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Cooperation between SIDN (.nl registry) and Dutch Government



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Contents



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- Background
- Dialogue
- Position Paper
- Conclusions
- Next steps



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- **Background**
- Dialogue
- Position Paper
- Conclusions
- Next steps



Government background



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- Report on functioning of SIDN (2001)
 - Asked by Parliament in 1998
 - self regulation mechanism works, should be continued
 - But basic safeguards needed
- Study on discontinuity .nl (2004)
 - High usage > 1 M registrations, 3^d ccTLD worldwide
 - High penetration in NL; > 60%,
 - Failure; costs for economy, potential damage to society
 - Resolution fails; ~ € 500 M;
 - Registration frozen; ~ € 75 M



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Government background



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- Legislation Initiative (apr 2004)
 - Telecom Act logical vehicle
 - Compatible with self regulation
 - But investigate alternative solutions



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SIDN



- Background SIDN
 - Dutch private sector company
 - Responsibilities and accountability defined by Dutch national law
 - Accountable to LIC
 - Government integral part of Local Internet Community
 - Continuity .nl zone responsibility of SIDN.
- March 2004: SIDN Initiative to enter dialogue
 - Government welcome to contribute to continuity safeguards
 - Mutual recognition of roles SIDN and government



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Nederland

- Background
- **Dialogue**
- Position Paper
- Conclusions
- Next steps



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Start of Dialogue



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- Peer to peer
- open exchange of views
 - Willingness to understand each other's concerns & interests
- Identify mutually shared interests
 - At the same time be clear about non shared interests
- Cooperation in finding and implementing solutions



Position Government



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- Continuity .nl
 - Keep ‘.nl service’ up; resolution and access to registration
- Sovereignty
 - maintain relationship .nl with Netherlands and Dutch registrants, and subject to Dutch law
- Registration policy
 - Maintain neutral, open and transparent consultation procedures, involving relevant stakeholders

... under all circumstances



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Position SIDN



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- Recognition role SIDN by Government
- IP-rights remain with SIDN
- Continuity .nl
- Representation of LIC outside SIDN



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Internet
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Nederland

- Background
- Dialogue
- **Position Paper**
- Conclusions
- Next steps



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Position Paper



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- Joint Working Group
- Start of delineating issues (risks & concerns)
 - Relevant functions
 - life-cycle model
- Taking stock
 - existing legal framework and arrangements
 - organizational, technical and financial measures
- Assessment; risks & concerns covered?
- Devise possible additional arrangements and measures



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Main Issues



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- Maintain link registry .nl and the Netherlands
- Operational
 - Continuation of Delegation
 - Ensuring Name Server Function (NSF)
 - Ensuring Data Entry Function (DEF)
- Naming policy
 - Ensure interest of all stakeholders are taken into account;
 - Ensure objective criteria, non-discrimination and transparency.

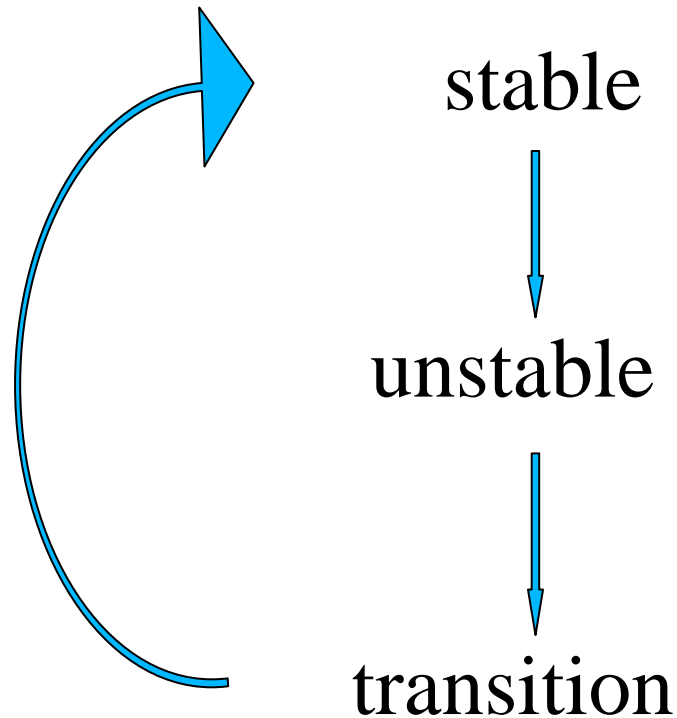


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Life cycle model registry



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Issue list (template)



