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Cooperation between SIDN (.nl registry) and Dutch Government



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Contents



Stichting
Internet

Domeinregistratie
Nederland

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



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Stichting

Internet

Domeinregistratie

Nederland

- 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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Internet
Domeinregistratie
Nederland

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



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Start of Dialogue



- 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 transparant consultation procedures, involving relevant stakeholders

... under all circumstances



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Position SIDN



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



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Stichting

Internet

Domeinregistratie

Nederland

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



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Position Paper



- 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



- 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.

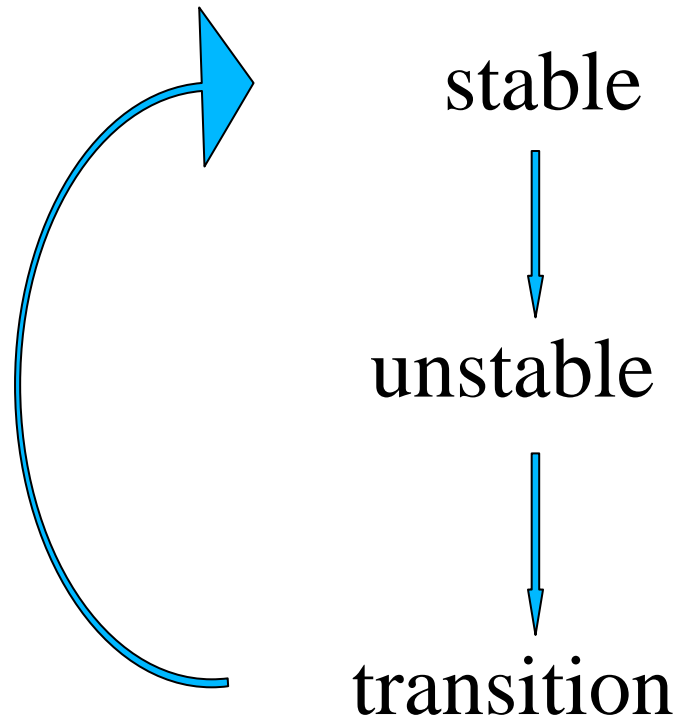


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Life cycle model registry



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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)



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



- 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



- 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



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Issue continuity (2)



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- 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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Stichting
Internet
Domeinregistratie
Nederland

- Background
- Dialogue
- Position Paper
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Conclusions



- 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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Stichting
Internet
Domeinregistratie
Nederland

- Background
- Dialogue
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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