

# At-Large ccNSO Fol WG's Interim Report on "Revocation" Workspace

**PLEASE NOTE** Webinar relating to this matter => Listen to Recording => "To give a better idea of the progress made to date and an opportunity to answer questions from community members, there will be a webinar: The recordings of the Framework of Interpretation Webinar on Revocation today 12 November. [Mp3](#) (audio recording) [Adobe Connect Recording](#) (visual recording including slides)=

Comment Close Date	Statement Name	Status	Assignee (s) and RALO(s)	Call for Comments	Call for Comments Close	Vote Announcement	Vote Open	Vote Reminder	Vote Close	Date of Submission	Staff Contact and Email	Statement Number
20.12.2013	ccNSO Fol WG's Interim Report on "Revocation"	Adopted 14Y, ON, OA	Rinalia Abdul Rahim (APRA LO)	08.11.2013	10.12.2013	12.12.2013	12.12.2013	18.12.2013	19.12.2013	20.12.2013	Bart Boswinkel <a href="mailto:bart.boswinkel@icann.org">bart.boswinkel@icann.org</a>	AL-ALAC-ST-1213-02-00-EN

## Comment / Reply Periods (\*)

Comment Open Date:  
28 October 2013  
Comment Close Date:  
20 December 2013 - 23:59 UTC  
Reply Open Date:  
21 December 2013  
Reply Close Date:  
31 January 2014 - 23:59 UTC

Important Information Links  
[Public Comment Announcement](#)  
[To Submit Your Comments \(Forum\)](#)  
[View Comments Submitted](#)

## Brief Overview

Originating Organization:  
ccNSO Framework of Interpretation Working Group (Fol WG)  
Categories/Tags:

- Policy Processes
- Top-Level Domains
- Transparency/Accountability

## Purpose (Brief):

The ccNSO Framework of Interpretation Working Group (Fol WG) seeks public comment on its initial interpretations of current policy and guidelines related to "Revocation", which is defined as redelegations undertaken without the consent of the ccTLD manager. "Revocation" refers to the process by which the IANA Operator rescinds responsibility for management of a ccTLD from a manager.

## Current Status:

The Interim Report is published to seek feed-back and input from the community on the proposed interpretations of the current policies and guidelines. This is part of the process for developing recommendations to the ccNSO and GAC and ultimately to ICANN Board on the interpretation of current, existing policy and guidelines relating to the delegation and redelegation of ccTLD's.

## Next Steps:

The WG will closely review all submitted comments to determine at may at its reasonable discretion modify its report. According to its charter the WG is not obligated to include all comments made during the comment period, nor is it obligated to include all comments submitted by any one individual or organization.

The Working Group expects to formally publish its Final Report prior to the next ICANN meeting in London (June 2014)

Staff Contact:  
Bart Boswinkel  
[Email Staff Contact](#)

## Detailed Information

### Section I: Description, Explanation, and Purpose:

The Fol WG identified the applicable policies and procedure statements and reviewed past cases of re-delegations undertaken without the consent of the incumbent operator. Based on this analysis the FOIWG examined issues arising in the context of the applicable policies and procedures and developed draft interpretations summarized below.

- RFC 1591 identifies three mechanisms available to the IANA Operator: Delegation, Transfer and Revocation.
- Under RFC 1591, a Transfer requires the consent of the incumbent ccTLD manager.
- "Revocation" refers to the process by which the IANA Operator rescinds responsibility for management of a ccTLD from a manager.
- The WG interprets RFC 1591 to limit Revocation to cases where the IANA Operator reasonably demonstrates that there are persistent problems with the operation of the domain, or the manager continues to engage in "substantial misbehavior", despite the efforts of the IANA Operator using all means at its disposal to resolve such conduct.
- If a manager is engaged in "substantial misbehavior" or there are "persistent problems in the operation of a ccTLD" and the ccTLD manager is unwilling or unable to rectify the problems to the reasonable satisfaction of the IANA Operator and/or stop the offending conduct, the IANA Operator may propose a Transfer.
- If the manager does not consent to a proposed Transfer, the only mechanism available to the IANA Operator to deal with ultimately intractable problems is Revocation.

- If the IANA Operator revokes a delegation it should attempt, in collaboration with the significantly interested parties, to ensure the ccTLD will continue to resolve names until a suitable replacement can take over.
- The FOI WG believes it is consistent general principles of fairness and with RFC1591 to afford an affected manager the opportunity to appeal a notice of revocation issued by the IANA Operator to an independent body.

