

DEPARTMENT OF COMMERCE

[Docket No. 970613137-7137-01]

Request for Comments on the Registration and Administration of Internet Domain Names

AGENCY: Department of Commerce.

ACTION: Notice; request for public comment.

SUMMARY: The Department of Commerce requests comments on the current and future system(s) for the registration of Internet domain names. The Department invites the public to submit written comments in paper or electronic form.¹

DATES: Comments must be received by August 18, 1997.

ADDRESSES: Mail written comments to Patrice Washington, Office of Public Affairs, National Telecommunications and Information Administration (NTIA), Room 4898, 14th St. and Constitution Ave., NW, Washington, DC 20230. See **SUPPLEMENTARY INFORMATION** for electronic access and filing addresses and further information on submitting comments.

FOR FURTHER INFORMATION CONTACT: Paula Bruening, NTIA, (202) 482-1816.

SUPPLEMENTARY INFORMATION:**Electronic Access and Filing Addresses**

The address for comments submitted in electronic form is dns@ntia.doc.gov. Comments submitted in electronic form should be in WordPerfect, Microsoft Word, or ASCII format. Detailed information about electronic filing is available on the NTIA website, <http://www.ntia.doc.gov>.

Further Information on Submitting Comments

Submit written comments in paper or electronic form at the above addresses. Paper submissions should include three paper copies and a version on diskette in the formats specified above. To assist reviewers, comments should be numbered and organized in response to questions in accordance with the five sections of this notice (Appropriate Principles, General/Organizational Framework Issues, Creation of New gTLDs, Policies for Registries, and Trademark Issues). Commenters should address each section on a separate page and should indicate at the beginning of their submission to which questions they are responding.

¹ This request for public comment is not intended to supplant or otherwise affect the work of other public advisory groups, established under law.

Background

The rapid growth in the use of the Internet has led to increasing public concern about the current Internet domain name registration systems. According to Internet Monthly Report, registration of domain names within a few top-level domains (.com, .net, .org) has increased from approximately 400 per month in 1993 to as many as 70,000 per month in 1996, the overwhelming majority in the .com category. The enormous growth and commercialization of the Internet has raised numerous questions about current domain name registration systems. In addition, the present system will likely undergo modification when the National Science Foundation's cooperative agreement (NSF agreement) with Network Solutions Inc. to register and administer second-level domains for three top-level domains expires in 1998. Resolution of these issues will also affect the future operation of the National Information Infrastructure (NII) and the Global Information Infrastructure (GII).

The United States Government played a central role in the initial development, deployment, and operation of domain name registration systems, and through the NSF agreement as well as Defense Advanced Research Projects Agency (DARPA) agreement(s) continues to play a role. In recent years, however, Internet expansion has been driven primarily by the private sector. The Internet has operated by consensus rather than by government regulation. Many believe that the Internet's decentralized structure accounts at least in part for its rapid growth.

The Government has supported the privatization and commercialization of the Internet through actions such as the transition from the NSFNET backbone to commercial backbones. The Government supports continued private sector leadership for the Internet and believes that the transition to private sector control should continue. The stability of the Internet depends on a fully interconnected and interoperable domain name system that must be preserved during any transition.

Various private sector groups have proposed systems for allocating and managing generic top level domains (gTLDs). The Government is studying the proposals and the underlying issues to determine what role, if any, it should play. The Government has not endorsed any plan at this time but believes that it is very important to reach consensus on these policy issues as soon as possible.

The United States Government seeks the views of the public regarding these proposals and broader policy issues as well. Specifically, the Government seeks information on the following issues:

A. Appropriate Principles

The Government seeks comment on the principles by which it should evaluate proposals for the registration and administration of Internet domain names. Are the following principles appropriate? Are they complete? If not, how should they be revised? How might such principles best be fostered?

a. Competition in and expansion of the domain name registration system should be encouraged. Conflicting domains, systems, and registries should not be permitted to jeopardize the interoperability of the Internet, however. The addressing scheme should not prevent any user from connecting to any other site.

b. The private sector, with input from governments, should develop stable, consensus-based self-governing mechanisms for domain name registration and management that adequately defines responsibilities and maintains accountability.

c. These self-governance mechanisms should recognize the inherently global nature of the Internet and be able to evolve as necessary over time.

d. The overall framework for accommodating competition should be open, robust, efficient, and fair.

e. The overall policy framework as well as name allocation and management mechanisms should promote prompt, fair, and efficient resolution of conflicts, including conflicts over proprietary rights.

f. A framework should be adopted as quickly as prudent consideration of these issues permits.

