

Policy Requirements and Considerations for the retirement of ccTLDs

Note: This is a list of elements which should be considered when developing a policy for the retirement of ccTLDs. Not all of these elements are required for a policy, some may only end up as best practice recommendations while others may simply be discarded by the WG.

Overall Principles

The purpose of the overarching principles is to set the parameters within which the policy recommendations have been developed, should be interpreted and implemented. They have been developed to structure, guide and set conditions for the recommended policy, its implementation and future interpretation.

Preserve security, stability and interoperability of the DNS.

(ASCII) ccTLD and IDN ccTLDs are all country code Top Level Domains. (ASCII) ccTLD and IDN ccTLDs are all country code Top Level Domains and as such are associated with a territory listed on the ISO 3166-1 list. Whilst there may be additional specific provisions required for IDN ccTLDs, due to their nature (for example criteria for the selection of an IDN ccTLD string) all country code Top Level Domains should be treated in the same manner.

Relevant principles of RFC 1591. IANA is not in the business of determining what is and what is not a country, and related, ISO has a process for assigning and revoking assignments of code elements to countries

Subsidiarity (from Annex C)

1. **Conditions for applicability of the policy - The policy should apply to all ccTLDs that are in the root, have an active manager and have been removed from the ISO 3166-1 active list.**
 - 1.1. For the purposes of the document an Active Manager of a ccTLD will be the ccTLD manager as defined in the IANA Root Database (<https://www.iana.org/domains/root/db>) and who PTI can contact.
 - 1.2. Given ICANN's commitment to the security, stability and resiliency of the Internet it would seem illogical to undertake a retirement process for a ccTLD that does not have an active manager (derelict manager) with whom PTI can interact. What is alternative? Revocation and then process of retirement
 - 1.3. There is currently no formal policy with respect to PTI or ICANN's responsibilities for dealing with a derelict ccTLD manager. The ccNSO FOIWG did reaffirm the commitment to RFC1591 which has provisions for dealing with managers who are Significantly Misbehaving which should encompass the case of a derelict manager. However the fact that the country no longer exists coupled with a derelict manager could create an

unexpected situation and this should be considered to ensure PTI and ICANN clearly understand what they should do in such a case.

1.4. This should also be considered if the manager of the retiring ccTLD becomes derelict during the retirement process.

2. Should there be a policy by the ccNSO that specifies an Absolute Maximum period for retirement (removal from the root) of a ccTLD after its active manager is notified that its 2 letter code has been removed from the ISO 3166-1 active list? - This consensus of the Working Group was that there should be such an Absolute Maximum.

2.1. Should the Absolute Maximum be contingent on the size of the retiring registry?

2.1.1. This was discussed at the meeting of the WG at ICANN 63 and it was the consensus of the group that it would be difficult to ensure an effective and applicable measurement of registry size for this purpose.

2.1.2. It worth noting that under an SPTR between the manager and PTI that the retirement period can be as short as the parties agree to. This could be useful in the context where the retiring registry has few if any registrations and the manager is cooperative (.UM retirement?).

2.2. In an effort to encourage ccTLD Managers of retiring ccTLDs to negotiate an orderly retirement process with PTI should the Absolute Maximum depend on the retiring registry jointly agreeing to a Specific Transition Plan for Retirement (STPR) with PTI to ensure an orderly decommissioning of the registry?

2.2.1. There seemed to be general support for this proposal at the ICANN 63 meeting of the WG. This would imply that if the retiring registry cannot or will not negotiate an SPTR with PTI that PTI could impose a shorter time than the Absolute Maximum (Default Minimum?).

2.2.2. Any consideration of an STPR scenario must include handling a breach of the STPR.

2.3. Should the Absolute Maximum be contingent on the type of retirement? Retirements which provide the option for registrants in the retiring registry to transfer to a new ccTLD should be of particular interest in helping to maintain the stability of the Internet and supporting registrants. Examples of transfer scenarios include 1 for 1 (.ZR to .CD) or 1 to many (.YU => .RS, .ME). If a Partial or Total Transfer is possible should additional time be allowed for the transition if required? There are essentially three scenarios of interest here:

- Total Transfer – All existing registrations in the retiring registry will be offered the opportunity to transfer their registrations to a new ccTLD.
- Partial Transfer – Some of the existing registrations in the retiring registry will be offered the opportunity to transfer their registrations to a new ccTLD.(see below for possible scenarios).

