

**Principles for Delegation and Administration of ccTLDs Presented by
Governmental Advisory Committee**

(Working document arising from the discussion at Kuala Lumpur, 18 July 2004)

Preface

**Subject: GAC Kuala Lumpur meeting;
discussion of updating the ccTLD
Principles.**

The GAC discussed updating the ccTLD Principles for most of day on 18 July 2004. The meeting reviewed this document which is a parallel, side-by-side comparison of the existing text adopted by GAC in 2000 and the revised text proposed by the Working Group (WG4).

A report on the discussion in KL is being prepared by the Secretariat. Meanwhile, this document indicates those paragraphs in the revised text where participants in KL raised issues or expressed dissent. The Chair decided to refer these issues back to the Working Group for further consideration.

The paragraphs concerned are highlighted in *yellow italics*, for ease of reference.

Please recall that the KL meeting addressed clauses 4-10 of the document. It was decided to revert to clauses 1-3 (Preamble, Objectives and Definitions) after reaching agreement on the substantive dispositions of Clauses 4-10.

This version dated 30 July 2004, will be posted to the GAC Members' Area and to WG4/DISCUS

GAC Secretariat
30 July 2004.

<p align="center">Principles for Delegation and Administration of ccTLD's Presented by Governmental Advisory Committee</p> <p align="center">(23 February 2000)</p>	<p align="center">Principles (<u>Guidelines</u>) for Delegation and Administration of ccTLDs Presented by the Governmental Advisory Committee</p> <p align="center">(April 2004)</p> <p><i>Would it be possible to distinguish in the text between those statements that refer to 'Principles' and those statements that refer to 'Best Practices' - ?</i></p>
<p>PRINCIPLES FOR THE DELEGATION AND ADMINISTRATION OF COUNTRY CODE TOP LEVEL DOMAINS</p> <p>1. <u>PREAMBLE</u></p> <p>In the five years since the issuance of <u>RFC 1591</u>, the Internet has evolved from a tool reserved for computer and networking research, to a global medium for commerce, education, and communication. The new realities of the Internet, including its increased importance as a vehicle for national economic growth, and the expanding and more diverse nature of the Internet community necessitated evolution in the traditional means of managing and administering Internet technical functions.</p> <p>As a result, DNS functions, including the administration of the DNS root server system, the development of policies for the registration and allocation of domain names, the coordination of Internet Protocols, and the delegation of Internet Protocol numbers are becoming more clearly delineated and formalised through the ICANN process. Similarly, the procedures and framework of accountability for delegation and administration of ccTLDs need to evolve into a more robust, certain, and reliable system as well.</p> <p>While evolution is needed, the principle of RFC 1591 remains sound: the manager of a ccTLD performs a public service on behalf of the relevant local community and as such the designated</p>	<p>PRINCIPLES FOR THE DELEGATION AND ADMINISTRATION OF COUNTRY CODE TOP LEVEL DOMAINS</p> <p>1. <u>PREAMBLE</u></p> <p>1.1. Since country code Top Level Domains were first established and in particular since <u>RFC 1591</u> was issued, 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 for national and global economic growth. Top Level Domains (i.e. domains in the top level of the global domain name system) play a significant role in this respect. Country code Top Level Domains have acquired an increasing part in the domain names market and are seen by some as part of the Internet identities of their country or geopolitical territory.</p> <p>1.2. The purpose of this document is to set out a general, best-practice framework for the relationship between national governments, the manager of the registry for the country code associated with that country, and the Internet Corporation for Assigned Names and Numbers (ICANN). However, the situation varies significantly between countries: these principles are intended to help establish, not constrain or dictate, the development of the three-way</p>

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

relationship. Governments, ccTLD Registries and ICANN share the responsibility for ensuring a Domain Name System that is stable, secure, open, and easily accessible.

1.3. 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 including the national government, according to national law. There is a limited number of technical issues on which policy decisions should be taken globally by the ICANN Board. The basic principle is that policy should be set locally, unless it can be shown that the issue has a global impact and needs to be resolved in an international framework – the subsidiarity principle.

