

ICANN AND REPRESENTATIVENESS

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The following is an audit that I undertook approximately two months ago in an attempt to ascertain the representativeness of each of the current ICANN DNSO Constituencies.

gTLD REGISTRY CONSTITUENCY

Membership Qualifications: The gTLD Registry Constituency is open to all sponsored and unsponsored top-level domain registry operators that have signed agreements with ICANN to provide Registry Services in support of one or more gTLDs.

Current Members: Afilias, .COOP, Global Name Registry, MuseDoma, NeuLevel, RegistryPro, SITA, and VeriSign.

Representativeness: All eligible parties have joined this constituency.

Voting: Voting privileges are assigned on a sliding scale based upon total domain names under management.

Dues: Approximately \$US 6000.00 annually

Openness & Transparency: The gTLD Registry Constituency principally conducts its activities on a closed and non-publicly archived mailing list, in addition to regularly bi-weekly scheduled teleconferences. Although the constituency does maintain a public list, the frequency and quality of the posts along with the use by the public merely to complain about individual registry issues rather than global registry-level issues, make this public list of questionable value. In addition the Constituency meetings held in conjunction with the ICANN regional meeting have both a private and public session.

Home Page: <http://www.gtldregistries.org>

By-Laws: <http://www.gtldregistries.org/articles.html>

REGISTRAR CONSTITUENCY

Membership Qualifications: The Registrar Constituency is open to all ICANN accredited registrars.

Current Members:

Namesecure	Network Solutions	Registration Technologies
Deutsche Telekom	Enom	Omnis
Go Daddy	Alice's Registry	CSC
Net Searchers/Virtual Internet PLC	TuCows	Gandi
NetBenefit	Active ISP	DotRegistrar
NameScout	000Domains.com	Nordnet
Neteka	Computer Service Langenbach	Namebay

Schlund & Partner	Bookmyname	Dotster
Intercosmos	Domain People	Domainsite
Interdomain	America Online	Melbourne IT
007Names	Domainpro	Domain Bank
Bulkregister.com	Register IT	CORE
dotEarth	France Telecom Transpac	Gabia
AllWest (AW Registry)	MarkMonitor	Ascio
InterAccess	Register.com	Internetters
PSI-USA	1stdomain.net	AGIP
Nominalia	InfoAvenue	

Representativeness: There are an estimated one hundred and sixty (160) ICANN accredited registrars, approximately 50 of which are active members.

Voting: Each registrar is provided one vote regardless of size, however, registrars that own more than 50% of another registrar are not able to exercise multiple votes.

Dues: \$750.00 annually

Openness & Transparency: The Registrar Constituency principally conducts its activities on a closed (limited posting privileges), but publicly archived mailing list. The Registrar Executive Committee holds a weekly teleconference, with periodic constituency wide teleconferences. Participation on the mailing list is open to all ICANN accredited registrars, however, only paid members in good standing are eligible to vote on Constituency matters. All Registrar Constituency meetings are open to the public.

Home Page: <http://www.icann-registrars.org/>

By-Laws: <http://www.gtldregistries.org/articles.html>

ccTLD REGISTRY CONSTITUENCY

Membership Qualifications: Voting Members of the ccTLD Constituency are country code Top Level Domain Registries as recorded in the ICANN/IANA database.

Current Members: All ccTLD registries are all voting members of the constituency by the nature of the charter.

Representativeness: All ccTLD Registries are voting members by definition, however, not all ccTLD Registries have been able to fully participate in this constituency to date. Those ccTLD Registries that have are very representative of the broad and diverse viewpoints that comprise this constituency.

Voting: Each ccTLD registry is afforded one vote regardless of size.

Dues: No established dues structure, voluntary contribution.

Openness & Transparency: The ccTLD Registry Constituency principally conducts its activities on a closed and non-publicly archived mailing list. The Constituency meetings held in conjunction with the ICANN regional meeting are generally open to the public.

Home Page: <http://www.wwtld.org/>

By-Laws: <http://www.wwtld.org/ongoing/bylaws/>

INTELLECTUAL PROPERTY CONSTITUENCY

Membership Qualifications: The Intellectual Property Constituency (IPC) is open to organizations and individuals committed to the advocacy and development of intellectual property as fundamental components of meaningful commercial activity in the national, regional, and global realms, and, more particularly shall: (1) be primarily and substantially involved in the field of intellectual property; and (2) make a substantial contribution through its members or otherwise to the field of intellectual property. Membership in the IPC is categorized into one of three classifications: Category III (international IP organizations); Category II (national IP organizations) and Category I (individuals or organizations that do not qualify for Category I or II status)

Current Members: The IPC current has approximately 66 members falling into the following categories: Category III (20); Category II (11); and Category I (15 companies and firms; 20 individuals). However, there was no list of actual organizations, companies, or individuals found online.

