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### 120 DAYS NOTICE and other Limitations to ICANN's Power

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#### **Abstract.**

*The Internet Corporation for Assigned Names and Numbers [ICANN] has been established to assume responsibility for the Internet Protocol [IP] address space allocation, protocol parameter assignment, domain name system [DNS] management and root server system [RSS] management functions. The paper deals with the legal nature of ICANN, the questions of ICANN's legitimacy and international public law aspects of Internet Governance. Further, the paper discusses certain contractual and de facto limitations to ICANN's power. The paper particularly tries to point out, that ICANN's decisions go far beyond the sole technical coordination of the core Internet functions. The paper stresses the fact, that the nucleus of Internet Governance - the administration of the root-file - still lies under full control of the U.S. Department of Commerce. Hence, as long as ICANN (and the Internet community) is still fully dependent on the good will of the U.S. administration, ICANN's rulemaking can only be classified as self-regulation under the control of the U.S. government. The planned structural reform should focus on the next steps to self-regulation. More initiatives may be taken by the EU and its member states.*

#### **Introduction**

The International Corporation for Assigned Names and Numbers (ICANN) describes itself as the technical regulator of the Internet. ICANN's responsibility for the Internet Protocol [IP] address space allocation, protocol parameter assignment, domain name system [DNS] management and root server system [RSS] management raises some well founded doubts that ICANN's role goes beyond this limited technical role [Froomkin 2000]. Very often, the ICANN is regarded as the best example of functioning self-regulation. This opinion can be challenged because ICANN's powers are derived from a contractual arrangement with the U.S. government, in particular the Department of Commerce. The role of self-regulation seems to be subject to the continuing approval.

In this paper we focus on ICANN's powers and its limitations. The remainder of the paper is organised as follows: In Section 2 we deal with the legal nature of ICANN. The delicate question of technical vs. political mandate is discussed in Section 3. In Section 4, we discuss ICANN's legitimation and we describe the limitations to ICANN's power. Finally, we provide some conclusions.

#### **Legal Nature of ICANN**

The Internet Corporation for Assigned Names and Numbers[1] is a non-profit corporation that was

formed in October 1998 to assume responsibility for the IP-address space allocation, protocol parameter assignment domain name system (DNS) management and root server system (RSS) management functions. Most of these functions that can be summarized as the core of Internet Governance previously have been performed by the Internet Assigned Numbers Authority[2] (IANA) and other entities, especially Network Solutions, Inc. (NSI) [3] under U.S. government contract. The history of the Internet and the development of Internet Governance have already been described in detail by various authors [see e.g. Froomkin 2000] and can be summarised by the following milestones: The edition and administration of the first hosts.txt-file by Peggy Karp and hereupon by Jon Postel - first at the Stanford Research Institute (SRI) and afterwards at the Information Science Institute (ISI) / University of Southern California (USC); the establishment of the IANA, the strong role of the Internet Engineering Task Force (IETF) and W3C in developing technical standards, the assignment of domain name registration to (NSI); the privatisation process starting with the Internet ad hoc Committee (IAHC), the generic TLD-Memorandum of Understanding, etc.. As a result of this process, the U.S. government decided to transform this rudimentary structure of the Internet administration. The first official proposal - the U.S. Department of Commerce's Green Paper[4] - already suggested the establishment of a new corporation taking over the management of the Internet. After critical comments including an official statement by the EU, U.S. Department of Commerce's White Paper[5] was accepted by the EU[6]. Finally the establishment of the new "overall authority"[7] ICANN. With regard to the legal nature one has to admit, that ICANN seems to be fairly unique: ICANN formally is organized under the California Non-profit Public Benefit Corporation Law for charitable and public purposes. As the Articles of Incorporation state, ICANN is a non-profit public benefit corporation and is not organized for the private gain of any person[8]. Nevertheless the mentioned Articles of Incorporation also state, that ICANN shall operate for the benefit of the Internet community as a whole, carrying out its activities in conformity with relevant principles of international law and applicable international conventions and local law and, to the extent appropriate and consistent with these Articles and its Bylaws, through open and transparent processes that enable competition and open entry in Internet-related markets. To this effect, the Corporation shall cooperate as appropriate with relevant international organizations[9].

