

Policy for the Retirement of ccTLDs

DRAFT v2.03

ccNSO

2020-02-30

0. Executive Summary

3 1 Background & Introduction

4 Request For Comment [2] (“RFC”) 1591 [1] states:

5 *4. Rights to Names*

6 [...]

7 *2) Country Codes*

8

9

10

11 *The IANA is not in the business of deciding what is and what is not a country. The*
12 *selection of the ISO 3166 list as a basis for country code top-level domain names was*
13 *made with the knowledge that ISO has a procedure for determining which entities*
14 *should be and should not be on that list.*

15 In 2014 the ccNSO through its Framework of Interpretation confirmed that RFC 1591 applies to
16 ccTLDs.

17 The ISO 3166-1 list is dynamic and country codes are added and removed on a regular basis.
18 When a new ISO 3166-1 Alpha-2 code element (Alpha-2 code) is addenda ccTLD corresponding to
19 that Alpha-2 code can be added to the Root by the IANA Naming Functions Operator (IFO).
20 However, as was identified in 2011 by the ccNSO Delegation and Redefinition Working Group,
21 there is no formal policy available for the removal of a ccTLD from the Root Zone when a country
22 code is removed from the ISO 3166-1 list of country names.

23 It is important to note that ccTLDs are defined as those entries in the Root Zone database
24 identified as such, these include:

- 25 • 2 letter ccTLDs corresponding to an Alpha-2 code (the majority of ccTLDs)
- 26 • 2 letter Latin ccTLDs not corresponding to an Alpha-2 code
- 27 • IDN ccTLDs as approved by ICANN

28
29
30

31

32
33
34
35
36
37

2 Policy Objective

The objective of the policy is to provide clear and predictable guidance and to document a process that is orderly and reasonable up and to, but excluding, the removal of a ccTLD from the Root Zone¹.

38

3 Applicability of the Policy

39

This policy is applies to all entries in the Root Zone database which are identified as ccTLDs, and are subject to a Retirement Triggering Event (Trigger).

40

41

42

Retirement Triggering Events are defined as follows:

43

- For 2 letter ccTLDs which correspond to an Alpha-2 code – The Trigger is the removal of the corresponding Alpha-2 code from the ISO 3166-1 standard by the ISO 3166-1 Maintenance Agency (“ISO 3166/MA”)
- For 2 letter Latin ccTLDs which do not correspond to an Alpha-2 code

44

45

46

47

48

49

50

51

52

53

54

¹The removal of a (cc)TLD by the IFO is excluded from the policy, as this outside the remit of the policy scope of the ccNSO

55 – The Trigger is the ISO 3166-1/MA making a change (other than making that code an
56 Alpha-2 code) to any of these. For each such Triggering Event the IFO will consider if the
57 change requires retiring that ccTLD. If the ccTLD Manager disagrees with the IFO’s decision
58 to initiate the retirement process it can appeal the decision using the ccTLD appeals
59 mechanism.

- 60 • For IDN ccTLDs – The Triggering Event will be identified in the policy which applies to IDN
61 ccTLDs.

62 For the purposes of this policy a Functional Manager is the entity listed as “ccTLD Manager” in
63 the IANA Root Zone database or any later variant, who is active with
64 respect to the management of the ccTLD or with whom the IFO can officially and
65 effectively communicate.

66 If a ccTLD is to be retired but does not have a Functional Manager the IFO cannot
67 transfer responsibility to a new Manager according to its standard process. This set of
68 circumstances would create a deadlock situation which would prevent the IFO from ever retiring
69 the ccTLD. To avoid such a deadlock, and only under these specific conditions, this policy allows the
70 IFO to proceed with a transfer of responsibility for the ccTLD to establish a Functional Manager
71 and insure the ccTLD can be retired. Such a transfer should follow the standard IFO transfer
72 process where possible.

73
74
75

4 Retirement Process

76

77

4.1 Expectations

78

79

80

81

There is a good faith obligation for both the IFO and the Manager of the retiring ccTLD to ensure an orderly shutdown of the retiring ccTLD which takes into consideration the interests of its registrants and the stability and security of the DNS.

