

## Definition of Open Internet (Charter Question 2)

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**Background:** As identified during the CCWG meeting of 27 July, the concept of “Open Internet” as referred to in the draft objectives statement will require definitional work or a rewording. The term appears often seems associated with net neutrality which may not be what the CCWG has in mind. As such, the CCWG will need to decide whether to stick with the term and provide a definition or whether it prefers to describe what is intended with the term Open Internet.

### Drafts proposed:

#### Draft 1 - From Erika Mann

1) definition of 'open Internet' in relation to ICANN's mission and in relation to the work of the future fund could/should have various dimensions:

- historical preamble: The DNS serves from it's early days an open Internet in the sense ...
- positive definition: The 'fund' shall be able to support projects that support an open Internet culture in the sense that projects related to open source developments for the DNS are (for example) allowed to apply ...
- negative definition: The 'fund' shall not support projects that don't relate in any way to ICANN's mission and the development of the DNS
- examples: lastly provide few examples about what is meant (DNS software and security for example) to guide future project examiners

#### Draft 2 - From Elliott Noss

An Internet that is equally accessible to all people for all purposes, and at every level of the stack. At the lower end of the stack, that means no impediments are placed based on the sender, recipient, content, application or type of data being transmitted.

At the upper reaches of the stack, that means not only that governmental policies do not restrict access based on political views, but that the government helps to ensure equality of access at a pragmatic level by assuring access at prices affordable to all members of society, provides training in how to use the Internet and education in how to use it effectively, and encourages participation by classes of people who feel excluded or unwelcome.

At the highest level of the stack, an open Internet is one in which all people are empowered to contribute and to participate in building a worldwide culture that opens our hearts and minds by respecting differences. It is an Internet that we, the people of the world, recognize as ours — something we have built together for one another.

#### *Specific comments:*

Seun Ojedji: Perhaps "layer" could be a (layman) replacement for "stack"

Sylvia Cadena: I think Elliot's proposed definition is a good start. I also like the “elevator pitch” approach that Evan shared, guess we can find something in the middle.

However, a couple of points to add:

1. Training on how to manage and operate the network is also important to be included. The Internet does not magically appear, it is the hard work of many men and women engineers and technicians that make it work.
2. Governments are not the only ones providing training, and mentioning them directly on the definition places probably too much attention on their role
3. Restrict access is not only happening because of political views but also socio-economic status, gender, geography/location and others. It might be best not to highlight any in particular (as we might miss some) and summarize it around discriminations instead
4. Translating “stack” for “layer” will be a lot more appropriate as suggested by someone else. Stack/layer does not translate as scale, though. I have not included it in my edits below though...

With that into account, I have edited Elliot’s text as follows: “...an Internet that is equally accessible to all people for all purposes, and at every layer.

That means that no impediments are placed based on the sender, recipient, content, application or type of data being transmitted

That means that policy and regulation promote, support, facilitate and guarantee access

That means equality of access at a pragmatic level is ensured by assuring access at prices affordable to all members of society

That means training is available about how to manage, operate and use the Internet, as well as education in how to use it effectively

That means participation on an equal footing at all levels is encouraged, specially by those that might be discriminated against

An open Internet is one in which all people are empowered to contribute and to participate in building a worldwide culture that opens our hearts and minds by respecting differences. It is an Internet that we, the people of the world, recognize as ours — something we have built together for one another.”

Seun Ojedji: Thinking aloud: can Internet really be said to "respect differences" Especially that related to culture. I have my doubt on that one.

Eliott Noss: There are some elements of sylvia’s edits which I like as sentiment but not as they relate to the Open Internet. The Open Internet is a passive concept (a park for us children to play in and create). Some elements like training, policy and affordability are active concepts. I support those concepts in places and projects but do not see them as being part of the definition of Open Internet. They could well be part of defining what we as a group support in connection with the Open Internet. I hope that distinction makes sense.

