

1 **Proposed language line 80-82**

2 If according to the IFO the retirement of the ccTLD within the 10 year limit would pose a threat
3 to the security and stability of the DNS the IFO can request an extension to the 10 year limit
4 from the ICANN Board

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6

7 According to Nigel this would put the IFO in the position to take subjective decisions. He
8 proposed some wording on the mailing list to make it more objective.

9

10 Original: > If according to the IFO the retirement of the ccTLD within the 10 year limit would
11 pose a threat to the security and stability of the DNS the IFO can request an extension to the
12 10 year limit from the ICANN Board.

13

14 I propose to change this to

15

16 "If, on the balance of probabilities, it appears that the removal of the
17 ccTLD from the root zone within 10 years would pose a threat to the
18 security and stability of the DNS, either the IFO or a ccTLD manager of
19 a ccTLD to which this policy applies, may propose an extension to the 10
20 year limit.

21

22 If such an extension is mutually agreed between the IFO and the ccTLD
23 manager, the time limit shall be extended.

24

25 If either the IFO or the ccTLD manager does not agree, the question may
26 be referred to the ICANN Board for decision, without prejudice to the
27 ccTLD managers rights under any Review Procedure or accountability
28 mechanism."

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30

31 Rationale:

32 The existing wording gives a subjective decision to the IFO. The policy should propose an
33 objective standard which the IFO should follow.

34

35 In the event they agree, there is no need to bother the Board.

36

37 If they (either party) may appeal to the Board, or use any accountability mechanism.

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39 Eberhard Lisse (28 March 2019)

40 Nigel,

41

42 I like this, but, it is a little "wordy".

43

44 Is there a way of shortening this somewhat while preserving content?

45

46 greetings, el

47 -----

48 Peter Koch response 28 March 2019

49 Dear All,

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51 Part 1: On Thu, Mar 28, 2019 at 11:38:34AM +0000, Nigel Roberts wrote:

52 > > *If according to the IFO the retirement of the ccTLD within the 10 year limit would pose a*
53 *threat to the security and stability of the DNS the IFO can request an extension to the 10*
54 *year limit from the ICANN Board.*

55

56 first let me observe that there's a loophole in the timing: by default the ccTLD
57 manager gets 5 years, but with SSR concerns there might be an extension beyond 10
58 years, regardless of an agreement between the ccTLD Manager and IFO could be
59 reached.

60

61 Part 2: *Rationale:*

62 >

63 > *The existing wording gives a subjective decision to the IFO. The policy*

64 > *should propose an objective standard which the IFO should follow.*

65

66 I am not sure I can follow: it now puts this essentially in the hands of the IFO without
67 providing any guidance, nor any upper bound. "SSR" is already invoked on accisions that not
68 always deserve it, so this is now providing an escape route the size of a highway.

69

70 > In the event they agree, there is no need to bother the Board.

71

72 Would the Board decide on substance (likely involving SSAC) or on process?

73

74 -----

75 Allan MacGillivray (28 March 2019)

76

77 Dear All – I have some more basic concerns with this provision, which are:

78

79 1. It is inconsistent with the update provided by Stephen (and approved by a sea of
80 green cards) in Kobe which said (sic)

81 ***“ Absolute, Maximum Duration***

82 ***The maximum duration of the retirement process is no longer than 10***
83 ***years”***

84 • Giving the ICANN Board authority to exceed 10 years would seem to be inconsistent
85 with the notion of ‘absolute, maximum duration’

86 2. I am unable to think of a situation that would pose a threat to the security
87 and stability of the DNS that would necessitate such an extension. Perhaps
88 someone could enlighten me.

89 3. Even if such an extenuating circumstance might necessitate such an extension past
90 10 years, I would prefer to take the 5 years to amend the policy in the moment
91 rather than give the ICANN Board an open-ended ability to extend the retirement.

92 4. If we still insist on such a provision, it cannot be open ended – we need, to coin a
93 phrase, an ‘absolute, maximum duration’.

94 Allan

95 -----

96 Teddy, 28 March 2019

97

98 My respected Colleagues,

99

100 What was conveyed by Allan was actually a
101 repetition that received our support.

102

103 All these things are our concern both as industry, practitioners and academia.

104 IMHO:

105 The best is the decision to form a process that is
106 as short as possible on time

107

108 -----

109 Patricio Poblete 29 March 2019

110 Hello everyone,

111

112 I tend to agree with Allan on this. I think this policy should only deal with the basic 5 year
113 time, plus the way this can be extended by another 5 years. This way we provide a
114 predictable process that would allow sufficient time for everyone to adapt to the eventual
115 retirement of the ccTLD, "up and to, but excluding, the removal of a ccTLD from the Root
116 Zone."

117

118 Noting that the actual removal of the ccTLD from the root zone is explicitly outside the
119 scope of this policy, exceptional measures could be taken at that time because of extreme
120 circumstances (e.g. a one week "stay of execution", for some reason), but we should not try
121 in the policy to predict or regulate those exceptional situations.

122

123 Patricio

124

125 -----

126 Nick Wenban-Smith, 1 April 2019

127 Agrees with Allan

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129