82

83

84

85

86

87

88

89

90

Note: Given the importance and exceptional nature of the ccTLD retirement process the IFO, prior to sending a Notice of Removal (see next section), should contact the ccTLD Manager and confirm who the IFO should be dealing with regarding the retirement process. The person or role identified by the ccTLD Manager to deal with the retirement process is referred to as the Retirement Contact and in the remainder of this document the use of the term ccTLD Manager should be understood to mean ccTLD Manager or Retirement Contact if one has been formally identified to the IFO by the ccTLD Manager.

91

4.2 Notice of Removal

92

93

94

95

96

97

Once the IFO confirms that a ccTLD should be retired and has a Functional Manager, it shall promptly notify the Manager of the ccTLD that the ccTLD shall be removed from the Root Zone 5 years (Default Retirement Date) from the date of this

98 notice (Notice of Removal) unless a Retirement Plan (see following sections for de-
99 tails) which is agreed to by the Manager and the IFO stipulates otherwise and is in accordance
100 with this Retirement Policy.

101 The IFO shall include with the Notice of Removal a document describing the reasonable
102 requirements (Reasonable Requirements Document) it expects of a Retirement Plan and note that
103 the IFO will make itself available to the Manager to assist in the development of such a plan
104 should the Manager request it.
105
106

107 **4.3 Setting a date for Retirement**

108 The IFO cannot require that a retiring ccTLD also be removed from the Root Zone less than 5
109 years from the date the IFO has sent the Notice of Removal (Section 4.2 of this policy) to the
110 retiring ccTLD Manager unless an alternate Retirement Date is mutually agreed to by both the
111 ccTLD Manager and the IFO. If the Manager wishes to request an extension to the Default
112 Retirement Date it must request this from the IFO as part of a Retirement Plan.
113

114 The IFO must remove a retiring ccTLD from the Root Zone no later than 10 years after having
115 sent a Notice of Removal to the ccTLD Manager (Maximum Retirement Date).
116
117
118

119 **4.4 Retirement Plan**

120 After receiving a Notice of Removal the Manager must decide if it wishes to request an
121 extension to the Default Retirement Date.

122 If the Manager of the retiring ccTLD does not wish an extension to the Default
123 Retirement Date stated in the Notice of Removal it is expected, but not mandatory,

124 that the Manager produce a Retirement Plan for the ccTLD which would typically
125 include:

- 126 • A copy of the Notice of Removal
- 127 • Date the ccTLD is expected to stop taking registrations, renewals and transfers that
128 exceed the date of removal from the Root Zone. It is important to note that there is
129 a reasonable expectation that the date provided is the earliest practical date for
130 implementing this.
- 131 • Details of a communications plan to advise the registrants of retirement of the
132 ccTLD.

133 If the manager of the retiring ccTLD wishes to request an extension beyond the De- fault
134 Retirement Date stated in the Notice of Removal it must produce a Retirement Plan which
135 is acceptable to the IFO and is in accordance with the conditions listed below.
136

137 Granting an extension to the Default Retirement Date is at the discretion of the IFO and
138 shall not be unreasonably withheld. The Reasonable Requirements Document that the
139 IFO will have included with the Notice of Removal will describe the factors it will consider
140 when evaluating a request for an extension to the Default Retirement
141 Period.

142

143 A Retirement Plan which requests an extension shall include, in addition to the
144 previously listed items, the following:

- 145 • The length of the extension requested (a maximum 5 additional years) including
146 the proposed date of the removal of the ccTLD from the Root Zone.
- 147 • The reasons for requesting an extension. An impact analysis which supports the
148 reasons for making the extension request.

149 If the ccTLD Manager wishes to produce a Retirement Plan it must do so within 12
150 months of the IFO having sent the Notice of Removal to the Manager of the retiring
151 ccTLD. At its discretion the IFO can extend the 12 month limit to a maximum of 24
152 months in total upon receiving a request for such an extension from the Manager. If
153 the IFO grants such an extension it shall promptly notify the Manager of this.

154 If the ccTLD Manager submits a Retirement Plan to the IFO, the IFO shall provide a
155 definitive response to the Manager regarding the request for an extension within 90
156 days of such a request being received by the IFO.

