoid the repetition of a full debate at each meeting on any issue that has already been fully debated in the past and on which there appears to have been no change in Members' positions already on record.

Principle 46

In order to expedite the conduct of business, the Chair may invite representatives who wish to express their support for a given proposal to show their hands, in order to be duly recorded in the records of the GAC as supporting statements; thus only representatives with dissenting view or wishing to make explicit points or proposals would actually be invited to make a statement. This procedure shall only be applied in order to avoid undue repetition of points already made, and will not preclude any representative who so wishes from taking the floor.

ARTICLE X BIS – THE SECRETARIAT

{Replaces Principle 29}

Principle nn

The Secretariat of the Governmental Advisory Committee shall undertake such administrative, coordination, liaison and research activities as shall be necessary for the efficient functioning of the GAC. The Secretariat shall facilitate communications among the GAC Chair, Vice Chairs, other Officers, the GAC Membership and with ICANN.

The Secretariat participates in all GAC meetings.

Principle nn+1

The Secretariat shall comprise the Head of Secretariat and such other staff as are necessary for its work.

Principle nn+2

ARTICLE XII – RECORDS

The Secretariat shall act at the request of, and under the authority of, the Chair and Vice Chairs.

Principle nn+3

The Secretariat shall be financed by such means as shall be agreed by the GAC Members.

ARTICLE XI – PROVISION OF ADVICE TO THE ICANN BOARD

Principle 47

Advice from the GAC to the ICANN Board shall be communicated through the Chair.

Principle 48

The GAC shall work to achieve consensus; however, where consensus is not possible, the Chair shall convey the full range of view expressed by Members to the ICANN Board.

Principle 49

The GAC may deliver advice on any other matter within the functions and responsibilities of ICANN, at the request of the ICANN Board or on its own initiative. The ICANN Board shall consider any advice from the GAC prior to taking action.

ARTICLE XII – RECORDS

Principle 50

Records of the meetings of the GAC shall be in the form of Executive Minutes.

ARTICLE XIII – PUBLICITY OF MEETINGS

Principle 51

The meetings of the GAC shall ordinarily be held in private. The Chair may decide that a particular meeting, or part of a particular meeting, should be held in public.

Principle 52

After a private meeting has been held, the Chair may issue a communiqué to the Media, such communiqué having been approved by the GAC beforehand.⁷⁷

ARTICLE XIV – REVISION

Principle 53

⁷⁷ N.B. This “Media Communiqué is the same as the Communiqué presented by the GAC Chair to the ICANN Board, following a GAC meeting.

Whenever there is a difference in interpretation between the principles set
out in these Operating Principles, the Chair's interpretation shall prevail.
The GAC may decide at any time to revise these Operating Principles or any part of them.

Principle 54

A Member or Members may move ~~[at a meeting]~~ for these Operating Principles to be open to revision. If so moved, the Chair shall call for the movement to be seconded. If so seconded, then the Chair shall call for a vote to support the resolution. The deciding vote may be [taken in a meeting or electronically], by ballot, by the raising of cards, or by roll call, and shall constitute a simple majority of the [voting] Members. ~~[who are present at the meeting at which it was moved for these Operating Principles to be revised.]~~

If so resolved in favour of a revision of these Operating Principles, then the proposal shall sit for consultation for a period of sixty (60) days. ~~At the next meeting~~ Following the sixty days, the Chair shall call for a vote for or against the proposal. The deciding vote may be taken [in a meeting or electronically,] by ballot, by the raising of cards, or by roll call, and shall be a simple majority of the [voting] Members. ~~[who are present at the meeting at which the vote takes place.]~~

{Amendment designed to make it possible to change the Operating Principles, on line, and not in a face-to-face meeting.}

ARTICLE XV – GENERAL PROVISIONS

Principle 55

Whenever there is a difference in interpretation between the principles set out in these Operating Principles and ICANN's Articles of Incorporation and Bylaws, ICANN's Articles of Incorporation and Bylaws shall prevail.