- No Transfer – The retiring ccTLD is not being replaced by any other ccTLD and as such there is no possibility of any process to transfer registrations in bulk to a new ccTLD.
- 2.3.1. This was discussed in Barcelona under the heading of Name Change but there was no clear consensus.
 - 2.3.2. It would be consistent with ICANN values to allow for additional time if a Total or Partial Transfer of registrations is possible.
 - 2.3.3. Even if the retirement of the ccTLD is associated with a name change there may be a number of issues which limit the possibility of a Total Transfer. A possible corner case with respect to Total Transfer is where in a name change scenario the retiring registry accepted specific IDN registrations while the new registry will not. Another variation of a corner case could be if the retiring registry accepted international registrants while the new registry will not.
- 2.4. What should the Absolute Maximum be?
- 2.4.1. In the group exercises held at ICANN 63 there seemed to be a consensus that the absolute maximum should be 10 years which could be contingent on a number of factors. There were also discussions of 3 or 5 year periods as being sufficient to wind up a registry's operations. Periods shorter than 3 years were generally not considered realistic. This generates a window of 3 to 10 years.
 - 2.4.2. Considering the various options:
 - 2.4.2.1. Only one Absolute Maximum (no encouragement to negotiate an STPR and no consideration of Total Transfer if any). This is not considered a viable option as it would go against the option to encourage manager to negotiate an STPR and would provide PTI with no leverage to ensure an orderly retirement of the ccTLD which would seem to go against the core ICANN philosophy of ensuring the security, stability and resiliency of the Internet.
 - 2.4.2.2. Default Minimum and Absolute Maximum
 - 2.4.2.2.1. It would seem logical to opt for a Default Minimum of either 2 or 3 years based on the discussions at ICANN 63 and would set the date for the removal of the retiring ccTLD from the Root unless there is an STPR agreed to by both PTI and the Manager of the retiring registry.
 - 2.4.2.2.2. The Absolute Maximum would be established at 10 years but could only be granted in the context of an STPR agreed to by both PTI and the Manager of the retiring registry.
 - 2.4.2.2.3. A set of guidelines for negotiating an STPR should be established to ensure fair and consistent application to retiring registries.
- 3. What should be the approval process between ICANN and PTI to remove a ccTLD from the Root and should the policy address this?**
- 3.1. THIS CAN ONLY BE CONSIDERED ONCE THE VARIOUS ASPECTS OF THE ABSOLUTE MAXIMUM HAVE BEEN ANSWERED AS SOME OPTIONS IN THAT SECTION CAN HAVE A DIRECT IMPACT ON THE APPROVAL PROCES.

- 4. If there is an IDN ccTLD(s) in addition to the two letter code ccTLD does this policy also apply to the IDN ccTLD(s)?**
 - 4.1. If yes under what process and conditions (same as the 2 letter ccTLD?)?
 - 4.2. Special considerations if the ccTLDs are managed by distinct managers?
- 5. Should PTI be allowed to transfer a retiring ccTLD to a new manager?**
 - 5.1. If so under what conditions?
 - 5.2. Would the requirements for the new manager be the same as for a regular transfer?
 - 5.3. Who should be considered making up the Local Internet community?
 - 5.4. What is the approval process for PTI (ICANN?).
 - 5.5. This should address the situation where the Manager of the ccTLD will not or cannot continue to operate the ccTLD prior to its retirement and there is no replacement (includes the case of a Manager that cannot be contacted by PTI).
- 6. Should the policy allow PTI under specific circumstances to extend the maximum period for retirement of a ccTLD for the security and stability of the Internet?**
 - 6.1. If so under what conditions.
- 7. Should the policy include a dispute resolution mechanism to settle disagreements between the retiring ccTLD's Manager and PTI regarding the retirement?**
 - 7.1. If yes what form should this take?
- 8. Should the policy specify what elements of the retirement should be made public and when (transparency considerations)?**
- 9. Should the policy identify/specify any additional oversight of the handling of the retirement process by PTI if not covered by ICANN Board approval?**
- 10. Should the policy specify how time is calculated for retirements periods?**
- 11. Should the policy specify how PTI notifies the retiring ccTLD Manager.**
- 12. Impact of legal action and decisions on the retirement process.**