

On Applicability of the policy

Paraphrasing Patricio

The discussion is focusing on the lack of applicability therefore the ccNSO lacks authority to develop policy over such TLDs.

Instead of continuing discussing endlessly about the consequences of this, it seems to me that it would be necessary for us to decide on whether we accept this observation as true or not.

If true, then the matter is outside our scope, so we are wasting our time, and we should ask the council to close this WG.

If not, we can continue with our work without being sidetracked by speculations about mythological two-letter gTLDs.

Personally, I would argue that it has long been established that there is no existing policy to guide the orderly retirement of ccTLDs, and that the ccNSO is the appropriate body to develop such policy. See for instance

"ICANN-CCNSO-DRDWG Report on the Retirement of ccTLDs, March 7, 2011"

https://ccnso.icann.org/sites/default/files/filefield_22613/drd-wg-retirement-report-07mar11-en.pdf [ccnso.icann.org]

and

"ISSUE REPORT country code Policy Development Process 3 on introduction of a Review Mechanism and Retirement of country code Top Level Domains"

<https://ccnso.icann.org/sites/default/files/file/field-file-attach/2017-05/issue-report-pdp-rrm-10apr17-en.pdf> [ccnso.icann.org]

On Definition membership in Article 10

A second point that was raised looked at the definition of membership of the ccNSO. the WG is strongly advised this is an issue out of scope of this WG and even this PDP, for various reasons. First of all the definition has direct impact on the the results of PDP 2 (on IDN ccTLDs) and hence is of broader significance. Secondly, after looking at the successive version of the ICANN Bylaws, the membership definition was changed overnight resulting from the IANA Stewardship discussions.

The pre-transition discussion was:

For purposes of this Article, a ccTLD manager is the organization or entity responsible for managing an ISO 3166 country-code top-level domain and referred to in the IANA database under the current heading of "Sponsoring Organization", or under any later variant, for that country-code top-level domain.

This definition effectively referred to entries in the IANA Database to define what a ccTLD manager was for the purposes of the ccNSO. Note that it would currently refer to the ccTLD Manager.

Example:

IANA Database

Delegation Record for .AC

(Country-code top-level domain)

ccTLD Manager

**Network Information Center (AC Domain Registry)
c/o Cable and Wireless (Ascension Island)**

It is therefore suggested that the working group consider the issue identified as of out scope and refer it back to the ccNSO Council to seek a resolution.

On process

Assumption 1. The discussions on the list appear to re-confirm the earlier view of the WG that the triggering point for the ccTLD retirement process is the removal of the country code from the list of country names in ISO3166-1.

Assumption 2. The WG converges to the view that once a country code is removed from the ISO 3166-1 list (year X) the ccTLD has to be removed from the DNS rootzone database.

For further discussion is the issue of when the ccTLD is removed from the root zone (year X + ?).

Argument: The ISO 3166 MA may assign a two letter code to a country, its subdivision or other significant geopolitical area of geopolitical that was previously assigned. A recent example: CS was first assigned to Czechoslovakia and after 5 years to Serbia - Montenegro. If the ccTLD is not removed before (re-)assignment the basic policy for delegation of ccTLD is seriously undermined.

The discussion on the list appears to have converged to the view that the end point of the retirement process is up to (excluding) the removal of the (IDN) ccTLD from the DNS Rootzone database. The process/procedures of the removal itself are not part of the policy, but a matter of execution of the policy.

If assumptions are correct the retirement policy will be about how to get from the Removal of the country code from ISO list (which is outside of ICANN's remit and reflects geo-political realities) to the Removal from the ccTLD from the IANA Rootzone database and timeline involved.

If agreed a Rough Policy (needs refinement of course) could look like proposed the one proposed by Eberhard:

- *PTI takes note of ISO code element having been removed.*
- *PTI informs ccTLD Manager thereof by any and all means at its disposal.*
- *PTI and ccTLD Manager shall enter into an agreement with regards to removing ccTLD (name) from the root.*
- *Should both PTI and the ccTLD Manager be able to agree on an arbitrator, they shall both submit their proposals to the arbitrator who shall pick one of the two, which shall become the agreement.*
- *Failing such agreement PTI shall remove ccTLD (name) from the root after X years (on or after June 30 23:59 UTC).*

We would only have to decide on X, and nothing else.

The trick will of course be to come up with a number which is painful enough to both sides so they negotiate in good faith.

This is only binding on ccNSO members, of course. Non members not agreeing to above, can sort it out with ICANN themselves.

Advisory note: This policy is directed at ICANN in line with Annex C of the Bylaws. In principle ccTLD members are not obliged to undertake any action, or refrain from action.