1.4. Governments may wish to play an active role in the management and administration of the country code associated with their country. Any such involvement should be based on national, [and in some cases (for example where the ccTLD manager is based in another country) other countries'] laws and policies. It is recommended that governments should work with their local Internet community in deciding on how to work with the country code manager.

1.5. The initial selection for the management of ccTLDs was by "selecting a designated manager for a domain that was able to do an equitable, just, honest, and competent job". This was a mutual recognition of rights and duties and this should remain the fundamental basis for any future selection of country code managers. There is currently a variety of legacy ccTLD situations with different legal or contractual frameworks.

2. OBJECTIVE OF THIS DOCUMENT

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

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

3. DEFINITIONS

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

3.1 'Alternative Dispute Resolution' (or 'ADR') means any system of resolving a dispute other than by court litigation, and includes arbitration, mediation, conciliation and processes of

2. OBJECTIVE OF THIS DOCUMENT

2.1. This document updates the principles set out in February 2000. It takes account of experience and best practice for the delegation and administration of ccTLDs. It is intended as a framework which the different parties can use to help define the way they work together. How these principles may be used depends on local/national laws and traditions. They may contribute to clarifying the bilateral relationship between these parties. They could also contribute to the development of:

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

2.2. From a GAC perspective, the first two of these types of communications are of primary importance, since governments are directly involved. The third type often involves two private parties and is of interest to governments to the extent it affects public policy interests.

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

<p>administrative dispute resolution.</p> <p>3.2 'Communication' should include a law, regulation, agreement, document, contract, memorandum of understanding, or any other written instrument, as appropriate.</p> <p>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 <u>ISO 3166-1 standard</u>, 'Codes for the Representation of Names of Countries and Their Subdivisions.'</p> <p>3.4 'Delegation' means delegation by ICANN/IANA of responsibility for administration of a TLD in the DNS root.</p> <p>3.5 'Delegee' means the organisation, enterprise or individual designated by the relevant government or public authority to exercise the public trust function of a ccTLD and consequently recognised through a communication between ICANN and the designated entity for that purpose. The delegee for a ccTLD may be the relevant government or public authority itself or an oversight body designated by the relevant government or public authority, inasmuch as the administrative and management functions for a ccTLD may be contracted out by the delegee to another party and hence not performed by the delegee itself.</p> <p>3.6 'Designation' means designation by the relevant government or public authority of the delegee.</p> <p>3.7 'DNS' means domain name system.</p> <p>3.8 'ICANN' means the Internet Corporation for Assigned Names and Numbers.</p> <p>3.9 'Relevant government or public authority' means relevant national government or public authority of a distinct economy as recognised in</p>	<p>administrative dispute resolution.</p> <p>3.2 'Communication' is any agreed and appropriate exchange between the two parties, whether written or oral.</p> <p>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 a two-letter code based on the ISO 3166-1 standard 'Codes for the Representation of Names of Countries and Their Subdivisions.'</p> <p>3.4 'Delegation' means the procedures that need to be taken by ICANN/IANA for the inclusion of a ccTLD in the DNS root upon receipt of an authoritative request.</p> <p>3.5 'Re-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.</p> <p>3.6 'Authoritative request' for the purposes of this document is the request for the delegation or re-delegation concerning a ccTLD Registry addressed to ICANN/IANA by the appropriate body, according to national law, showing that the request is correctly made, authoritative and is in line with applicable law or, in the absence of such law, RFC 1591.</p> <p>3.7 'ccTLD Registry' means the entity (whether an organisation, enterprise or individual) responsible for managing and administering a ccTLD. [The Registry for a ccTLD may be the relevant government or public authority itself or an oversight body designated, authorised, supervised, recognised or accepted by the relevant government or public authority].</p> <p>3.8 'Designation' means decision by the relevant government or public authority or any other body foreseen by the national law of the country concerned on</p>
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international fora as those terms are used in the ICANN Bylaws and GAC Operating Principles.

3.10 'Relevant local community' means the local community in the context of the ISO 3166-1 code. This definition is specific to the purposes identified in this document and not broader.