Manal Ismail: I like how the definition of “Open Internet” is developing as proposed by Elliot and modified by Sylvia reflecting comments by other colleagues as well

- Yet “Open Internet” is too broad so:
  - o I think we still need the level of explanation provided by Daniel, not as a definition but as a complementary and guiding explanation of what maybe included and what shouldn’t
  - o At the same time, I also agree to maintaining some flexibility otherwise we will be funding what ICANN would have funded anyway ..
- So we need to hit the right balance between what falls within ICANN’s remit and what ICANN would have funded anyway and also about maintaining flexibility without funding anything that would go beyond ICANN’s mandate ..

Vanda Scartezini: In general I agree with your points. We shall agree with the basic definition and add clarification, limiting the scope, to avoid other interpretation that can be as far as we are creating incentive just for free software, or free of charge internet, that in my opinion, it is a little far from ICANN's role or interest. However, I also believe that "what ICANN is funding" is something that can be change over time, depending on the financial situation of ICANN and as such, I agree that some flexibility in the clarification shall be needed to avoid pre define what will be in the future "what ICANN is funding"

#### **Draft 2a – From Sylvia Cadena**

...an Internet that is equally accessible to all people for all purposes, and at every layer.

That means no impediments are placed based on the sender, recipient, content, application or type of data being transmitted.

That means policy and regulation promote, support, facilitate and guarantee access

That means equality of access at a pragmatic level is ensured by assuring access at prices affordable to all members of society

That means training is available about how to manage, operate and how to use the Internet, as well as education in how to use it effectively

That means participation on an equal footing at all levels is encouraged, specially by those that might be discriminated against

An open Internet is one in which all people are empowered to contribute and to participate to build a worldwide culture that opens our hearts and minds and help us to understand and respect differences. It is an Internet that we, the people of the world, recognize as ours — something we have built together for one another.

#### **Draft 2b – from Vanda Scartezini**

Under ICANN's role, the Internet is Open when it is equally accessible to all people for all purposes, under the following context:

- No control or impediments are placed based on the sender, recipient, content, application or type of data being transmitted;
- Participation on an equal footing at all levels is encouraged, specially by those that might be discriminated against
- Applicable to the following layers:
  - Transport and presentation layer (TCP/IP, Web, directly linked to DNS operations, and needs funding)
  - Addressing layer (IPv6, DNS, ICANN core activities)
- Training is available about how to manage, operate and how to use the Internet, as well as education in how to use it effectively

Rationale: Layers - I tend to agree with Daniel, not all layers shall be available. Physical layer is not under ICANN's role and we shall avoid projects related to physical infrastructure. Content is also far from ICANN's role –Even core activities need development – even issues nowadays funding by ICANN may be open to be considered if brings some added value to ICANN, then new projects and ideas shall be encouraged.

### Draft 3 – From Evan Leibovitch

1. **Open access:** Minimized barriers to entry, facilitating affordable connectivity and informed consent in participation
2. **Open standards:** Maximized innovation and competition without intellectual-property or other artificial impediments
3. **Open content:** Minimized censorship and political barriers between providers and consumers of information and services

#### *Specific Comments:*

Olawale Bakare: As 1 and 2 components fit into the openness of internet but the 3rd maybe undefinable. At the moment the "open content" is a mucky mix of political wheeler-dealing, in most developed and developing/under-developed nations.

Evan Leibovitch: It doesn't need to be that over-thought. At its simplest level, "open content" is the absence of meddling to block or impede sites and services deemed "bad". What defines "bad" can take many meanings, from political opposition to hate speech to illegal copying to online gambling. But part of promoting an "open internet" is to resist such blocking. Now, just as free speech is not an absolute concept and often has reasonable public-interest limits, so does "open content". Indeed, currently such a debate is taking a very lively form in the US as domain registrars and service providers shun the neo-Nazi site the Daily Stormer. Currently [the EFF is opposing acts to shut down the site\[eff.org\].](#), which is to some a very unpopular stance.