The essential decision-making organ of ICANN is the Board of Directors according to ICANN's Bylaws[10] (in the following: ICANN Board). The ICANN Board consists of 18 members and the president (CEO) of ICANN *ex officio*. Each of the three *supporting organizations* - Address Supporting Organization (ASO), Domain Name Supporting Organization (DNSO) and Protocol Supporting Organization (PSO) - nominates three members of the ICANN Board. Nine members are elected by direct vote of the *At Large members* (registered Internet users). ICANN is a new type of an international non-governmental organisation (NGO) with a strong role of the stakeholders from the business world and the Internet Community. Governments are represented in the Governmental Advisory Committee[11] that has only an advisory function. Other advisory committees are for instance the Root Server System Advisory Committee or the At-Large-Membership Study Committee. Only the Supporting Organisations and the public - At-Large-members - are represented in ICANN's Directors Board. National governments have no right to send representatives to ICANN's decision-making and executive bodies.

The main legal documents for ICANN's powers are the 1998 Memorandum of Understanding (MoU) [12] between the U.S. Department of Commerce (DoC) and ICANN, the Transition Agreement[13] regarding the IANA functions between the USC and ICANN and the Cooperative Research & Development Agreement (CRADA)[14] between the DoC (acting via NIST and NTIA) and ICANN. The mentioned MoU therefore is one of the three pillars of ICANN's authority. In this MoU, DoC and ICANN agreed to "*jointly design, develop, and test the mechanisms, methods, and procedures that should be in place and the steps necessary to transition management responsibility for DNS functions now performed by, or on behalf of, the U.S. Government to a private-sector not-for-profit entity*" in order to prepare the ground for the transition of DNS management to ICANN [Froomkin 2000]. The CRADA engaged ICANN to study how to improve the IANA functions - especially the

management of the Root Server System. ICANN's role regarding the coordination and management of the RSS can be described as a collaborative and study partner:: "[...] *The **collaboration** will address: Operational requirements of root name servers, including host hardware capacities, operating system and name server software versions, network connectivity, and physical environment. Examination of the security aspects of the root name server system and review of the number, location, and distribution of root name servers considering the total system performance, robustness, and reliability. Development of operational procedures for the root system, including formalization of contractual relationships under which root servers throughout the world are operated. The **study** will address the technical management of the entire Internet (DNS) root server system, including all (currently thirteen) root servers located throughout the world and the techniques and equipment for generating, maintaining, and distributing authoritative root zone files. [...]*"[\[15\]](#)

ICANN's real takeover of the DNS may date to the agreement with the USC: USC transferred some of IANA's assets and personnel to ICANN, and ICANN agreed to pay IANA's bills [Froomkin 2000]. As *Froomkin* [Froomkin 2000] rightly stresses, DoC (at that stage) had not agreed to the transfer. Within weeks, DoC closed the gap by announcing that it intended to issue a sole source contract to ICANN for the IANA function on the grounds that ICANN was the only responsible source available. DoC's purchase order[\[16\]](#) to ICANN for IANA services allows ICANN to establish and collect fees from third parties, subject to review by DoC, so long as the fees reflect the actual cost of providing the service. A service fee for ICANN is not foreseen.

As *Kleinwächter* [Kleinwächter 2000a, 2000b] rightly points out, ICANN is neither a Transnational Corporation (TNC)[\[17\]](#), nor an International Organization (IO) hence it was not established by international treaties. Nevertheless various IO either take part in ICANN's Supporting Organisations - particularly the International Telecommunications Union (ITU) - or are member of the GAC [for instance the World Intellectual Property Organization (WIPO) and the Organisation for Economic Co-Operation and Development (OECD)]. Also the EU is directly represented in the GAC[\[18\]](#).

ICANN may be seen as a product of a new transnational order, that is in characterised by increased international networking of persons, private organisations, commercial enterprises and various entities of government [Slaughter 1995]. Increasingly governments, transnational actors and NGOs cooperate in a new, flexible way of *governance*, that pretends to be able to overcome global challenges [Somek 2000]. The enhanced communication of government institutions of different states leads to a new form of mutual work-sharing and support in regulation, the liberal model certainly would support the self-regulation of citizens in the international space of the Internet [Schweighofer / Proksch 2001]. The well-founded analysis of *Perritt jr.* [Perritt 1998, Perritt 2000] shows that Internet will change the concept of sovereignty of states. The role of territorial sovereignty will be reduced leaving space for a more liberal approach.