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

4. ROLE OF DELEGEE

4.1 The delegee of a ccTLD is a trustee for the delegated domain, and has a duty to serve the residents of the relevant country or territory in the context of ISO 3166-1, as well as the global Internet community (as that term is interpreted in the Preamble to this document). Its policy role should be distinguished from the management, administration and marketing of the ccTLD. These functions may be performed by the same or different entities. However the delegation itself cannot be sub-contracted, sub-licensed or otherwise traded without the agreement of the relevant government or public authority and ICANN.

4.2 No private intellectual or other property rights should inhere in the ccTLD itself, nor accrue to the delegee as the result of delegation or to any entity as a result of the management, administration or marketing of the ccTLD.

4.3 Tradable goods and services may

the person or body that will be the manager of the relevant ccTLD Registry according to national law, including decisions taken, recognised or accepted by relevant governments or public authorities.

3.9 'Relevant government or public authority' means relevant national government or public authority of a distinct economy as recognised in international fora.

3.10 'Local Internet community' means the local community in the country associated with the country code, [including the national government]. 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 ccTLD, and has a duty to serve {the residents of the relevant country or territory as well as} the global Internet community.

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. In performing their functions ccTLD Registries are subject to applicable national law *{and in particular data protection legislation and principles.}*

4.3. 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

arise in the performance of other management and administrative functions attached to the ccTLD.

4.4 The delegee should recognise that ultimate public policy authority over the relevant ccTLD rests with the relevant government or public authority.

4.5 The delegee should work cooperatively with the relevant government or public authority of the country or territory for which the ccTLD has been established, within the framework and public policy objectives of such relevant government or public authority.

4.6 The delegee, and the delegee's administrative contact, should be resident or incorporated in the territory and/or jurisdiction of the relevant government or public authority. Where the delegee, administrative contact or technical contact are not resident or incorporated in the territory and/or jurisdiction of the relevant government or public authority, it should nevertheless operate in a way that is consistent with the laws and public policy of that relevant government or public authority.

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 [seriously/unduly] impede re-delegation of a ccTLD Registry decided according to national law or under the circumstances described under clause 7 below. The Registry has no intellectual property rights on the country code itself.

4.4 Public policy authority over the relevant ccTLD rests with the relevant government or public authority; how this authority is exercised is determined by national law.

4.5 The ccTLD Registry should work cooperatively with the relevant government or public authority of the country or territory for which the ccTLD has been established, within the legal framework, and in line with appropriate public policy objectives of the government of the country or distinct economy concerned.

4.6 The ccTLD Registry, and the Registry's administrative contact, should 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.

4.7 The ccTLD Registries [~~may~~are invited to/are encouraged to] participate in the ICANN Policy Development Processes through the Country Code Names Supporting Organisation (ccNSO).

5. ROLE OF GOVERNMENT OR PUBLIC AUTHORITY

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

5.2 Governments or public authorities have responsibility for public policy objectives such as: transparency and non-discriminatory practices; greater choice, lower prices and better services for all categories of users; respect for personal privacy; and consumer protection issues. Considering their responsibility to protect these interests, governments or public authorities maintain ultimate policy authority over their respective ccTLDs and should ensure that they are operated in conformity with domestic public policy objectives, laws and regulations, and international law and applicable international conventions.

5.3 It is recalled that the Governmental Advisory Committee (GAC) to ICANN has previously adopted the general principle that the Internet naming system is a public resource in the sense that its functions must be administered in the public or common interest.

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

5.5 To give effect to governments' or public authorities' public policy interests, governments or public authorities should ensure that the terms outlined in Clause 9 are included in their communications

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 3.9** above should be able to ask for its appropriate country code to be represented as a ccTLD in the DNS and to designate the Registry for the ccTLD concerned.

5.2 The relevant government or public authority may wish to ensure that the ccTLD is being administered in the public interest, within the framework of its national public policy and relevant laws and regulations.

[5.3 It is recalled that the Governmental Advisory Committee (GAC) to ICANN has previously adopted the general principle that the Internet naming system is a public resource in the sense that its functions must be administered in the public or common interest.]

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

5.5 To give effect to their public policy interests, governments or public authorities [can/may wish to] base any communication with ccTLD Registries on the terms outlined in Clause 9.