157 The response by the IFO, if positive, shall state the length of the extension which has been
158 granted. If the response is negative, the IFO shall include the specific reasoning for the
159 refusal. The approval of an extension request shall not be unreasonably withheld.

160

161 If the request for an extension is rejected and the ccTLD Manager believes that the
162 rejection is unreasonable or is inconsistent with the Reasonable Requirements
163 Document it may appeal the decision by the IFO (see Section 5.2 on page 11 of this pol-
164 icy).

165

166 If the Manager of the retiring ccTLD and the IFO cannot agree on a Retirement Plan
167 within 12 months, or up to a maximum of 24 months if the IFO has granted such an
168 extension, of the IFO having sent the Notice of Removal to the Manager, then the IFO
169 shall promptly advise the Manager that the ccTLD shall be removed from the Root Zone
170 5 years from the date the IFO has sent the Notice of Removal to the Manager of the
171 retiring ccTLD.

172

173 **4.5 Exception Conditions**

174 If the Manager becomes non-functional after a Retirement Plan is accepted the IFO can
175 use the same procedure outlined in the Requirements section to transfer the ccTLD to
176 a new manager. In such cases the original timeline for retiring the ccTLD shall not
177 change.

178 If the Manager breaches the Retirement Plan the IFO should work with the Manager to
179 reinstate the Retirement Plan. If this is not possible the IFO can advise the Manager that
180 it will maintain the Default Retirement Date from the Notice of Removal..
181

182

183 **5. Oversight & Review Mechanism**

184 **5.1 Oversight**

185 This policy is directed at ICANN and the IFO as the entity that performs the IANA Naming
186 Functions with respect to ccTLDs.

187 This policy is not intended and shall not be interpreted to amend the way in which ICANN
188 interacts with the IFO and the delineation of their roles and responsibilities.

189 This policy will not change or amend the role of the ICANN Board of Directors has with
190 respect to individual cases of ccTLD delegation, transfer and revocation, which is
191 understood to be limited to a review to ensure that the IFO (staff) has followed its
192 procedures properly. It is important to note that the IFO's decisions to:

- 193 • Notify the ccTLD manager of the retirement
- 194 • Remove a ccTLD from the Root Zone

195 Are of out scope for this policy (see Section 2 on page 3)

196
197

198 **5.2 Review Mechanism**

199 In this policy on retirement decisions have been identified which shall be subject to a review
200 mechanism.

201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227

6. Stress testing

6.1 Stress testing

Stress testing is defined as:

- Test the process as developed by applying the process to “corner case” situation and understand whether such a case results in a unwanted outcome or side effects.
- If the outcome of that situation results in an unwanted outcome or side effects adjust Policy/Process if needed.

After completion of the draft process the stress testing was conducted through answering the following questions:

- What is outcome of this situation when process is invoked?
- Is the outcome of that situation/the result unwanted or are side effects unwanted/unacceptable?
- Does Policy/Process need to be adjusted/refined?

6.2 Identified situations

i. Significant names change of country (resulting in change of ccTLD).

Examples are:

- ZR (Zaire) to CD (Congo, Democratic Republic of) (1997)
- TP (East Timor) to TL (Timor-Leste) (2002)

ii. Domain Names under management at removal date.

At agreed end-date (date of removal from the root-zone) Second Level domain names are still under management of the ccTLD Manager, despite reasonable efforts from the ccTLD Manager to end registrations

iii. Breach of Retirement Agreement

Draft Policy v2.03

228 Various situations:

- 229 • The ccTLD Managers continues to promote ccTLD and accepts registrations during retirement
230 process. Does it make a difference if at removal date no SLDs under management or the
231 number of registrations under management has not declined or has even increased compared
232 to number at date of Retirement Notification?
- 233 • The ccTLD Manager stops all activities i.e. goes off-line
- 234 • The ccTLD Managers takes no action resulting in serious deterioration of the zone
- 235

236 ***iv. The ccTLD Manager goes bankrupt after Notification of Retirement***

237

238 ***v. Request for Transfer after the Retirement Notice is send***

- 239 • Retirement result of significant name change
- 240 • Retirement result of dissolution country, significant interested parties cannot
241 be identified
- 242

243 ***vi. ccTLD Manager ends membership of the ccNSO and claims policies (Retirement &
244 RFC1591/Fol) are therefore not applicable.***

245 Note: the ccNSO Council recently established that membership of ccNSO by definition ends
246 when entity listed as ccTLD Manager is no longer listed as such in the IANA Root Database,
247 implying that for the duration of the retirement process membership of the ccNSO does not
248 end, unless it is actively terminated by the Manager.

