

# Staff Report of Public Comment Proceeding

## ccNSO PDP3 Initial Proposals for Process to Retire ccTLDs

**Publication Date:** 31 July 2020

**Prepared By:** Bart Boswinkel

### Public Comment Proceeding

Open Date: 05 May 2020

Close Date: 10 July 2020

Staff Report Due Date: 24 July 2020

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**Staff Contact:** Bart Boswinkel

**Email:** Bart.Boswinkel@icann.org

### Section I: General Overview and Next Steps

**Purpose:** The ccNSO Policy Development Process 3 (PDP3) working group, tasked with developing and proposing policy for the retirement of country code Top-Level Domains (ccTLDs), is seeking input and feed-back from the broader community on its proposed process to retire ccTLDs, when the country code is removed from list of country codes in the ISO 3166 standard.

**Current Status:** The Interim Paper is the first step in documenting the recommended policy for the retirement process of ccTLDs.

**Next Steps:** After closure of the Public Comment period, the working group will review the comments received and take into account in developing a final set of policy recommendations.

### Section II: Contributors

*At the time this report was prepared, a total of seven (7) community submissions had been posted to the forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.*

#### Organizations and Groups:

Name	Submitted by	Initials
Business Constituency	Steve DelBianco	BC
Registry Stakeholder Group	Samantha Demetriou	RySG
At-Large Advisory Committee	ICANN At-Large staff	ALAC
Russian Institute for Public Networks	Evgeny Kuskevich	RIPN
Domainregistry.de	Hans-Peter Oswald	HPO

#### Individuals:

Name	Affiliation (if provided)	Initials
Clement Gentry		CG
Lawrence Olawale-Roberts	Microboss, Nigerian Internet Registry Authority (NIRA), Business Constituency	LOR

### Section III: Summary of Comments

*General Disclaimer: This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).*

### **General comments**

The ALAC, RySG, and BC explicitly supported the proposed approach, definitions, and descriptions. In addition, each of these groups raised some points for consideration.

The other contributors (LOR, HPO, CG, and RIPN) focused on specific topics and did not comment on the general approach, definitions, and descriptions.

### **Specific comments**

1. The ALAC requests to consider two points from an end-user perspective: 1. Removal of a TLD will mean less likelihood for confusion as usually the removal of one would make room for a new one, and 2. Retirement could pose a problem for some registrants when they are used to an “old” address, which then becomes obsolete after retirement of the ccTLD.
2. The ALAC noted that the replacement of a non-Functional Manager should be transparent and follow due process. In addition, the IFO and the Functional Manager should work together in good faith and ensure the interests of registrants are taken into account.
3. Finally, the ALAC noted that the review mechanism to be used is not clear, nor is clear what exactly will be subject to a review mechanism.
4. The RySG suggests clarifying that 1. The proposed policy is not retroactively applicable and 2. The policy does not apply to non-ccNSO members, but can be used as a model.
5. The BC suggests two additional stress tests: 1. The confidence in the retirement process by end-users is guaranteed, and 2. Migration of critical data is properly archived and stored for historic/research purposes. With respect to the latter test, it is suggested that ICANN/ccNSO be responsible for archiving the concerned ccTLD DNS data.
6. The BC suggests that IFO should include in its Notice of Removal a statement that the Registry should refrain from registering any new domain with validity beyond the proposed date of retirement.
7. The BC also suggested that the decision of IFO should be driven by a mandatory periodic review of the ISO 3166-1 MA standard to create a predictable process that triggers the Notice of Retirement.
8. The BC and LOR noted that neither the proposed policy nor the stress tests measure how registrants and key national values on the retiring ccTLD domain/servers would affect the retirement process, especially in light of multiple data privacy laws.
9. The BC and LOR also raise the question whether any ICANN Bylaw changes are envisioned, or mechanisms need to be restructured to help to make this process effective.
10. LOR notes that as brands made massive investments in various domains, they should be provided ample notice to migrate.

11. With respect to duration of the proposed process:
  - LOR notes that under some circumstances 5 years may not be long enough if, for example, 10-year registrations are allowed.
  - LOR also notes that limitation of the duration makes it impossible for a registry to allow for even longer registrations and as a result that ccTLD Manager may seek redress of that situation.
  - HPO considers the five (5) year period enough time. However, he suggests that if retired ccTLD is replaced by new ccTLD grandfathering rule domain names is applied, providing right of first registration to registrants under the “old” ccTLD.
12. LOR suggests that a retirement plan should be mandatory, even if the Functional Manager does not want an extension of the duration of the retirement process.
13. LOR suggests mandatory auditing of domain name numbers by IFO to make sure the ccTLD is truly winding down and the system is not gamed.
14. CG and RIPN raise concerns about the proposed irreversible impact of a trigger event leading to the removal of the ccTLD from the root zone. In view of CG and RIPN, additional conditions should be taken into account which may call for the preservation of the ccTLD, specifically: The ccTLD can still be of commercial, cultural, historical or other relevant use for a broad community and /or if there is a clear successor state, as recognized by United Nations, than the government of this state may show willingness and interest to go on with supporting the ccTLD, which otherwise could be retired

#### **Section IV: Analysis of Comments**

*General Disclaimer: This section intends to provide an analysis and evaluation of the comments submitted along with explanations regarding the basis for any recommendations provided within the analysis.*

The ccNSO PDP3 Retirement working group will review the comments received and take them into account in developing a final set of policy recommendations. In the Final Paper, which will include the final policy recommendations this summary will be included together with the responses from the WG.