5.6 In making a designation or acceptance for a ccTLD Registry, the government or public authority should take into consideration the importance of long term stability in the administration and management of the ccTLD and in the DNS. In most cases, such stability may be best served through the designation of an organisation or an enterprise rather than a specific individual.

with delegees.

5.6 In making a designation for a delegee, the government or public authority should take into consideration the importance of long term stability in the administration and management of the ccTLD and in the DNS. In most cases, such stability may be best served through the designation of an organisation or an enterprise rather than a specific individual.

6. ROLE OF ICANN

6.1 A primary function of ICANN is to establish, disseminate, and oversee implementation of the technical standards and practices that relate to the operation of the global DNS. In this capacity, ICANN administers a range of technical Internet management functions, including:

establishment of policy for IP number block allocation;

administration of the authoritative root server system;

creation of policy for determining the circumstances under which new TLDs would be added to the root system;

coordination of the assignment of other Internet technical parameters as needed to maintain universal connectivity on the Internet; and

other activities necessary to coordinate specified DNS administration functions.

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

6. ROLE OF ICANN

6.1 ICANN's mission [with respect to ccTLD Registries] is to co-ordinate the Internet's systems of unique identifiers, and to ensure their stable and secure operation, in particular: the allocation and assignment of the sets of unique Internet identifiers; the operation and evolution of the root name server system; and the policy development related to these technical functions.

7. PRINCIPLES RELATING TO DELEGATIONS

7.1 Where a communication between the relevant government or public authority and the delegee is in place, when ICANN is notified by the relevant government or public authority that the delegee has contravened the terms of the communication, or the term of the designation has expired, ICANN should act with the utmost promptness to reassign the delegation in coordination with the relevant government or public authority.

7.2 Notwithstanding the urgent need for a communication-based regime for ccTLD designation, delegation and administration, in the absence of such communication between the relevant government or public authority and the administrator of the ccTLD, ICANN should, upon the tendering of evidence by such government or public authority that the administrator does not have the support of the relevant local community and of the relevant government or public authority, or has breached and failed to remedy other material provisions of RFC 1591, act with the utmost promptness to reassign the delegation in coordination with the relevant government or public authority.

7.3 When ICANN notifies the relevant government or public authority that the ccTLD is being operated in a manner that threatens the stability of the DNS or of the Internet, or has otherwise breached and failed to remedy other material provisions of the communication between ICANN and the delegee, as outlined in Clause 10, the relevant government or

7. PRINCIPLES RELATING TO DELEGATIONS AND RE-DELEGATIONS

[7.1 Delegation and re-delegation is a national issue and should be resolved nationally and in accordance with national laws, taking into account the views of all local stakeholders and the rights of the existing ccTLD Registry. Once a final formal decision has been reached, ICANN should act promptly to delegate or re-delegate in line with clear instructions showing the basis for the decision.]

7.2. Where the Registry operating the country code TLD does not have a contract with its national government and works under a different jurisdiction, any action to re-delegate needs to take account of the legal framework in the country where the Registry is based.

7.3 In the case of a disputed re-delegation request where the relevant country code TLD Registry is based in another country and where there is not a contract specifying which national law should apply, *ICANN could offer its services to try to mediate*. Where there is strong evidence that local stakeholders and the Internet community support the government proposal for re-delegation, ICANN should investigate alternative solutions to resolve the problem. ~~This could include introducing a new country code for the national registry.~~

public authority should cooperate with ICANN to remedy this situation or effect the reassignment of the delegation for the ccTLD.

7.4 With respect to future delegations or reassignment of delegations, ICANN should delegate the administration of a ccTLD only to an organisation, enterprise or individual that has been designated by the relevant government or public authority.

7.5 Delegees should enjoy, in the execution of their responsibilities, the appropriate rights under applicable law, and should not be subject to discriminatory or arbitrary practices, policies or procedures from ICANN or the relevant government or public authority. In the event of a reassignment of delegation, registrants in the ccTLD should be afforded continued name resolution, or a reasonable period in which to transfer to another TLD.