249

250 ***vii. Country Code was removed from list of Assigned codes because country dissolved and
251 Code was re-assigned shortly afterwards (within 10 years) to another country added to
252 the list***

253

254 ***viii. Uncertainty about authoritativeness of lines of communication between ccTLD Manager***

255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281

and IFO

The identity of authoritative entities are not clear during process.

ix. Breach of Agreement due to conflicts of laws

- Due to court injunction
- Due to applicable national law / Court order

ix.a Additional cases of breach of Agreement

- Breach of agreement during extension period

x. Island state disappears, but interests intend to keep ccTLD “alive”

xi. Unforeseen technical consequences/significant consequences for other affecting other TLDs/DNS in general

xii. Country disappears/ however there is a clear successor state

xiii. Decision by ISO 3166 MA to remove country code is completely out of line, in breach of ISO 3166 or ISO rules

xiv. Assets of the ccTLD go to other party during removal process

xv. Does the retirement policy apply to pending retirement case?

282

283

284

6.3 Result of Stress test per identified situation

Item #	Situation	Result	Relevant section policy and / or other document if any	Adjustment if any
I	Significant names change of country	No need to adjust the policy. Significant name change as defined though ISO 3166 standard is one of the causes to remove country code.	Section 2	None
ii	Donain Names under management at removal date.	Whether significant number under management or only a limited set, is not relevant. There is a need to avoid gaming the system. Rationale for Retirement process is to accommodate new ccTLDs per RFC 1591	Section 4.3 and RFC 1591	None
iii	Breach of Retirement Agreement <ul style="list-style-type: none"> - ccTLD Manager promotes SLD post retirement notice - ccTLD stops all activities - ccTLD manager does not take any action 	Process continues if agreed, Compliance is not applicable. IFO may invoke revocation	Section 4.3 proposed policy, Section 4 Fol	None
iv	The ccTLD Manager goes bankrupt after Notification of Retirement	May become a Security and stability issue: IFO assess on case-by case basis. substantively it is responsibility of operator. Revocation may be warranted if threshold for revocation is met.	Section 4 Fol	None
v	Request for Transfer after the Retirement Notice is send	There is a gap in current policy (RFC 1591 and section 3 Fol). No specific mechanisms for expedient and "administrative" transfer specifically targeted at orderly retirement process.	RFC 1591, Section 3 Fol	Need to include specific mechanism targeting retirement

Item #	Situation	Result	Relevant section policy and / or other document if any	Adjustment if any
Vi	ccTLD Manager ends membership of the ccNSO	Policy is by definition only targeted at ICANN see Annex C of the ICANN Bylaws).It is up to ICANN to decide whether membership of the ccNSO is relevant in individual cases.	Section 3, Annex C ICANN Bylaws on scope ccNSO Policy Development Process	None
vii	Country Code was re-assigned shortly after removal (within 10 years) to another country added to the list	Currently considered impossible.	ISO 3166	None
viii	Uncertainty about authoritativeness of lines of communication between ccTLD Manager and IFO. Is ccTLD manager or its administrative contact authoritative and authorized to take the decision	The IFO deals with a Functional Manager, and if required may transfer to a new entity which is Functional.	Section 3, Functional manager	
ix	Breach of Agreement/Plan, resulting from conflict of laws: <ul style="list-style-type: none"> - Court Injunction - to applicable Law/ Court order 	The retirement plan must be subject to legally binding court order in the jurisdiction.		None
ix a.	Breach of agreement during extension period	This situation could be handled, depending on reason, through proposed and existing policy. In case of “bad faith” or significant misbehaviour, revocation may be way to address issue.	Section 4.5 of proposed policy, Section 4 Fol	None
x	Island state disappears, but interests (was: commercial Interests” intend to keep ccTLD “alive”	If the code element is removed, the ccTLD is eligible for retirement. Reason for removal is not of relevance.	RFC 1591: IANA is not in business of deciding what is and what is not a country	None
xi	Unforeseen technical consequences/significant consequences for other affecting other TLDs/DNS in general. Nameservers for Domain names not under ccTLD, are still under ccTLD to be removed.	Communication to customers is part of the retirement plan. In addition the removal of ccTLD is predictable and foreseeable process. There should be no	Section 4.4 of proposed process (line 131 and 132 above)	None