B. General/Organizational Framework Issues

1. What are the advantages and disadvantages of current domain name registration systems?

2. How might current domain name systems be improved?

3. By what entity, entities, or types of entities should current domain name systems be administered? What should the makeup of such an entity be?

4. Are there decision-making processes that can serve as models for deciding on domain name registration systems (e.g., network numbering plan, standard-setting processes, spectrum allocation)? Are there private/public sector administered models or regimes that can be used for domain name registration (e.g., network numbering plan, standard setting processes, or

spectrum allocation processes)? What is the proper role of national or international governmental/non-governmental organizations, if any, in national and international domain name registration systems?

5. Should generic top level domains (gTLDs), (e.g., .com), be retired from circulation? Should geographic or country codes (e.g., .US) be required? If so, what should happen to the .com registry? Are gTLD management issues separable from questions about International Standards Organization (ISO) country code domains?

6. Are there any technological solutions to current domain name registration issues? Are there any issues concerning the relationship of registrars and gTLDs with root servers?

7. How can we ensure the scalability of the domain name system name and address spaces as well as ensure that root servers continue to interoperate and coordinate?

8. How should the transition to any new systems be accomplished?

9. Are there any other issues that should be addressed in this area?

C. Creation of New gTLDs

10. Are there technical, practical, and/or policy considerations that constrain the total number of different gTLDs that can be created?

11. Should additional gTLDs be created?

12. Are there technical, business, and/or policy issues about guaranteeing the scalability of the name space associated with increasing the number of gTLDs?

13. Are gTLD management issues separable from questions about ISO country code domains?

14. Are there any other issues that should be addressed in this area?

D. Policies for Registries

15. Should a gTLD registrar have exclusive control over a particular gTLD? Are there any technical limitations on using shared registries for some or all gTLDs? Can exclusive and non-exclusive gTLDs coexist?

16. Should there be threshold requirements for domain name registrars, and what responsibilities should such registrars have? Who will determine these and how?

17. Are there technical limitations on the possible number of domain name registrars?

18. Are there technical, business and/or policy issues about the name space raised by increasing the number of domain name registrars?

19. Should there be a limit on the number of different gTLDs a given registrar can administer? Does this depend on whether the registrar has exclusive or non-exclusive rights to the gTLD?

20. Are there any other issues that should be addressed in this area?

E. Trademark Issues

21. What trademark rights (e.g., registered trademarks, common law trademarks, geographic indications, etc.), if any, should be protected on the Internet vis-a-vis domain names?

22. Should some process of preliminary review of an application for registration of a domain name be required, before allocation, to determine if it conflicts with a trademark, a trade name, a geographic indication, etc.? If so, what standards should be used? Who should conduct the preliminary review? If a conflict is found, what should be done, e.g., domain name applicant and/or trademark owner notified of the

conflict? Automatic referral to dispute settlement?

23. Aside from a preliminary review process, how should trademark rights be protected on the Internet vis-a-vis domain names? What entity(ies), if any, should resolve disputes? Are national courts the only appropriate forum for such disputes? Specifically, is there a role for national/international governmental/nongovernmental organizations?

24. How can conflicts over trademarks best be prevented? What information resources (e.g. databases of registered domain names, registered trademarks, trade names) could help reduce potential conflicts? If there should be a database(s), who should create the database(s)? How should such a database(s) be used?

25. Should domain name applicants be required to demonstrate that they have a basis for requesting a particular domain name? If so, what information should be supplied? Who should evaluate the information? On the basis of what criteria?

26. How would the number of different gTLDs and the number of registrars affect the number and cost of resolving trademark disputes?

27. Where there are valid, but conflicting trademark rights for a single domain name, are there any technological solutions?

28. Are there any other issues that should be addressed in this area?

William M. Daley,

Secretary.

[FR Doc. 97-17215 Filed 7-1-97; 8:45 am]

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