

ICANN Mandates Under the MOU

ICANN Mandates			
Mandate #	Mandate – ICANN Will:	Due Date	Reference
1.	<u>The DNS Project.</u> Participate jointly with DOC in the DNS Project for the design, development, and testing of the mechanisms, methods and procedures that should be in place for the private sector to manage the functions delineated in the Statement of Policy in a transparent, non-arbitrary, and reasonable manner.	Ongoing	MOU: V.A.1
2.	<u>ICANN Not a Registry/Registrar.</u> Not act as a domain name Registry or Registrar or IP Address Registry.	Ongoing	MOU: V.D.1
3.	<u>Non-Arbitrary Behavior.</u> Not act unjustifiably or arbitrarily to injure particular persons or entities or particular categories of persons or entities.	Ongoing	MOU: V.D.2
4.	<u>Non-Arbitrary Behavior.</u> Act in a non-arbitrary and reasonable manner with respect to design, development, and testing of the DNS Project and any other activity related to the DNS Project	Ongoing	MOU: V.D.3
5.	<u>Restrictions Regarding Registries.</u> Not enter into any agreement with any successor registry to NSI to operate the .com, .net or .org registries without prior approval of the DOC of such successor registry	Ongoing	Amend 3: II
6.	<u>National Science Foundation Cooperative Agreement.</u> In the event of the termination by DOC of Cooperative Agreement NCR-9218742 pursuant to Section I.B.8 of Amendment 19, as amended, to that Cooperative Agreement, ICANN shall (1) exercise its rights under the .com Registry Agreement with VeriSign to terminate VeriSign as the operator of the registry database for the .com registry and (2) cooperate with DOC to facilitate the transfer of those registry operations to a successor registry.	Ongoing	Amend 3: III
7.	<u>Non-Retention of Rights.</u> If DOC withdraws recognition of ICANN/terminates the MOU, ICANN will assign to the DOC any rights that ICANN has in all existing contracts with the registries and registrars, including any data escrow agreement(s) between VeriSign and ICANN with respect to the .com, .net, and .org registries.	Ongoing	Amend 3: IV

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8.	<u>Annual Independent Neutrality Audit</u> . Submit to the DOC and the Department of Justice a complete report of the results of each Annual Independent Neutrality Audit pursuant to the terms of the .com Registry Agreement, .net Registry Agreement and .org Registry Agreement, no later than December 7 of each calendar year.	Annual	Amend 3: VI
9.	<u>DNS Expertise</u> . Continue to provide expertise and advice on private sector functions related to technical management of the DNS.	Ongoing	Amend 6: II.C.1
10.	<u>Collaborate with RIRs</u> . Work collaboratively on a global and local level to pursue formal legal agreements with the Regional Internet Registries (RIRs), and to achieve stable relationships that allow them to continue their technical work, while incorporating their policy-making activities into the ICANN process.	Ongoing	Amend 6: II.C.2
11.	<u>Management Transparency</u> . Continue to develop, to test, and to implement processes and procedures to improve transparency, efficiency, and timeliness in the consideration and adoption of policies related to technical management of the DNS.	Ongoing	Amend 6: II.C.3
12.	<u>Accountability/Redress of Public Grievances</u> . Continue to develop, to test, and to implement accountability mechanisms to address claims by members of the Internet community that they have been adversely affected by decisions in conflict with ICANN's by-laws, contractual obligations, or otherwise treated unfairly in the context of ICANN processes.	Ongoing	Amend 6: II.C.4
13.	<u>Collaborate with DOC on Root Name Server</u> . Collaborate with the Department on operational procedures for the root name server system, including formalization of relationships under which root name servers throughout the world are operated and continuing to promote best practices used by the root system operators.	Ongoing	Amend 6: II.C.5
14.	<u>Consult with Root Server Managers</u> . Continue to consult with the managers of root name servers and other appropriate experts with respect to operational and security matters relating to the secure and stable operation of the domain name and numbering system in order to develop and implement recommendations for improvements in those matters, including ICANN's operation of the authoritative root, under appropriate terms and conditions.	Ongoing	Amend 6: II.C.6

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15.	<u>Achieve Stable ccTLD Agreements.</u> Continue efforts to achieve stable agreements with ccTLD operators that address issues affecting the stable and secure operation of the DNS, including: delegation and redelegation of ccTLDs; allocation of global and local policy-formulation responsibility; and the relationship between a ccTLD operator and its relevant government or public authority.	Ongoing	Amend 6: II.C.7
16.	<u>Implement New TLDs.</u> Continue the process of implementing new top level domains (TLDs). The process shall include consideration and evaluation of:	Ongoing	Amend 6: II.C.8
16.A	<u>Stability.</u> The potential impact of new TLDs on the Internet root server system and Internet stability;	Ongoing	Amend 6: II.C.8
16.B	<u>Selection Criteria.</u> The creation and implementation of selection criteria for new and existing TLD registries, including public explanation of the process, selection criteria, and the rationale for selection decisions;	Ongoing	Amend 6: II.C.8
16.C	<u>Cost-Benefit Analysis.</u> Potential consumer benefits/costs associated with establishing a competitive environment for TLD registries; and,	Ongoing	Amend 6: II.C.8
16.D	<u>Expert Recommendations.</u> Recommendations from expert advisory panels, bodies, agencies, or organizations regarding economic, competition, trademark, and intellectual property issues.	Ongoing	Amend 6: II.C.8
17.	<u>Define New TLD Strategy.</u> Define a predictable strategy for selecting new TLDs using straightforward, transparent, and objective procedures that preserve the stability of the Internet.	9/30/04	Amend 6: II.C.8
18.	<u>Implement New TLD Strategy.</u> Implement a predictable strategy for selecting new TLDs using straightforward, transparent, and objective procedures that preserve the stability of the Internet.	12/31/04	Amend 6: II.C.8
19.	<u>Increase Participation in ICANN.</u> Continue to develop, to test, and to implement appropriate mechanisms that foster informed participation in ICANN by the global Internet community, such as providing educational services and fostering information sharing for constituents and promoting best practices among industry segments.	Ongoing	Amend 6: II.C.9