According to *Price and Verhulst* [Price / Verhulst 2000] the means of governing or controlling the behavior of industry players can be classified through three forms of economic and social organization: government organization, industry self-regulation and market organization. Further, they argue, that self-regulation can be seen as the range of activity by private actors undertaken to prevent more intrusive and more costly action by government itself. *Price and Verhulst* hereupon distinguish between various kinds of self-regulation: *mandated self-regulation*, in which the industry is virtually required by the government to formulate and enforce norms within a framework defined by the government; *sanctioned self-regulation*, in which the collective group itself formulates the regulations, which are then subject to government approval; *coerced (or enforced) self-regulation*, in which the collective group itself formulates and imposes regulation in response to governments' threats of statutorily imposed regulation (f.e. the creation of the Press Complaints Commission in UK[\[19\]](#)); and *voluntary self-regulation*, where there is no active state involvement.

As *Swire* [Swire 1997] correctly points out, self-regulation - like government regulation - can occur

in the three traditional components of the separation of powers: legislation, enforcement, and adjudication. He also stresses the fact, that an industry-organized process can "regulate" at one or more of the three stages, although probably the greatest amount of self-regulation occurs at the legislative stage.

If one gives a closer on the self-regulatory structure, ICANN has to qualified as an organization *sui generis* [Proksch 2001]. Its status remains dependent on the laws of the state of incorporation. From an international lawyers perspective, ICANN can be seen as a non-governmental international organization in a framework of multi-level governance [Schweighofer 2001]. It has to be noted that ICANN itself stresses its technical mandate. The following Sections discuss the questions, if ICANN's regulation goes beyond its technical mandate and - if so - wherefrom ICANN could possibly derive its legitimation.

### **Technical vs. Political Mandate**

It is obvious that many functions of the management of the Internet are purely technical questions: daily management of root servers, IP addresses, domain names etc., which could be the typical scope of an IO with technical-functional task orientation. But ICANN's role is not limited to this purely technical questions. ICANN not only has the power the regulate the technical parameters of the Internet Protocol, but it can introduce new gTLDs and provides an efficient domain name dispute settlement structure. Already the deployment of Ipv6 has important consequences for routers but also governmental regulators [Schweighofer / Proksch 2001]. New gTLD change the domain name space in a dramatic way leading to new challenges in the related business world. Therefore, the technical milestones of the Internet have an important political element. ICANN as the regulator of these parameters has a strong political role.

ICANN's argument, that the corporation only performs technical coordination of the core functions of the Internet, is simply wrong. Already *Froomkin* [Froomkin 2000] has clearly pointed out, that ICANN is not at all engaged in mere technical standard setting, but in either regulation or governance. The introduction of new gTLDs, the accreditation of gTLD registrars, the development and implementation of the Uniform Domain-Name Dispute-Resolution Policy (UDRP), the accreditation of four dispute-resolution service providers<sup>[20]</sup>, contain very view technical elements and clearly have to be qualified as policy making.

*Froomkin* [Froomkin 2000] comes to the conclusion, that the ICANN seems to be used by the U.S. Department of Commerce (DoC) instead of an executive agency. He specifically points out, so long as ICANN is making policy decisions, however, DoC's arrangement with ICANN either violates the U.S. Administrative Procedure Act [APA] and its requirement for notice and comment in rulemaking and judicial review, for ICANN is making rules without APA rulemaking, or it violates the U.S. Constitution's non-delegation to private parties doctrine.

The point is not only, that *Froomkin* was and still is right, but that the situation obviously has become worse. The following Section will try to show, that on the one hand there are important limitations to ICANN's power. With regard to the areas where ICANN is already engaged in policy making, ICANN's legitimation to regulate and to govern has to be questioned, specifically in checking the apparent carelessness of the EU and DoC's ongoing refusal to real privatisation or stronger international legitimation.

### **Limits to ICANN's power & ICANN's Legitimation**

Constitutional and international public law experts have analysed this new global governance concept and checked out ICANN's legitimation. Given the fact that the Internet is a matter of global public interest, it seems clear that states, international organisations, local government, transnational corporations, groups of the civil society, especially non-governmental international organisations

(NGO), will have to co-operate in a new form of multi-level governance. ICANN fits quite well into this structure because as an organisation sui generis (comparable to a NGO) ICANN forms part of this structure. As long as ICANN remains quite independent states may accept this somehow quite unusual solution. However, the U.S. government has chosen a non-profit corporation based on Californian law.