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

8.1 The communication between the relevant government or public authority and ICANN, as outlined in Clause 2, should include a designated point of contact within the relevant government or public authority, as well as the name and contact details of the recognised delegee and duration of this recognition. Either as part of this communication, or through a subsequent communication, the relevant government or public authority should copy to ICANN any communication established between it and the delegee, setting forth the terms and conditions of the designation and/or concerning the execution of the delegee's role and the management of the delegation.

8.2 The relevant government or public

7.4 It is strongly recommended that, in the case of new delegations, particularly where a registry is based out of country, national governments and registry managers should agree on the legal framework and specific contract conditions to be used to judge any subsequent disputes or re-delegation requests.

N.B. Consider in Articles 8, 9, & 10 "Accord" for "Communication/Relation".

8. PRINCIPLES CONCERNING THE COMMUNICATION [RELATION] 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 re-delegation [in accordance with national law], it should include a designated point of contact within the relevant government or public authority and a person or body empowered to make authoritative requests, as well as the name and contact details of the designated or recognised ccTLD Registry and duration of this designation or recognition [where this is appropriate]. 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] on the competent authority and appropriate

authority should communicate to ICANN how it will require the delegee to abide by the terms and conditions outlined in Clause 9 below.

8.3 Recognising ICANN's responsibilities to achieve consensus in the creation of any new generic TLDs, ICANN should avoid, in the creation of new generic TLDs, well known and famous country, territory or place names; well known and famous country, territory or regional language or people descriptions; or ISO 639 Codes for representation of languages unless in agreement with the relevant governments or public authorities.

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

9.1 The communication between the relevant government or public authority and the delegee should include the following provisions, a copy or summary of which should be forwarded to ICANN:

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

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

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

9.1.4 Confirmation that the ccTLD is

contact point of the country concerned.

9. PRINCIPLES CONCERNING THE COMMUNICATION [RELATION] 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 Registry could include the following [provisions/issues]:

9.1.1 Term, performance clauses, applicable law, 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 Confirmation that the ccTLD is operated in trust in the public interest. and that the Registry does not acquire intellectual property rights on the country code itself.

9.1.4 Conditions to ensure the transfer of all relevant DNS data to a nominated replacement, if, for any reason, a reassignment

<p>operated in trust in the public interest and that the delegee does not acquire property rights to the ccTLD itself.</p> <p>9.1.5 Conditions to ensure the transfer of all relevant DNS data to a nominated replacement, if, for any reason, a reassignment to a new delegee is necessary.</p> <p>9.1.6 Conditions for the efficient and effective resolution of disputes arising from domain name registration. In so far as ccTLD registration policies allow or encourage registrations from entities or individuals resident outside the relevant territory, then the delegee concerned should implement dispute resolution policies that ensure that the interests of all registrants, and of third parties, including those outside their territory and in other jurisdictions, are taken into account. Dispute resolution policies should, to the greatest extent possible, follow common principles, including due regard for internationally recognised intellectual property, consumer protection and other relevant law, and be implemented by all delegees. The delegee should, so far as possible, implement alternative dispute resolution procedures conducted online, without precluding access to court litigation.</p> <p>9.1.7 The delegee's commitment to abide by ICANN developed policies as set forth in Clause 10.</p> <p>9.1.8 Where ccTLD registration policies allow or encourage registrations from entities or individuals resident outside the relevant territory, the delegee commits to observe all ICANN policies applicable to such ccTLDs,</p>	<p>of delegation to a new Registry is necessary, taking all interests into account.</p> <p>9.1.5 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, <i>[if this is agreed to be appropriate]. [It is recommended that the escrow agent or mirror site be mutually approved by the relevant government or public authority and the Registry and not be under the exclusive control of the Registry].</i></p> <p>9.1.6 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. The Registry may consider implementing alternative dispute resolution procedures conducted online [without precluding access to court litigation [where this is deemed appropriate by the government concerned]].</p>
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not otherwise provided for in Clause 10, except where the delegee is prohibited by law from, or instructed in writing by the relevant government or public authority to refrain from, implementing such other ICANN policies.

9.1.9 The above terms and conditions shall apply to delegees, including delegees who are resident and/or incorporated outside the territory of the relevant local community.