The FOI WG seeks community feedback on the following questions:

1. Is the approach used by the working group satisfactory?
2. Do the issues identified by the working group for this topic capture the major problems associated with the topic? If not what is missing?
3. Is the proposed interpretation of the relevant sections of RFC 1591 effective and supported?
4. Are the proposed recommendations effective in addressing the concerns raised in the final report of the DRDWG regarding this topic?

## Section II: Background:

The FOI WG was created by the ccNSO Council following the recommendations of the Delegation and Re-delegation Working Group (DRDWG):

### Recommendation 2: Delegation and re-delegation of ccTLDs

The DRDWG recommends that, as a first step, the ccNSO Council undertakes the development of a "Framework of Interpretation" for the delegation and re-delegation of ccTLDs. This framework should provide a clear guide to IANA and the ICANN Board on interpretations of the current policies, guidelines and procedures relating to the delegation and re-delegation of ccTLDs.

The results of the use of such a Framework of Interpretation should be formally monitored and evaluated by the ccNSO Council after a pre-determined period. If the results of this evaluation indicate that the Framework of Interpretation failed to provide logical and predictable outcomes in ICANN decision making, the ccNSO Council should then launch PDPs on the delegation and re-delegation of ccTLDs.

The Final Report of the Delegation Redelegation and Retirement Working Group (DRDWG) identified the following issues pertaining to "Unconsented Redelegations":

No procedure for re-delegation of a ccTLD without the consent of the incumbent operator. RFC1591 nor ICP1 discuss the re-delegation of a ccTLD without the consent of the incumbent operator. Instead both of these documents discuss the revocation of a delegation by IANA, for cause, followed by a re-delegation to a new operator. This is somewhat confusing given that in these types of situations the revocation has never caused a ccTLD to be removed from the root prior to being delegated to a new operator – thus trying to ensure continued resolution of the domains registered in the relevant ccTLD. This further illustrates some of the issues surrounding the re-delegation of ccTLDs without the consent of the incumbent operator.

The objective of the FOI WG is to develop and propose a "Framework of Interpretation" for the delegation and re-delegation of ccTLDs. This framework should provide a clear guide to IANA functions manager and the ICANN Board on interpretation of the current Policy Statements.

## Section III: Document and Resource Links:

The Interim Report can be found at:

[Interim Report on Revocation](#) [PDF, 220 KB]

## Additional Resources:

Further information on the work of the FOI WG is available at: <http://ccnso.icann.org/workinggroups/foiwg.htm>

## Section IV: Additional Information:

The Interim Report addresses the third of the following topics and which will be considered individually and in the order presented:

- Obtaining and documenting consent for delegation and re-delegation requests
- Obtaining and documenting support for delegation and re-delegation requests from Significantly Interested Parties (sometimes referred to as Local Internet Community or LIC).
- Developing recommendations for un-consented re-delegations
- Developing a comprehensive glossary of the terms used for the delegation and re-delegation of ccTLDs.
- Developing recommendations for IANA reports on delegation and re-delegation.

(\*) Comments submitted after the posted Close Date/Time are not guaranteed to be considered in any final summary, analysis, reporting, or decision-making that takes place once this period lapses.

## FINAL VERSION TO BE SUBMITTED IF RATIFIED

[Please click here to download a copy of the PDF below.](#)

## FINAL DRAFT VERSION TO BE VOTED UPON BY THE ALAC

The ALAC congratulates the ccNSO Framework of Interpretation Working Group (FOIWG) on the outcome of its work to clarify the parameters governing the revocation of ccTLD delegation by the IANA Operator.

The ALAC strongly believes that clarity on revocation parameters as well as a clear and transparent process on the part of the IANA Operator are crucial to ensure that any act of revocation is carried out with accountability, transparency, sensitivity and care, and does not in any way disrupt the continued name resolution for Internet users.

The ALAC agrees with the Working Group's interpretation of RFC 1591, which provides for revocation as one of three mechanisms available to the IANA Operator. We generally support the selected limits of revocation to cases where there are "persistent problems with the operations of the domain" and where there continues to be "substantial misbehavior" on the part of ccTLD managers despite the IANA Operator's best efforts to stop the misconduct. We are also satisfied that the Working Group has defined what constitutes "persistent problems" and "substantial misbehavior" clearly to support appropriate action by the IANA Operator.