Item #	Situation	Result	Relevant section policy and / or other document if any	Adjustment if any
		surprises. Customers should know where their essential services are hosted.		
xii	Country disappears/ however there is a clear successor state	Countries do not disappear overnight. Takes some time before ISO-code is removed. In addition decision to remove country code is not part of the policy	ISO 3166 Standard	None
xiii	Decision by ISO 3166 MA to remove country code is completely out of line, in breach of ISO 3166 or ISO rules	Decision to remove country code is not part of the policy and ICANN should not be involved in process of removal of country code, independent of merits of decision. Reasonably predictable decisions over the past years. This is not an issue for the policy, but an issue for the ISO3166 MA and ISO itself. No need to adjust the policy.	RFC 1591: The IANA (ICANN) is not in the business to decide what is and what is not a country. ISO has a process for adding (and removing) country codes.	None
xiv	Assets of the ccTLD go to other party during removal process.	Receiving end will be aware of the issues: Retirement of the ccTLD. No surprises for them. Even if ccTLD manager would go bankrupt. People in the country will know about the removal and retirement process.	Section 4.4 of proposed process (line 131 and 132 above)	None
xv	Does the retirement policy apply to pending retirement case?			

285
286
287
288

289

290

7 . Background & Process to date

291

292

7.1 Background

293

294

295

296

At its meeting on 10 December 2015 the ccNSO Council discussed the launch of the formal ccNSO Policy Development Process to address the lack of policy with respect to the retirement of ccTLDs as well as a review mechanisms for decisions pertaining to the delegation, transfer, revocation and retirement of ccTLDs.

297

298

299

300

301

302

303

To increase the predictability and legitimacy of decision pertaining to the retirement of ccTLDs and in accordance with the recommendations of the ccNSO Delegation and Redelegation working group (DRDWG) in 2011², the void or lack of policy relating to the retirement of ccTLDs needs to be filled by a policy developed by the ccNSO. However, at the time the DRDWG also recommended that such a ccNSO PDP should be launched following the development of a Framework of Interpretation of RFC 1591.

304

305

306

307

308

Following initial discussions by the ccNSO Council, input and feed-back was sought from the ccTLD community at the Marrakesh (ICANN55) and Helsinki (ICANN56) meetings. At its meeting in Helsinki (ICANN56) the ccNSO Council launched the ccNSO Policy Development Process³.

309

310

311

On 9 March 2017, the Issue Manager submitted the Final Issue Report to Council. Following the discussions by the ccNSO Council, feed-back and input from the community and the drafting team, the Issue Manager recommended:

² See DRD WG Final Report, page 19, <http://ccnso.icann.org/workinggroups/drd-wg-final-report-07mar11-en.pdf> and Council Decision 16 March 2011, <http://ccnso.icann.org/workinggroups/minutes-council-16mar11-en.pdf>

- 312 1. The ccNSO Council initiates one (1) ccNSO Policy Development Process to develop policy
313 proposals for both a Review Mechanism and on the Retirement of ccTLDs.
314 2. The initial focus needs to be on developing a Review Mechanism, which is considered the
315 highest priority, particularly in light of the IANA Stewardship transition. Only then the focus
316 should be on Retirement, and, if needed, revisit the Review Mechanism to include decisions
317 relating to the Retirement of ccTLDs.
318 3. To appoint two working groups each with its own charter, working method and schedule.
319

320 However, at the meeting in Copenhagen (ICANN58, March 2017, the ccTLD community present
321 suggested to change the order in which the topics need to be addressed. Analyses showed that
322 alternating the order would save at least 3 months and simplify the process. Effectively this meant
323 that by reversing the order, so first develop Retirement policy proposals and then those for the
324 Review Mechanism, the potential Review Mechanism would be available sooner to the community.
325

326 The ccNSO Council initiated the 3rd ccNSO Policy Development Process (ccPDP3) in March 2017 by
327 adopting the Issue Report. Accordingly the ccPDP3 Working Group to develop policy
328 recommendations for the Retirement of ccTLDs was established by June 2017. The Charter of this
329 WG was included in the Issue Report and is available at:
330 <https://ccnso.icann.org/en/workinggroups/pdp-retirement.htm>.

