

**COMMISSION ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT
(CSTD)**

**Twenty-first session
Geneva, 14 to 18 May 2018**

**Submissions from entities in the United Nations system and elsewhere on
their efforts in 2017 to implement the outcome of the WSIS**

Submission by

Internet Corporation for Assigned Names and Numbers

This submission was prepared as an input to the report of the UN Secretary-General on "Progress made in the implementation of and follow-up to the outcomes of the World Summit on the Information Society at the regional and international levels" (to the 21st session of the CSTD), in response to the request by the Economic and Social Council, in its resolution 2006/46, to the UN Secretary-General to inform the Commission on Science and Technology for Development on the implementation of the outcomes of the WSIS as part of his annual reporting to the Commission.

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2018 ANNUAL REPORT TO UNCTAD: ICANN CONTRIBUTION

Progress made in the implementation of and follow-up to the outcomes of the World Summit on the Information Society at the regional and international levels

Executive Summary

ICANN is pleased and honoured to be invited to contribute to this annual UNCTAD Report. We value our involvement with, and contribution to, the overall WSIS process and to our relationship with the UN Commission on Science and Technology for Development (CSTD) and, currently, membership of its Working Group on Enhanced Cooperation.

2017 has been a busy and important year for ICANN and for the Internet Governance Ecosystem in general. For ICANN, post the IANA Transition which completed in September 2016, it saw a continued focus on enhanced Accountability measures (as described below) and extensive work on compliance with the EU regulation on data protection (the GDPR). Work is also being taken forward on a possible subsequent gTLD application process and on a mechanism for distribution of new gTLD “auction” monies.

On wider Internet Governance issues ICANN has, in this last year, been engaged, pursuant to our mandate and mission, in a range of activities. These have included being part of the Technical Community representation in the Enhanced Cooperation Working Group (ECWG) under the CSTD (which concludes its work in February this year), contributing to the ITU WTDC meeting in Buenos Aires in October and supporting and taking part in the 2017 IGF in Geneva in December.

We were also involved as a partner in the annual WSIS Forum (which is an increasingly important opportunity to reflect on the importance of the ongoing but evolving WSIS process) and took part in the Indian hosted Global Conferences on Cyberspace (GCCS) in November.

Detail

1. GDPR Consultations and Dialogue

The European Union’s General Data Protection Regulation (GDPR)¹ which comes into effect in

¹ <https://www.eugdpr.org/>

May is a significant piece of legislation, replacing previous legislation on data protection which was promulgated back in 1995. It is relevant in the context of WSIS Action Lines 5 and 6 as it both has a major influence in the Trust and Confidence in the use of ICTs as well as through helping to facilitate an Enabling Environment in which on-line services can grow and flourish.

ICANN, as a party to contracts with Registries and Registrars for the promulgation and sale of generic domain names, has been facilitating an extensive dialogue with such contracted parties and other players to ensure, that where data is collected from EU citizens (whether the registry or registrar is based in the European Union or elsewhere) the provisions of the GDPR are met. The latter may require that the process under which personal information entered by the contracted parties into the WHOIS database² and subsequently made public, has to be adjusted. This, again, is pertinent to the WSIS Action Line 5 as the WHOIS contributes towards consumer protection in facilitating transparency in the ownership of domain names.

2. Enhancing ICANN Accountability – Workstream 2

As recorded in the contribution ICANN made to the Annual WSIS Report last year, extensive work had been taken forward by the ICANN Community to put in place enhanced Accountability measures in parallel to the measures necessary for the IANA Transition which took place in September 2016. These measures included the establishment of the (so-called) Empowered Community³ which ensures that the different ICANN stakeholders can come together to take steps to ensure the Board and ICANN Organisation are fulfilling the ICANN Mission and Bylaws (for example by rejecting the annual ICANN budget) or by removing Board members.

Since the IANA Transition work has continued on a number of additional accountability processes in the (so-called) Workstream 2⁴, including a framework for assessing the human rights implications of different policy processes at ICANN (such as on new gTLDs) and on jurisdiction (for example looking at under which laws registry and registrar contracts could be concluded). It is anticipated that the bulk of this work will conclude by the summer.

In addition to specific work items on Accountability, ICANN pursues a number of activities to

² <https://whois.icann.org/en>

³ <https://www.icann.org/ec>

⁴ <https://community.icann.org/display/WEIA/WS2+SubGroup+Topics>

ensure there is maximum transparency, effectiveness and accountability of all the different processes undertaken, including reviews of the various stakeholder groups, regular Calls with the ICANN leadership and establishment of complaint mechanisms⁵

3. Subsequent gTLD Application process

Since the launch of the (new) gTLD Application Round in March 2012, over 1200 new names have been delegated to the root of the Internet, with domain names with extensions like .Africa, .Pars; .London, .news and .bank now being seen. By the end of this year it is expected there will be around 1300 generic top level domains in existence.