Representativeness: The IPC appears to a very large, diverse and representative constituency reflective of international, national, local and individual viewpoints.

Voting: Only Category II and III members are eligible to vote in a weighted format: Category III (3 votes) and Category II (2 votes).

Dues: Category III (\$1,350); Category II (\$900); Category I – company (\$450) and Category I – individual (\$75).

Openness & Transparency: The IPC principally conducts its activities on a closed (limited posting privileges), but publicly archived mailing list, in addition to regularly scheduled teleconferences. The IPC holds in person meeting both in conjunction and separate from the regularly scheduled ICANN regional meetings. These meetings are generally open to the public.

Home Page: <http://ipc.songbird.com/> and <http://www.ipc-membership.org>

By-Laws: <http://ipc.songbird.com/IPCBylaws.htm>

BUSINESS CONSTITUENCY

Membership Qualifications: The Business Constituency is open to all legally recognized for-profit entities that have been delegated a domain and that uses the Internet to conduct for-profit business, or any organization such as a trade association representing such entities; provided that for-profit entities whose primary relationship with ICANN is as a domain name service provider, such as a registry or registrar, as well as from other groups whose interests may not be aligned with business users are excluded. Membership in the Business Constituency is categorized into one of three classifications: Category I (companies, which are not micro enterprises, and associations spanning more

than one ICANN region); Category II (An association span one ICANN region); and Category III (micro-enterprises with less than 10 employees and under 500,000 Euros in annual revenue).

Current Members: The Business Constituency web site lists the following members, but it does not provide the Category classification of each member.

AIM - European Brands Association	Alstom CIPD	Altronics Inc.
AOL Time Warner Inc.	Asociacion Espanola de Empresas de Productos de Marca	Asociacion Nacional de Industrias Electronicas y de Telecomunicacion
Association pour le Commerce et les Services en Ligne	AT&T	Bollore
British Telecommunications PLC	Caisse des Depots et Consignations	Chanel Inc.
Classics.com / Imaginetwork	Clear Communications Ltd.	Club Informatique des Grandes Entreprises Françaises
Danone	Darwin Group	Deutsche Telecom
e-soluciones	European Telecommunications Network Operators Association	FISAT
Fujitsu Ltd.	Hancock, Rothert & Bunshoft	Intellect
International Air Transport Association	International Chamber of Commerce	LexisNexis
Louis Vuitton Malletier	MEDEF	Motion Picture Association
Movicom – Bellsouth	Pages Jaunes	Philips International BV
Recording Industry Association of America	RNA Partners Inc.	Siemens AG
Simon Property Group	Société Internationale de Télécommunications Aéronautique	Songbird
Stanbrook & Hooper	Talal Abu Ghazal International	Telefonica SA
The Walt Disney Company	Unilever PLC	United States Council for International Business
Verizon	Worldcom	World Information Technology and Service Alliance
World Online		

Representativeness: This constituency is primarily composed of large multi-national corporations, with a handful of International based commercial organizations, and a select few small to medium size businesses. Based upon a review of prior constituency minutes, it appears that this constituency has been contracting instead of expanding. According to the Spring 2000 Cairo minutes, at that time there were approximate 100 members that were sent invoices as opposed to the current approximately 50 paid members. Despite efforts claiming to increase SME participation, the constituency has increased dues for this Category by 150% and raised the qualifications. Previous qualifications for SME was less than 100 employees and under 1 million euros in revenue, these qualifications have been revised to less than 10 employees and under 500,000 euros in revenue, see <http://www.bizconst.org/archive/BCCairo3-2000.doc>.

Voting: All members are able to vote according to the following weighted system Category I (3 votes); Category II (2 votes); and Category III (1 vote).

Dues: Category I (1,500 Euros); Category II (1,000 Euros) and Category III (250 Euros)

Open & Transparency: The Business Constituency principally conducts its activities on a closed and non-publicly archived mailing list, in addition to regularly scheduled teleconferences. Over the last several meetings the Business Constituency has primarily held its open meeting in conjunction with the Intellectual Property and Internet Service Providers Constituency. The Business Constituency is unique in a provision in its charter entitled “solidarity” which requires that “when a member declares themselves as speaking in the capacity of a BC member (as opposed to simply speaking for themselves), members shall remain faithful to approved positions. While fulfilling their official role, the Constituency representatives to the Names Council will be required to support such positions en bloc.”