The Working Group indicated that it had considered whether the GAC Principles and accompanying guidelines are consistent with the RFC 1591 and whether they provide an aid to the Working Group's interpretation (Section 2.2.2). We do not see any conclusion to these considerations. We note that section 4.3.7.2 appears to factor the GAC Principles in specifying that "If the IANA Operator revokes a delegation it should attempt, in collaboration with the significantly interested parties to ensure the ccTLD will continue to resolve names until a suitable replacement can take over." As a form of good practice, we strongly recommend that the IANA Operator consult with the local government before taking action to revoke any ccTLD operator.

We further suggest the following to strengthen the interpretation work:

1. Specify further the appeals mechanism for the ccTLD manager in the case of revocation in section 4.3.7.3. Operationalization of the interpretation would be more efficient if there is greater clarity on the type and geographic jurisdiction of the "independent body" that would qualify for the appeals process.
2. Request the IANA to maintain accurate and informative reports on cases of re-delegation and to record receipts of delegation transfer consent from the incumbent ccTLD manager so as to better distinguish clear revocation cases when the IANA's performance is reviewed.

With regard to the questions posed by the FOIWG to the community, our responses are as follows:

1. *Is the approach used by the working group satisfactory?*  
Yes.
2. *Do the issues identified by the working group for this topic capture the major problems associated with the topic? If not what is missing?*  
Yes for cases that involve "operational problems" and "substantial misbehavior" on the part of the incumbent ccTLD Operator. One gap that is of concern to our community is the consideration of whether or not the IANA Operator is empowered to act in cases where there is a request for revocation from a local government, which is backed by local law, but where there are no "operational problems" and no "substantial misbehavior" on the part of the incumbent ccTLD Operator. Clarification on how such cases will be handled by the IANA Operator is requested.
3. *Is the proposed interpretation of the relevant sections of RFC 1591 effective and supported?*  
Yes.
4. *Are the proposed recommendations effective in addressing the concerns raised in the final report of the DRDWG regarding this topic?*  
Yes.

## FIRST DRAFT SUBMITTED

The ALAC congratulates the ccNSO Framework of Interpretation Working Group (FOIWG) on its work to clarify the parameters governing the revocation of ccTLD delegation by the IANA Operator.

Clarity on the revocation parameters and process is crucial to ensure that any act of revocation on the part of the IANA operator is carried out with sensitivity and care, as a last resort, and does not in any way disrupt the continued name resolution for Internet users.

The ALAC agrees with the Working Group's interpretation of RFC 1591, which provides for revocation as one of three mechanisms available to the IANA Operator. We support the selected limits of revocation to cases where there are "persistent problems with the operations of the domain" and where there continues to be "substantial misbehavior" on the part of ccTLD managers despite the IANA Operator's best efforts to stop the misconduct. We are also satisfied that the Working Group has defined what constitutes "persistent problems" and "substantial misbehavior" clearly to support appropriate action by the IANA Operator.

In section 2.2.2 of its report, the Working Group indicated that it had considered whether the GAC Principles and accompanying guidelines are consistent with the RFC 1591 and whether they provide an aid to the Working Group's interpretation. We do not see any conclusion to these considerations. However, we do note that section 4.3.7.2 appears to factor the GAC Principles in specifying that "If the IANA Operator revokes a delegation it should attempt, in collaboration with the significantly interested parties to ensure the ccTLD will continue to resolve names until a suitable replacement can take over."

We further suggest the following to strengthen the interpretation work:

1. Specify further the appeals mechanism for the ccTLD manager in the case of revocation in section 4.3.7.3. Operationalization of the interpretation would be more efficient if there is more clarity on the type and geographic jurisdiction of the "independent body" that would qualify for the appeals process.
2. Request the IANA to maintain accurate and informative reports on cases of re-delegation and to record receipts of delegation transfer consent from the incumbent ccTLD manager so as to better distinguish clear revocation cases when reviewing the IANA's performance.

With regard to the questions posed by the FOIWG to the community, our responses are as follows:

1. Is the approach used by the working group satisfactory?

Yes.

1. Do the issues identified by the working group for this topic capture the major problems associated with the topic? If not what is missing?

Largely yes. See the ALAC's comment in the section above for gaps.

1. Is the proposed interpretation of the relevant sections of RFC 1591 effective and supported?

Yes.

1. Are the proposed recommendations effective in addressing the concerns raised in the final report of the DRDWG regarding this topic?

Yes.