

▼ IANA Retirement issues (Draft notes)

▼ Issues impacting how retirement process is to be conducted

- ▼ Lack of well defined expectations on how transition is to occur
 - Largely rely on precedent, no requirements or best practice guidelines from the community, etc.
- ▼ Draw from experience in other areas (eg. telephone renumbering)
 - ▼ Sometimes lack of consensus that retirement is required at all
 - Retirement is a byproduct of adherence to ISO 3166-1 per RFC 1591, but is not explicitly addressed as its own topic in existing policies.
- ▼ Personnel can change over time during prolonged transition
 - Parties in manager/registry/government etc. can move on and their replacements may be unfamiliar with the process, previous plans, etc.
 - Process can stall and IANA or ICANN staff often informally reignite process only by performing extensive followup.
- ▼ Lack of clear communication during transition process
 - Registrants under the domain may not be sufficiently educated as to the process, timeline etc.
- ▼ Blame often laid at ICANN because registry was not forthcoming that domain is due for phasing out.
 - From registrants who feel the domain is expected to be permanent
 - From those who want the domain to cease, and feel it needs to be done sooner
 - IANA hasn't (to date) explicitly denoted status of domain eligibility (i.e. in the root zone database) but has not hidden that in presentations or when asked either.
- ▼ Lack of willingness to perform the transition
 - The TLD manager may reject the notion they need to close down the domain even if the underlying ISO 3166-1 code is no longer assigned.
 - TLD manager may not take even basic steps to limit future impact of retirement (i.e. stop new registrations under the TLD)
- ▼ Lack of well defined checkpoints
 - ▼ Board resolutions in recent cases have asked transition recipients to report routinely in their progress to flag progress and potential roadblocks
 - In last two cases regular reporting was not forthcoming, both asked for relatively late extensions, Board granted short extension
- ▼ Lack of consequence
 - ▼ Fundamentally, a manager of a code removed from ISO 3166-1 may take no good faith steps to retire the domain, and there is no specific mechanism by which there could be sanction/penalty for doing so
 - The ICANN Board has considered such steps but thus far no action has been taken.
- ▼ Lack of clarity of linkage with subsequent delegations
 - Almost all retirements coincide with new allocations (i.e. unless an entity is wholly subsumed by an existing country)
 - ▼ In practice, we've interpreted such acts as a whole, and thus paired delegation of new codes with plans to retire the old codes

- Usually actors are the same

▼ **Issues relating to the country no longer existing**

- During the phase-out period, the manager may need to change as with an active TLD

▼ Transfer criteria implicitly expect a country/code to continue to exist/be eligible to be properly assessed

▼ String eligibility test fails

- No longer eligible

▼ Government/SIP endorsement

- “FOIWG interprets [SIP] to include, but not limited to: a) the government or territorial authority for the country or territory associated with the ccTLD and b) any other individuals, organizations, companies, associations, educational institutions, or others that have a direct, material, substantial, legitimate and demonstrable interest in the operation of the ccTLD”

▼ No defined government

- Any single successor government may not speak credibly for the population of former country
- Multiple successor governments may have entirely opposed views

▼ No clearly defined community

- Even in simple scenarios, community in new country may not have had time to form representative organizations etc. to give voice to impact of transfer proposal.

▼ Peoples of the former country may have entirely opposed views on proposal.

- Often there is sensitivity of the “name” of the country, as it brings up connotations either positive/negative depending on the circumstances of the country’s succession.

▼ Does not meet requirement to be based in the country

- “FOIWG interprets the requirement ... IANA Operator must be able to validate that the administrative contact resides in the country or territory associated with the ccTLD.”

▼ Local law

- New jurisdiction may differ from previous jurisdiction
 - Users may no longer have remedies under local law, as registry is now in a different country.
 - Registry may now be outside of successor country.
 - FOIWG interpretation assumes jurisdictional oversight that no longer exists e.g. “Recognizing the ultimate authority on public policy for any country is its government and legislature...”
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