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20	<u>Improve Accuracy of WHOIS Databases.</u> Continue to assess the operation of WHOIS databases and to implement measures to secure improved accuracy of WHOIS data. To this end:	Ongoing	Amend 6: II.C.10
20.A	<u>Annual Report on WHOIS Accuracy.</u> Publish reports providing statistical and narrative information on community experiences with the InterNIC WHOIS Data Problem Reports system. The report shall include: a) statistics on the number of WHOIS data inaccuracies reported to date; b) the number of unique domain names with reported inaccuracies; and c) registrar handling of the submitted reports. The narrative information shall include an evaluation of the impact of the WHOIS Data Problem Reports system on improved accuracy of WHOIS data.	3/31/04: 1 st Report, annually thereafter	Amend 6: II.C.10
20.B	<u>Annual Report on WHOIS Data Reminder Policy.</u> Publish reports providing statistical and narrative information on the implementation of the ICANN WHOIS Data Reminder Policy. The report shall include: a) statistics on registrar compliance with the policy; and b) information obtained regarding results of the implementation of the WHOIS Data Reminder Policy. The narrative information shall include: a) implementation status; b) information on problems encountered; and c) an evaluation of the impact of the WHOIS Data Reminder Policy on improved accuracy of WHOIS data.	11/30/04: 1 st Report, annually thereafter	Amend 6: II.C.10
21.	<u>Contingency Plan.</u> Develop a contingency plan to ensure continuity of operations in the event the corporation incurs a severe disruption of operations, or the threat thereof, by reason of its bankruptcy, corporate dissolution, a natural disaster, or other financial, physical or operational event. In conjunction with its efforts in this regard, ICANN shall work collaboratively with the Department to ensure that such plan reflects the international nature of the DNS	6/30/04	Amend 6: II.C.11
22.	<u>General Collaboration.</u> Collaborate on other activities as appropriate to fulfill the purpose of this Agreement, as agreed by the Parties.	Ongoing	Amend 6: II.C.12

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23.	<u>Collaborate with DOC to Support DNS Privatization.</u> Building on ICANN's recent efforts to reexamine its mission, structure, and processes for their efficacy and appropriateness in light of the needs of the evolving DNS, collaborate with the Department to ensure that ICANN's corporate organizational documents optimally support the policy goal of privatization of the technical management of the DNS	3/31/04	Amend 6: II.C.13
24.	<u>Strategic Plan with Measurable Objectives and Milestones.</u> Develop a strategic plan that sets forth ICANN's goals for securing long-term sustainability of its critical domain name and numbering system management responsibilities, including the necessary corporate structure and financial and personnel resources to meet such responsibilities. Such plan should address, among other areas, the following items, and should include measurable objectives and milestones for achievement of such objectives:	12/21/03	Amend 6: II.C.14
24.A	<u>ICANN Administrative Structure Review and Recommendation Implementation.</u> Conduct a review of corporate administrative structure and personnel requirements, including executive compensation and management succession plan	3/31/04: Implement Recomm- endations	Amend 6: II.C.14.a
24.B	<u>ICANN Accountability Mechanisms Review and Recommendation Implementation.</u> Conduct a review of internal mechanisms that promote and ensure Board of Directors, executive management, and staff corporate responsibility	3/31/04: Implement Recomm- endations	Amend 6: II.C.14.b
24.C.1	<u>Financial Strategy Development.</u> Develop a financial strategy that explores options for securing more predictable and sustainable sources of revenue	6/30/04	Amend 6: II.C.14.c
24.C.2	<u>Financial Strategy Implementation.</u> Implement a financial strategy that explores options for securing more predictable and sustainable sources of revenue	12/31/04	Amend 6: II.C.14.c
24.D	<u>Corporate Compliance Program Review/Augmentation and Recommendation Implementation.</u> Review and augment ICANN's corporate compliance program, including its system for auditing material contracts for compliance by all parties to such agreements	6/30/04: Implement Recomm- endations	Amend 6: II.C.14.d

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24.E	<u>Outreach Program</u> . Develop a collaborative program with private and intergovernmental parties to conduct outreach to governments and local Internet communities in targeted regions, including key constituencies.	12/31/04: Program Start	Amend 6: II.C.14.e
24.F	<u>Multilingual Strategy</u> . Develop and implement an appropriate and effective strategy for multi-lingual communications	12/31/04: Implement Strategy	Amend 6: II.C.14.f
24.G	<u>Process Automation Review and Recommendation Implementation</u> . Conduct review of system-wide efforts to automate operational processes.	6/30/05: Implement Recomm- endations	Amend 6: II.C.14.g
25.	<u>Status Report</u> . Provide a status report to the Department on ICANN’s progress towards the completion of its tasks under this Agreement, including implementation of ICANN's strategic plan.	3/23/04: 1 st Report, Semi- annually thereafter	Amend 6: II.C.15
26.	<u>DOC-ICANN Meetings</u> . Department and ICANN will hold regular meetings between senior Departmental officials and ICANN senior management and leadership to assess progress.	Regularly	Amend 6: III.A