Therefore, ICANN's role is fully dependent on U.S. jurisdictions but also the will of the U.S. Government to extend ICANN's mandate. As is stated in Art. VII[21] of the (recently again amended) MoU between ICANN and the DOC: *"The Agreement will terminate on September 30, 2000, but may be amended at any time by mutual agreement of the parties. Either party may terminate this Agreement by providing one hundred twenty (120) days written notice to the other party. In the event this Agreement is terminated, each party shall be solely responsible for the payment of any expenses it has incurred. This Agreement is subject to the availability of funds."* However, the period and term of agreement (originally only until 30<sup>th</sup> of September 1999) in a row has been extended for another year (until the 30<sup>th</sup> of September 2002) the fourth year. Nevertheless, this demonstrates very clearly, that - if DoC decided to drop the ICANN-project, it could simply not prolong the agreement anymore or - even worse - terminate the agreement by just providing one hundred twenty days (120) written notice to ICANN. That means, that the DoC can regain and take over all powers it has given to ICANN whenever it wants to.

But even more important is the fact, that ICANN is only formally in charge of the RSS: The so-called root-zone (root-file) is still stored on the A-Root-Server at Network Solutions, Inc. (NSI, now a VeriSign[22] company) and administered under U.S. Government Contract: In 1993 the U.S. Government (via National Science Foundation [NSF][23] conferred the administration of the primary (or Master-) Root-Server exclusively to NSI [*Cooperative Agreement*[24] 1993]. Further, the above mentioned CRADA between the DoC and ICANN determines, that "[...] *Any change(s) in the designated authoritative source for root zone files must be approved by the Department of Commerce in a separate document [..]*." [25] That means actually, that ICANN still has no more rights than to suggest or propose changes - which have to be approved by DoC and, hereupon, have to be implemented *de facto* by VeriSign, Inc.. Although originally DoC may have been planned to confer the administration of the legacy root-zone-file to ICANN, today it seems less likely than ever. DoC's previous position seemed to be, that it would transfer the competence regarding the root-zone to ICANN, when ICANN complied with the condition, to sign proper agreements and contracts with all gTLD-registries and registrars, with the ccTLD-registries and with the Root-Server-providers. But, in December 2001, Nancy Victory, Assistant Secretary at the National Telecommunication and Information Administration (NTIA), told the *National Journal's Technology Daily*: *"Regarding the A Root server, the Department of Commerce has no plans to transfer policy control [....]"* [26]. Besides that, ICANN has failed to contract even one of the 13 root-server providers. However, there are agreements with the main gTLD-registries and the accredited registrars[27], whereas there is up till now only one agreement with a ccTLD-registry (the ccTLD Sponsorship Agreement regarding .AU).

There are further limitations to ICANN's power, but it would exceed the frame of this paper, to discuss them in detail. F.e. the administration of the gTLDs .gov, .mil and .edu (understandably) never has been conferred to the ICANN[28].

However, the EU does not seem to care a lot about ICANN's legitimacy and its relation to the DoC: EU's position has been made clear in the Communication of the EU Commission concerning the Organisation and Administration of the Internet (COM (202) 2000)[29]: Although the EU-Commission recognises the fact, that *"even within their narrowly defined remit, it is already the case that ICANN and the [Governmental Advisory Committee] are taking decisions of a kind that governments would, in other contexts, expect to take themselves in the framework of international organizations."*, the same commission-document states, that "[...] *In general governments do not seem to wish to exercise a more direct decision making role in the organisation and management of the Internet infrastructure. Accordingly they are generally supporting the US government's position*

*in this matter. Furthermore, the ICANN Board has in practice been responsive to the advice of the GAC. There has been no difference of opinion, to date, that might have tested the willingness of the governments to accept a - formally - secondary role in this context." EU-Commissions only restraint to this position is, that if "ICANN [should] extend its influence tacitly or de facto to other policy areas where governments found that the interests of their general public were being affected, or in the event of a significant disagreement between the Board and the GAC, then the current relationship would probably have to be re-visited."*

It has to be pointed out very clearly, that interests of the general public are ALREADY strongly affected by ICANN's decisions. As has been shown in the 3<sup>rd</sup> Section, ICANN is already strongly engaged in policy-making. On the other hand, the EU ignores the fact, that - with regard to changes in the root-zone - ICANN is quite powerless. As long as ICANN (and the Internet community) is still fully dependent on the good will of the U.S. administration, ICANN's rulemaking can only be classified as self-regulation under the control of the U.S. government. It may be qualified as unilateral, semi-private, U.S. regulation. The Internet-community, the EU - and the rest of the world, therefore certainly should re-visit their position regarding the ICANN.