331 The ccPDP3 Retirement WG was tasked to develop policy proposals to address at a minimum the
332 following topics and issues identified in the Issue Report:

- 333 • Consistency of terminology
334 • What triggers a retirement?
335 • Who triggers retirement process?
336 • Additional conditions for retirement of a ccTLD? What are conditions for actual retirement of a
337 ccTLD? Is the occurrence of a triggering event sufficient or should additional requirements be
338 in place?

- 339 • Compliance with conditions? Assuming retirement of a ccTLD is conditional, who will monitor,
340 and who will be held accountable, if at all, if requirements are not met?

341

342 As the activities of the WG are undertaken within the framework of the ccNSO Policy Development
343 Process, the limitations with respect to the scope of a ccPDP, specifically by Article 10 and Annexes
344 B and C to the ICANN Bylaws limit the scope of the WG’s work and proposals.

345

346 Further, the ccPDP3 Retirement WG was tasked to report to ccNSO Council on topics or issues
347 which they identified and considered out of scope for the WG. Accordingly, the Chair of the WG
348 informed the ccNSO Council and Issue Manager that the ccPDP3 Retirement WG identified two
349 issues, which need to be addressed, but were considered out of scope of ccPDP3:

- 350 - The ccNSO membership definition (section 10.4 (a) of the ICANN Bylaws). The membership
351 definition was changed as part of the IANA Stewardship Transition process.
- 352 - The events that would trigger the retirement of IDN ccTLDs. The Retirement WG advised
353 Council that the events leading the de-selection of IDNccTLDs should be identified under a
354 ccPDP that also defines the selection of IDNccTLD strings.

355

356

357 **7.2 Process to date**

358 After the call for volunteers and appointment by the ccNSO Council of the members (see Annex A of listed members,
359 observers and experts and staff support) the ccPDP3 Retirement Working Group held its first conference call and
360 commenced its work in June 2017. Since then the WG has met [x] times, of which [y] times in person during ICANN
361 meetings starting at the Johannesburg meeting in June 2017 (ICANN59) and [z] times through conference calls.

362

363 In the course of its work the original timeline and schedule as included in the Issue Report, was updated twice (March
364 & December 2019).

365

366 The first work item the WG completed was on the Rules of Engagement i.e the internal procedures for interaction and
367 decision-making, which guided the activities of the WG members (see:

368 [https://community.icann.org/pages/viewpage.action?pageId=64081623&preview=/64081623/89981518/roe.draft.20](https://community.icann.org/pages/viewpage.action?pageId=64081623&preview=/64081623/89981518/roe.draft.2017-08-17%20closed.pdf)
369 [17-08-17%20closed.pdf](https://community.icann.org/pages/viewpage.action?pageId=64081623&preview=/64081623/89981518/roe.draft.2017-08-17%20closed.pdf))

370 As of ICANN60 (in Abu Dhabi, United Arab Emirates) and at every following meeting the ccPDP3 Retirement WG
371 informed the ccTLD community and members of the Governmental Advisory Committee present at the respective
372 ICANN meetings about its progress.

373

374 At the Kobe meeting (ICANN64), the ccTLD Managers present expressed their initial support for the proposed method
375 and process, including its proposed duration. At the Montreal meeting (ICANN66) the ccTLDs present expressed their
376 support for the proposals with respect to the decisions that should be subject to oversight and the Review Mechanism.

377

378 At the Montreal meeting, the chair and vice-chair of ccPDP3 Retirement WG also conducted an extensive on-boarding
379 session for members of the Governmental Advisory Committee.

380

381

382

383

384

385 **References**

386

387

388 **Glossary**

389

390 **Index (if needed)**

391

392 **Annex A (membership of RET WG)**