



MICHEL MEDRISH: “THE FUTURE ARCHITECTURE OF THE CONTROL OVER IANA FUNCTIONS IS STILL UNCLEAR”



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The 52nd ICANN meeting in Singapore was the first time when I participated as a representative of the organization that is a member of At-Large ICANN community. Internet Support Foundation, which I head as the director, was accepted to the community designed to protect the interests of users one week before the conference started. Our Foundation today is the first and only representative of Russia in the ICANN At-Large Community.

The claimed intention of the US Government to transfer its stewardship role over IANA functions to the multistakeholder community last March was confirmed by Larry Strickling this time. But, unfortunately, the architecture of the future construction is still unclear.

There is no clear outline which body will control how well ICANN carries out its functions, or what will happen if the quality of implementation of the IANA’s function proves to be unacceptable. Who will intervene and how?

The absence of any decision has been implicitly declared by the ICANN CEO Fadi Chehade in his speech at the meeting of the ICANN Board with GAC (Governmental Advisory Committee). He almost explicitly said that such body fails to be established neither as a continuation of the NetMundial process, nor as a continuation of the World Economic Forum in Davos. And there were no alternatives announced either from the tribune or from the sidelines. It is fair to say that one alternative was voiced before the meeting from Regional Registries that offered to become such authority. However, this option was not even discussed in any of the meetings that I was able to attend. Thus, the prolongation of the NTIA contract with ICANN is almost inevitably going to

happen, and the transition of control functions over IANA inevitably will not happen in September this year.

Finally, as you know, the US government demanded to end business activities in Crimea of all companies under the US jurisdiction on February 1. This order was executed by two major registrars GoDaddy and 101Domains, who had clients in Crimea. Termination of their services would lead to the termination of the registration and delegation to 2000 domain names. When I asked the ICANN staff, what had actually happened, I was surprised to hear in response that ICANN has nothing to do with this situation, since the incident is within the business relationships, where risks are common. Moreover, my conversations with colleagues from the At-Large gave similar results. Such a reaction is very regrettable.

In this case we should not focus on the business relationship, but rather on the absence of appropriate procedures in ICANN to help users to save their domain names. There is a procedure for the case of the "death" of a registrar, so it is clear what to do to save the domain names, if the registrar has completely stopped servicing its customers. But there is no procedure in case of partial termination of service. Simply, there is no such a procedure, no one thought of who and what should do to protect the rights of the users of registration system in such a case. This incident was a stress-test that revealed the absence of the necessary procedures in the case of a partial "death" of a registrar on the one hand, and the lack of understanding by ICANN staff the situation which had to be considered solely from the standpoint of the need to protect the rights of users on the other hand. This important test has been failed.