On February 24<sup>th</sup> 2002, ICANN's president Stuart Lynn posted a discussion-paper for a structural reform on ICANN's website[30]

<http://www.icann.org/general/lynn-reform-proposal-24feb02.ht>

: He suggests that ICANN doesn't have enough money or enough power. Particularly, he proposes a complete structural reform of ICANN and specifically, an integration and participation of representatives of governments, representing the "public interest", in ICANN's Directores Board. As *Johnson and Crawford* [Johnson/Crawford 2002][31] correctly point out, his paper doesn't mention the existence of contracts between the registries/registrars and ICANN. *Johnson and Crawford* argue rightly, that these contracts give ICANN its only powers, aside from those de facto delegated by the U.S. Department of Commerce by deferring to ICANN's recommendations regarding what new TLDs to add to the root zone file. As they put it, it appears that Mr. Lynn's proposal overlooks the most fundamental characteristics of the organization he seeks to reform.

Further, it has to be noted, that Green Paper's and White Paper's guidelines of „private bottom-up coordination and representation" apparently are finally thrown over board. The reform-proposal does not mention the control over the root-zone at all. ICANN tries to gain legitimacy through the incorporation of representatives of governments, whereas the main topic - the control of the heart of the Internet - seemingly remains unresolved.

**Conclusion:** *The Internet Corporation for Assigned Names and Numbers [ICANN] has been established to assume responsibility for the Internet Protocol [IP] address space allocation, protocol parameter assignment, domain name system [DNS] management and root server system [RSS] management functions. As we tried to show, ICANN's decisions go far beyond the sole technical coordination of the core Internet functions. Nevertheless, the nucleus of Internet Governance - the administration of the root-file - still lies under full control of the U.S. Department of Commerce. As long as ICANN (and the Internet community) is still fully dependent on the good will of the U.S. administration, ICANN's rulemaking can only be classified as self-regulation under the control of the U.S. government. Mr. Lynn's proposal for a structural reformed ICANN gives the impression, that Green Paper's and White Paper's guidelines of „private bottom-up coordination and representation" are finally thrown over board. The Internet-community, the EU - and the rest of the world, now more than ever should re-visit and re-think their position regarding the ICANN. The EU-member-states should very much occupy themselves with this topic. The planned structural reform should focus on the next steps to self-regulation. More initiatives may be taken by the EU and its member states.*

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[1] For detailed information we refer to the ICANN website <http://www.icann.org/>; a summary of ICANN's basic structure can be found at <http://www.icann.org/general/structure.htm>. ICANN's bylaws: <http://www.icann.org/general/bylaws.htm>. For information regarding ICANN's activities see the website of the ICANN-studies-circle <http://www.icann-studienkreis.net/>, for a summary of Internet Governance and e.g. ICANN-history see Froomkin, M. A. (2000): Wrong Turn in Cyberspace: Using ICANN to Route Around the APA and the Constitution, 50 Duke L.J. 17, online available under <http://personal.law.miami.edu/~froomkin/articles/icann.pdf> and Proksch, W. (2001a): Internet Governance – Die Verwaltung des Internet. in Walter Lattenmayer, Arno Behm (Hrsg.): Aktuelle Rechtsfragen des Internets : E-Governance - E-Mail - E-Commerce und elektronische Signatur, Verlag Manz, ISBN 3-214-07083-5, S. 10ff; Vienna 2001

[2] For further information regarding the IANA see the IANA website <http://www.iana.org/>

[3] For further information regarding NSI (now a VeriSign company) see the NSI website under <http://www.netsol.com/>

[4] U.S. Department of Commerce / NTIA: Improvement of Technical Management of Internet Names and Adresses, Docket No. 980212036-08036-01) = RIN 0660-AA11, online available under <http://www.ntia.doc.gov/ntiahome/domainname/022098fedreg.htm>

[5] [1] U.S. Department of Commerce / NTIA: Management of Internet Names and Addresses, Docket No: 980212036-8146-02, 1998, online available [http://www.ntia.doc.gov/ntiahome/domainname/6\\_5\\_98dns.htm](http://www.ntia.doc.gov/ntiahome/domainname/6_5_98dns.htm)

[6] See Communication from the Commission to the Council and the European Parliament - Internet Governance - Management of Internet names and addresses - Analysis and assessment from the European Commission of the United States Department of Commerce White Paper, COM(1998) 476.