9.2 A delegee should not sub-contract part or all of the technical operations of the ccTLD registry without ensuring that the sub-contractor has the technical qualifications required by ICANN, and informing ICANN.

9.3 In any sub-contracting of the technical operations of the ccTLD registry or administrative and management functions of the ccTLD, the sub-contract must state that the delegation itself is an exercise of a public right, not an item of property, and cannot be reassigned to a new delegee except in accordance with the provisions of Clause 7.

10. PRINCIPLES CONCERNING THE COMMUNICATION BETWEEN ICANN AND THE DELEE

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

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

10.1.2 ensure that authoritative and accurate root zone information is generated from such database and ensure that the root

[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.]

N.B. c.f. Article 4.1

[9.3 In any sub-contracting of the technical operations of the ccTLD Registry or administrative and management functions of the ccTLD, the sub-contract must state that the delegation itself is not reassigned to the sub-contractor. Any re-assignment would have to be in accordance with the provisions of Clause 7.]

N.B. c.f. Article 4.1

10. PRINCIPLES CONCERNING THE COMMUNICATION [RELATION] BETWEEN ICANN AND THE ccTLD REGISTRY

10.1 The communication between ICANN and the Registry may as a minimum 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 contribute to the root servers' operating in stable and secure manner. Also, ensure

<p>servers are operated in stable and secure manner;</p> <p>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</p> <p>10.1.4 inform the delegee in a timely manner of any changes to ICANN's contact information.</p> <p>10.2 The communication between ICANN and the delegee should contain the delegee's commitment to:</p> <p>10.2.1 cause to be operated and maintained in a stable and secure manner the authoritative primary and secondary nameservers for the ccTLD, adequate to resolve names within the ccTLD for users throughout the Internet, and any sub-domains over which they retain administrative authority, and ensure that the zone file and accurate and up-to-date registration data is continuously available to ICANN for purposes of verifying and ensuring the operational stability of the ccTLD only;</p> <p>10.2.2 inform ICANN in a timely manner of any changes to the ccTLD's contact information held by ICANN;</p> <p>10.2.3 ensure the safety and integrity of the registry database, including the establishment of a data escrow or mirror site policy for the registry data managed by the delegate. The escrow agent or mirror site should be mutually approved by the relevant government or public authority and the delegee and should not be under the control of the delegee;</p> <p>10.2.4 ensure the transfer of all</p>	<p>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;</p> <p>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</p> <p>10.1.4 Inform the Registry in a timely manner of any changes to ICANN's contact information.</p> <p>10.2 The communication between ICANN and the Registry should contain the Registry's commitment to:</p> <p>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 necessary technical verifications of zone files to be done in a proper, proportionate way after consulting the ccTLD community];</p> <p>10.2.2 inform ICANN in a timely manner of any changes to the ccTLD's contact information held by ICANN;</p> <p>N.B. Correlate Old 10.2.4 and New 9.1.5 also refer to old 9.1.5</p> <p>and</p> <p>10.2.3 Either alternative A: 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, reflecting ICANN's services towards the ccTLDs, including an equitable contribution to overhead costs.</p> <p>or alternative B:</p> <p>Set out clear conditions and parameters</p>
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<p>relevant DNS data to a nominated replacement, if, for any reason, a reassignment to a new delegee is necessary;</p> <p>10.2.5 abide by ICANN developed policies concerning: interoperability of the ccTLD with other parts of the DNS and Internet; operational capabilities and performance of the ccTLD operator; and the obtaining and maintenance of, and public access to, accurate and up-to-date contact information for domain name registrants; and</p> <p>10.2.6 ensure the payment of its contribution to ICANN's cost of operation in accordance with an equitable scale, based on ICANN's total funding requirements (including reserves), developed by ICANN on the basis of consensus.</p>	<p><i>by the ccTLD Registry of a contribution to the cost of the IANA function, which should be ring-fenced from other' ICANN expenditure.</i></p> <p>10.2.4 Registries are encouraged to make a reasonable contribution towards other ICANN activities, for example towards the coordination and industry co-regulatory work and to developing outreach.</p>