

## COMMENTS ON THE PROPOSED POLICY FOR THE RETIREMENT OF CCTLDS.

10<sup>th</sup> July, 2020

I am happy at this opportunity to provide Comments on the draft Policy developed for the Retirement of ccTLDs

I commend the synergy in the draft developed by the working group and the traditional role played by the ICANN Board of Directors in serving as the final authority on the removal of a ccTLD from the Root Zone, while this is done after the ICANN Board has reviewed systems deployed by the IFO (staff) and affirmed that all due procedures were properly followed, the report did not state if changes to the ICANN by-laws were envisaged considering the role of the IFO and the ICANN Board of Directors, nor if mechanisms within ICANN need to be restructured to help make this process effective.

Brands that have made massive investments in securing various domain names across the retiring ccTLD should be provided ample time and notice to migrate their data and contents asides switching urls in the public domain. Entities that may have made advanced payments for their domain names would also be desirous of holding on to their domain names until the expiry of their domains validity, hence a 5-year notice of removal in the retirement plan may be subject to the ccTLD, especially where a number of ccTLD allow for domain payments of up to 10 years at a stretch.

Going by the proposal that the IFO must remove a retiring ccTLD from the Root Zone no later than 10 years after having sent a Notice of Removal to the ccTLD Manager, this condition on one hand makes it impossible for ccTLDs to allow advance payments beyond 10 years cumulatively at every given point. On the second hand such contracts may provide users reasons and means to seek legal redress to stop or delay the process until their domain validity expires.

It may be outside the mandate of this working group to determine a price charter for ccTLDs that does not extend beyond 10 years at any given point in time, but ccTLD allowing payments for 10years more creates a binding contract assuring the Registrant that they would be in business for that duration of time and even where good reasons prevail, may truncate the process of retiring a ccTLD until such issues are dealt with..

I would like to recommend that taking into cognizance the concerns of working group members that some Retirement Managers could game the system leading to the numbers of active domains increasing rather than deteriorating, a provision for mandatory system audit at least twice in five years to be conducted by the IFO to determine if the ccTLD being retired is truly winding down its operations or not should be a standard.

I am of the opinion that even If the Functional Manager of the retiring ccTLD does not wish an extension to the Default Retirement Date stated in the Notice of Removal, it should still be mandatory that the Manager produce a Retirement Plan for the ccTLD which would typically include:

- A copy of the Notice of Removal;
- The date when the ccTLD is expected to stop taking registrations, renewals and transfers that exceed the date of removal from the Root Zone. It is important to note that there is a reasonable expectation that the date provided is the earliest practical date for implementing the retirement; and
- Details of a Communication Plan to advise the registrants of the Retirement of the ccTLD.

I align with the proposal that while a Retirement Plan requesting an extension beyond five (5) years from receipt of the Notice of Removal from the IFO is submitted, in addition to the previously listed items, the following should accompany the plan:

- The length of the extension requested (a maximum 5 additional years) including the proposed date of the removal of the ccTLD from the Root Zone;
- The reasons for requesting an extension; and
- An impact analysis which supports the reasons for making the extension request.

I wish to however note that the stress tests conducted did not measure how Registrants data and key National values resident on the retiring ccTLDs domain/servers would affect the retirement process especially in the light of multiple data privacy laws.

**Lawrence O. Olawale-Roberts.**

MD, MicroBoss

Board Member, Nigeria Internet Registration Association (NIRA) and

Member, Business Constituency, ICANN.