Home Page: <http://www.bizconst.org/>

By-Laws: <http://www.bizconst.org/bccharter.htm>

INTERNET SERVICE PROVIDERS CONSTITUENCY

Membership Qualifications: The Internet Service Providers Constituency (ISPC) is primary composed of associations, meeting the following criteria: the entity is in the business of operating Name Servers as a service for 3rd parties other than companies affiliated with the respective provider AND (i) they operate an Internet backbone network based on TCP/IP or (ii) they provide transit to either Internet users or 3rd party's Internet content.

Current Members: The ISPC web site lists the following members.

ABRANET	AFA	ANIEL
ASIMELEC	British Telecom	Cabase
Cabinet OY	CAIP	CafeNET
Chunghwa Telecom	CIX	ConcentricNetwork

CSL	Deutsche Telekom	eCOMLAC
ETNO	ETSI	EuroISPA
Eurotel	Excite@Home	France Telecom
Freebuyers Net	Global Crossing	IAWH
InfraServ Gendorf	Interland	ISPC
Knipp	KPNQuest	Mindspring
NTT	Professional Internet	SDNP
Telia	Verio	World.net

Representativeness: This constituency is composed of both organizational members and large international telecommunication providers. The Chair of the ISPC, Mr. Tony Holmes, has stated that the ISPC organizational members represent over 1,000 ISPs.

Voting: Each member has one vote.

Dues: Variable, according to Section 11.1 of the ISPC charter, “[e]ach Member of the ISPC shall pay whatever sum the ISPC determines is necessary to cover the costs of participating in the DNSO through this constituency.”

Open & Transparency: Ascertaining the open and transparent operation of the ISPC was difficult because of a lack of information. By way of example, on the ISPC DNSO website (<http://www.dnso.org/constituency/ispcp/ispcp.html>), the calendar of events last shows the 2000 Marina del Rey meeting, and nothing from 2001 or 2002. The ISP mailing list archives on the DNSO web site are non-operational. On the other ISPC web page (<http://www.ispcp.org/>), most pages are out of date, i.e. inaccurate NameCouncil representatives, or under construction. Nowhere on either of the two ISPC web sites can I find a unique ISP centric position paper on any ICANN issue. It appears that over the last year and half the ISPC has almost uniformly adopted in whole or in part statements made by the business constituency.

Home Page: <http://www.ispcp.org/>

By-Laws: <http://www.ispcp.org/html/eng/3,4.htm>

NON-COMMERCIAL DOMAIN NAME HOLDER CONSTITUENCY

Membership Qualifications: The Non-Commercial Domain Name Holder Constituency (NCDNHC) is open to organizations that: (i) have at least one domain name; (ii) and which are incorporated as a non-commercial entity (in countries that have such a provision in their commercial code), or if unincorporated or operating in a country without provisions for non-commercial incorporation, operate on a not-for-profit basis primarily for non-commercial purposes, and (iii) which are engaged in activities that are primarily non-commercial, including, e.g. political, educational, religious, charitable, scientific and artistic. The NCDNHC specifically excludes commercial entities and

associations of or for the benefit of commercial entities (even if they are non-commercial in form), and also excludes organizations that use the Internet primarily for commercial activity, even if their other activities are non-commercial. The NCDNHC has two types of membership: voting and non-voting. Non-voting members are defined as associations or organizations whose specific goals are to represent the interests of registries, registrars or ISPs or those whose specific interests are to defend the Intellectual Property rights of their associates, as well as sub-groups of parent organizations.

Current Members: A current list of Non-Commercial constituency members can be found online at <http://members.icann-ncc.org/>. The list of members is categorized between small organizations (126) and large organizations (63).

Representativeness: The NCDNHC encompasses a very large and diverse membership list, however, the lack of postings by all these members to the NCDNHC mailing list and the failure of these organizations to pay their dues raises questions about the representativeness of this constituency. In light of the current .org re-delegation, it is possible that this constituency will see an increase in participation and activity.

Voting: Each voting small organization is provided one (1) vote, while each voting large organization is provided two (2) votes.

Dues: Although there is no specific fee provision in the NCDNHC, on the NCDNHC web site it appears that large organizations are invoiced \$300 and small organizations are invoiced \$50. However, it appears that the NCDNHC as of January 2001 had only collected approximately \$5,000, see <http://www.ncdnhc.org/docs/membership-fee/2001-list.html>.

Openness & Transparency: The NCDNHC principally conducts its activities on a closed (limited posting privileges), but publicly archived mailing list. All NCDNHC meetings are open to the public.

Home Page: <http://www.ncdnhc.org>

By-Laws: The NCDNHC are currently operating under revised by-laws that were submitted to ICANN but which have not yet been formally approved, <http://www.ncdnhc.org/docs/charter/drafts/20000921.html>.