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| | | Stable state | Instable phase | Transition phase |
|----------|--|-----------------|-------------------|---------------------|
| A | Delegation | | | |
| B | Name Server Funcion international | | | |
| C | NSF national | | | |
| D | Data Entry Function | | | |
| E | Registration policy | | | |
| F | IP rights | | | |



Issue list (example)



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| | Stable state | Instable phase | Transition phase |
|-------------------|---|--|---|
| Delegation | A1 Maintain delegation of the .nl zone to SIDN as unique manager. | A2 Delegation of the .nl zone to SIDN terminated. | A3 Ensure that the delegation of the .nl zone is transferred with the consent of the LIC and the government to a new registry |
| NSF international | B1 Maintain ref. to the correct nameserver(s) for the .nl zone in the IANA database and the root zone file. | B2 ... and maintain ref. to at least one authorized nameserver for the .nl zone. | B3 Change ref. to the correct nameserver(s) for the .nl zone in the IANA database and the root zone file. |



Stock List (template)



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| No | Issue | Existing legal frameworks, arrangements, measures | Additional measures |
|----------|--------------------------|---|---------------------|
| A | Delegation | | |
| A1 | | | |
| A2 | | | |
| A3 | | | |
| B | NSF international | | |
| B1 | ↓ | ↓ | ↓ |
| | ↓ | ↓ | ↓ |



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Stock List (example)



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| No | Issue | Existing legal frameworks and measures | Additional measures |
|----|---|---|---|
| A | Delegation | | |
| A1 | In a stable state, maintain the delegation of the .nl zone to SIDN as unique manager. | SIDN has been the <i>de facto</i> 'delegee' of the .nl domain since 1996. | A1.1. Agreement between registry and ICANN; mutual recognition and securing the delegation of .nl to SIDN by ICANN. A1.2. In relations between SIDN and the government; establish delegation to SIDN by the government through approval, recognition or otherwise. |



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Guiding Principles



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- Safeguarding continuity of .nl crucial for economy and society
- Own responsibilities; room for independent policy by both parties
- Sustain self-organization and self-regulation
- Use existing (legal) frameworks and mutual agreements, to avoid need for additional legislation



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Issue delegation



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- Formalize relations between SIDN and both Government and ICANN
- Recognition SIDN by Government and ICANN as registry .nl
- Maintain relation .nl with Netherlands
 - Redelegation; current mechanism ICANN
 - Condition: Appointment registry by LIC including government.
 - Necessary: Appoint entity(ies) which represent LIC with no formal link with SIDN



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Issue continuity (1)



- Name Server Function (NSF)
 - .nl zone file available under all circumstances, independent of what might happen with the registry
 - Requires operationally independent nameserver (TTP)
 - Requires co-operation of ICANN



Issue continuity (2)



- Continuity of registration processes (DEF)
 - Complex issue, still questions left;
 - acceptable level of risk and period of discontinuity ('freezing')?
 - To what extent does the combination of existing & proposed measures already diminish risks to an acceptable level?
 - additional measures proportional to the risk of discontinuity?



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Issue Registration Policy



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- Accessibility .nl
 - Competition law applies
- Registration policy subject to Dutch law
 - Maintain relation registry .nl with Netherlands
- Assure broad consultation LIC
 - Institutionalize “domain name debate”



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Issue IP-rights



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- SIDN is and remains entitled
- Avoid problems at possible restart after redelegation
- No additional measures identified



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Summary



- Formalisation relationships and recognition SIDN
- Incorporate entity to represent and coordinate LIC in the event of redelegation process
- operationally independent nameserver (TTP) with special status
- Institutionalize consultation process LIC for major naming policy changes



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Nederland

- Background
- Dialogue
- Position Paper
- **Conclusions**
- Next steps



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Conclusions



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- Limited set of additional arrangements and measures (appr. 10-15)
- Possible within
 - framework of agreed common guiding principles
 - ICANN (re)delegation procedures
- Proposed measures = ‘total package’
- By complementary arrangements between parties: government, registry and ICANN



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- Background
- Dialogue
- Position Paper
- Conclusions
- **Next steps**



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Next steps



- Letter of Intent to be signed Dec 2004
 - develop proposals for additional measures in joint project and intention of implementing them
- Conditions;
 - Have to comply to mutually agreed guiding principles
 - Assessment of feasibility, implementability, legal resilience, etc
 - to be realized during normal functioning SIDN
 - Combined consultation by SIDN and Government