### Draft 4 – From Daniel Dardailler

The concept of "Open Internet", as referred to in the CCWG objectives statement, can be described at many levels, e.g. technical, business, political, etc, and in particular, at the societal level:

- An Open Internet is one where all people are empowered to contribute and to participate in building a worldwide culture that opens our hearts and minds by respecting differences. It is an Internet (i.e. a network of networks) that we, the people of the world, recognize as ours — something we have built together for one another;
- At the technical level, openness refers to how easily machines can connect to each others and how stable, scalable, and secure the network is. The IP routing and numbering systems, the DNS, or the Open Standard process, have historically been serving an Open Internet because of the opportunities they have provided to participate, innovate and compete without artificial impediments (e.g. patents, walled-garden).
- At the policy level, supporting the Open Internet happens when for instance governments put in place regulations that promote, support, facilitate and guarantee equal connectivity at prices affordable to all members of society, together with education and training efforts toward making the next generation more Internet savvy.

In an ideal world, an Open Internet is one where no control or impediments are placed based on the sender, recipient, content, application or type of data being transmitted.

From that broad description, the CCWG has considered the parts of the Open Internet that:

- are aligned with the overall ICANN's mission and core commitments
- are in need of funding for more development support
- are creating value-added for the Open Internet at large
- are consensual enough so that they do not endanger the ICANN community

...

<and here we need to apply our CCWG "filter" regarding layering, shared value, political issues, etc>

*Specific comments:*

From Judith Hellerstein: I like Daniel's summary of Open Internet but we need to also address the issue of accessibility. If you recall Elliott suggested the following

An Internet that is equally accessible to all people for all purposes, and at every level of the stack. At the lower end of the stack, that means no impediments are placed based on the sender, recipient, content, application or type of data being transmitted.

If we could add the concept of accessibility to your definition I think that would greatly help

I also like Sylvia Cadena's text and hope we can figure out a way to add this to our definition.

That means no impediments are placed based on the sender, recipient, content, application or type of data being transmitted.

That means policy and regulation promote, support, facilitate and guarantee access

That means equality of access at a pragmatic level is ensured by assuring access at prices affordable to all members of society

That means training is available about how to manage, operate and how to use the Internet, as well as education in how to use it effectively

That means participation on an equal footing at all levels is encouraged, specially by those that might be discriminated against

From Olawala Bakare: My suggestion is in the direction of Daniel's but the PESTEL ( P - political, E - economical, S- social, T - technological, E -environmental, L - legal) analysis should rather capture multistakeholderism better instead of "principle".

**General Comments:**

**From Daniel Dardailler**

Open Internet, as far as this CCWG is concerned is IMO:

- Not inclusive of the physical layer (however open is can be, too far from ICANN mission, and not clear it needs funding)
- Inclusive of the transport and presentation layer (TCP/IP, Web, directly linked to DNS operations, and needs funding)
- Inclusive of the addressing layer (IPv6, DNS, it's ICANN core activities, so not clear to me it needs funding since ICANN already has a healthy budget without the auctions. Isn't DNS capacity building part of ICANN responsibilities already ?)

- Not inclusive of the app/platform/content layer (too far from ICANN mission, although it needs funding too)
- Inclusive of the policy layer (shutdown, net neutrality, etc., even though I agree with others that these are very sensitive topics that would position ICANN on a difficult path vs. some of its constituencies, e.g. the GAC, or telco/DNS players).

**From Arsène Tungali**

The concept of open Internet is very broad, we might not be able to limit its scope but we can agree on a broader definition (which includes net neutrality as well as the aspect of internet freedom) and then judge projects based on the fact that they fit into this broad definition or not. Which will not be an easy task!

**From Judith Hellerstein**

I would add that it is a network that is stable, scalable, agile, secure, profitable, sustainable and ultimately equitable. An open Internet provides the ability for civil society groups, indigenous communities and others to take an active part in the network. I see this is embedded in what Daniel has written but think it could be more clearly stated and elaborated on.

I would also add that it is standards based, adhering to the W3C guidelines and standards. It means that the network must be inter-operable and accessible.

**From Erika Mann**

How about doing the following:

- transforming the 'Open Internet' concept into a preamble. Such an approach would guide project evaluators in the future in understanding ICANN's ecosystem and relations to a particular 'Open Internet' concept. This in turn might help them in judging potential projects that touch on broader issues but might not relate automatically to the mission statement. Such a preamble is very common in funding environments and helps to guide evaluators judging projects that are less well defined.