[7] See RFC 1591, that stated IANA's overall authority for the IP-Addresses, the Domain Names etc.. All RFCs are online available at IETF's website <http://www.ietf.org/>

[8] See article 3 of ICANN's Articles of Incorporation, online available under <http://www.icann.org/general/articles.htm>

[9] See digit 2 of ICANN's Articles of Incorporation, online available under <http://www.icann.org/general/articles.htm>

[10] <http://www.icann.org/general/bylaws.htm>.

[11] For further informations regarding the GAC see the GAC website under <http://www.noie.gov.au/projects/international/DNS/gac/index.htm>

[12] The full text of the MoU, including all amendments that have been made can be found online <http://www.icann.org/general/icann-mou-25nov98.htm>; although the denotation is "MoU", it has to be understood as an agreement, because rights and obligations of ICANN are arranged.

[13] The full text of the Transition Agreement can be found online under <http://www.icann.org/general/usc-icann-transition-agreement.htm/>

[14] The full text of the CRADA is online available under <http://www.icann.org/general/agreements.htm>

[15] See CRADA, Appendix A, digit 10. *ibid*

[16] The purchase order is online available under <http://www.icann.org/general/iana-contract-09feb00.htm>

[17] See for the definition and law of transnational actors: Hummer W.: Politisch bedeutsame transnationale Akteure an oder unter der Schwelle der Völkerrechtssubjektivität, Österreichisches Handbuch zum Völkerrecht<sup>2</sup>, 1 Textteil, 1991, RZ 1075 ff, pp. 205-216,

[18] See the GAC accredited representatives site under [http://www.noie.gov.au/Projects/international/DNS/gac/contact/gac\\_representatives.htm](http://www.noie.gov.au/Projects/international/DNS/gac/contact/gac_representatives.htm)

[19] The Press Complaints Commission is an independent body which deals with complaints from members of the public about the editorial content of newspapers and magazines. Further information regarding the PCC see the PCC's website under <http://www.pcc.org.uk/about/whatis.html>

[20] For further information regarding the four current dispute-resolution service providers WIPO, CRP, NEF and ADNDRC see ICANN's UDRP-site <http://www.icann.org/dndr/udrp/approved-providers.htm>

[21] See Art. VII of the MoU, online available at ICANN's website under <http://www.icann.org/general/icann-mou-25nov98.htm>

[22] See the VeriSign, Inc. website under <http://www.verisign.com/>

[23] For further information regarding the NSF see NSF's website under

[24] [http://www.cavebear.com/nsf-dns/nsf\\_nsi\\_agreement.html/](http://www.cavebear.com/nsf-dns/nsf_nsi_agreement.html/)

[25] See CRADA, Appendix A digit 10. The full text of the CRADA is online available under <http://www.icann.org/general/agreements.htm>

[26] See Heise newsticker 21.12.2001: DNS soll unter US-Aufsicht bleiben; online available under <http://www.heise.de/newsticker/data/jk-21.12.01-001/>

[27] See for an overview over the current agreements <http://www.icann.org/general/agreements.htm/>

[28] The gTLD .mil is directly administered and managed by the DoD (operator: DISA, <http://www.disa.mil/>), the gTLD .edu is administered by the non-profit association EDUCAUSE (<http://www.educause.edu/>), and the gTLD .gov is administered by the US Government NIC (operator: US General Service Administration (GSA), <http://www.gsa.gov/>)

[29] Communication from the Commission to the Council and the European Parliament: The Organisation and Management of the Internet International and European Policy Issues 1998 - 2000 (COM (202) 2000).

[30] The full text of the reform-proposal is online available under

[31] *Johnsons'* and *Crawfords'* comment on *Lynn's* proposal is online available under <http://www.icannwatch.org/essays/022602-johnson-crawford-icann2.htm>