During 2016 a number of Reviews were initiated to assess the impact of this significant expansion of the generic domain name space, not least to look at the economic impact and to assess how competition, consumer choice and trust have been affected. In addition, there is also a review looking at the effect of the new gTLDs on Rights Protection and whether the current mechanisms appropriately protect rights holders

Concurrently a new policy development process⁶, within the ICANN Community, was initiated to develop an appropriate framework under which further top level generic domain names could be applied for, this taking full account of the various reviews mentioned above.

Within this process three streams of work are currently underway, each with a specific focus. Firstly, different TLD types, secondly, predictability/community engagement, and thirdly, application submission periods. The Working Group plans to complete a first reading on the overarching issues in these three streams of work in the coming months. Draft recommendations for changes, if any, to the existing gTLD policies, will be put out for public comment in the normal way.

A latest update on this important process for ICANN, which also has ramifications for WSIS Action Line Action Line 8 – especially in terms of promoting cultural diversity and local content -

⁵ <https://www.icann.org/resources/accountability>

⁶ <https://gnso.icann.org/en/group-activities/active/new-gtld-subsequent-procedures>

can be found in the latest Newsletter⁷.

The ultimate challenge is to ensure that any further expansion of the generic domain name space enhances geographical diversity while reflecting the global nature of the Internet.

4. Cross Community Working Group (CCWG) on Auction Proceeds

The new gTLD Program established auctions as a mechanism of last resort to resolve string contention; this being where the same name (for example .app) was applied for by more than one applicant.

Most string contentions (approximately 90% of the sets) have been resolved through other means such as negotiations between the parties, but a number have progressed to ICANN facilitated auctions. The auction proceeds from these have been reserved and earmarked until the ICANN Community and the Board decide on a plan for the appropriate use of the funds.

A Cross Community Working Group (CCWG)⁸ was established last year for determination of a mechanism for allocation of funding including, as appropriate, an application process. It is unlikely that any process will be initiated until 2019. It has, though, been noted, that as a consequence of ICANN bylaws the monies have to be used solely in pursuance of the ICANN Mission

5. CSTD Working Group on Enhanced Cooperation (WGEG)

The Working Group⁹ was established pursuant to the WSIS+10 review process in December 2015¹⁰. It first met in September 2016 and will conclude its deliberations this month (January) with a report being submitted to the UN CSTD in the Spring. ICANN is a member of the representation from the Technical Community along with both ISOC and DIPLO.

The work of the Group is important, in relation to the purpose of this exercise (the follow-up to the WSIS) as it has the opportunity to reflect on both the progress that has been made since

⁷ <https://gnso.icann.org/en/news/working-group-newsletters/newsletter-new-gtld-subsequent-procedures-06dec17-en.pdf>

⁸ <https://community.icann.org/display/CWONGAP/Cross-Community+Working+Group+on+new+gTLD+Auction+Proceeds+Home>

⁹ <http://unctad.org/en/Pages/CSTD/WGEC-2016-to-2018.aspx>

¹⁰ http://unctad.org/en/PublicationsLibrary/ares70d125_en.pdf

2005 in the role of governments and other stakeholders in deliberating on Internet public policies and the challenges that still exist. It would be incomprehensible to current decision makers in the ICT space if the Working Group cannot make progressive recommendations on how Internet public policy processes should be effected for the benefit, and with the inclusion, of all.

6. Internet Governance Forum (IGF 2017)

The 2017 IGF¹¹ took place at the UN Palais de Nations in Geneva in December; with the physical participation of over 2000 people from over 140 countries; and with 32 remote hubs and over 1500 on-line participants. They enjoyed over 250 different sessions covering the Internet Governance waterfront. Opened by the President of the Swiss Federation and with a video message from the UN secretary General this was a significant event in terms of the overall WSIS process.

ICANN has been a friend and keen supporter of the IGF since it started in 2006 and is passionately committed to its future. It is the only legitimate global fora for the discussion of the whole range of IG issues, as determined under the WSIS process, and as such should be supported by all WSIS Stakeholders. It would be appropriate for the Report of the Secretary General this year to highlight the need, a fact recognised in the closing ceremony of the 2017 IGF, for more financial and other support from governments and other stakeholders.

ICANN, in addition to being a contributor to the IGF Trust Fund, takes an active part in the Programme and this year, in addition to holding an Open Forum with participation of our CEO and Chairman of the ICANN Board, also took part in a number of different workshops, including on the importance of civil society in ICANN processes and policy making and emerging Internet identifier systems.

ICANN; January 2018

¹¹ <https://www.intgovforum.org/multilingual/>