



Representing the ecosystem of Internet -Bharat Model

CCAOI Newsletter

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Big Win for India at APNIC Executive Council Election

Rajesh Chharia and Col. Roopinder Singh Parhar from India have won the recently held Executive Council (EC) election of Asia Pacific Network Information Center (APNIC), at Auckland in New Zealand. The other elected EC member is Kam Sze Yeung, from Akamai Technologies, Hongkong.

Not only has Rajesh won with the highest number of votes, but has also been elected to the much coveted position of Secretary APNIC. Apart from being the President of Internet Service Providers Association (ISPAI), Rajesh is also serving as Director of National Internet Exchange of India and has played a key role in the launch of the .bharat IDN and other regional language domain names; setting up of the Indian Registry for Internet Names and Numbers (IRINN).

Roopinder is currently serving as the Executive Council member of ISPAI. He is also the President of Netplus Broadband Services Pvt Ltd.

“This has been a historic win for India and I am delighted that for the first time India has been able to garner this kind of participation in decision making at APNIC”, states Dr. Ajay Kumar, Additional Secretary, Department of Electronics and Information Technology. He further mentions that the scale and impact of Digital India makes India a very important player in the internet community and India would be participating actively in fulfilling the global responsibility for the next generation of growth of internet.

APNIC represents 56 economies in the Asia Pacific. An EC member at APNIC is elected for a period of two years and the Council comprises of 7 members. Responsibility of the EC Council includes facilitating in implementing decisions of the members, delving on broad Internet policies, establishing the budget, issuing directives on operational aspects, elect the Director General, etc.

For more details, please visit: <https://2016.apricot.net/elections>

TRAI Regulation on Differential Pricing of Data Services

On the 8th of February, 2016, TRAI has issued an order prohibiting discriminatory tariffs for data services.

It may be mentioned that on 9th of December, 2015, TRAI had released their consultation paper on Differential Pricing of data services, seeking community inputs on four questions – whether differential pricing should be allowed; if allowed what measures should be adopted to ensure that the principles of non discrimination, transparency, affordable internet access, competition and market entry and innovation are addressed; what are the alternatives available; any other issue to be considered. The last date for submitting comments was extended to 7th January 2016 and counter comments to 14th January, 2016. The consultation paper can be viewed [here](#). Subsequently an Open House on Differential Pricing of Data services on 21st January, 2016.

Under this regulation, service providers will not be allowed to offer or charge differential rates for data services on the basis of content. Further, no service provider can now, enter into an agreement that has the effect of discriminatory tariffs being offered or charged to the consumer on the basis of content.

The authorities however mention that this regulation, however shall not apply to tariffs for data services over a closed electronic communications network unless such tariffs are offered or charged by the service provider for the purpose of evading the prohibition in this regulation.

At times of grave public emergency, service providers, however may reduce tariffs, but would have to report to Trai within 7 working days of its implementation, in order to decide its continuance.

The Authority has fixed the amount of Rupees Fifty thousand to a maximum of Rupees. Fifty lakh, for each day's contravention. The regulation is expected to be reviewed after a period of two years.

The order can be viewed from following link:
http://traigov.in/WriteReadData/WhatsNew/Documents/Regulation_Data_Service.pdf

Various industry associations have sought clarification from the authority on what would come under the gamut of closed electronic communication network and the data services being offered.

IANA Transition & ICANN Accountability

The **Cross Community Working Group on Enhancing ICANN's Accountability** (CCWG-Accountability) has provided its Chartering Organizations with its final supplemental report on Work Stream 1 recommendations.

Some of the salient points of the final proposal include:

- Creating of an Empowered Community who is granted the status of a **Sole Designator** (a recognized role in law) and will act on the instructions of ICANN stakeholder groups to exercise the Community Powers, which include, to: (i) remove/appoint individual ICANN Directors (ii) recall the entire ICANN Board (b) enforce decisions and powers of the Empowered Community through initiating a binding Independent Review Panel ("IRP") process.
- For exercising any of the Community Powers, the Empowered Community would be required to first follow the engagement and escalation processes.
- While the Proposal provides the Empowered Community the Community Powers to reject: (a) ICANN's Annual Operating Plan and Budget, (b) the IANA Functions Operations Budget, (c) ICANN's Five-Year Strategic Plan and (d) ICANN's Five-Year Operating Plan, however these rights can only be exercised after approval by the ICANN Board and after extensive community discussions and through mandatory escalation processes.
- The ICANN Board has the powers to approve a budget or strategic/operating plan post the mandatory engagement process with the community. Moreover the community could only challenge a budget or strategic/operating plan if there are significant issues brought up in the engagement process that were not addressed prior to approval.

Moreover decision by the Empowered Community to reject a budget or a plan after it has been approved by the ICANN Board will be based on perceived inconsistency with the purpose, Mission and role set out in ICANN's Articles and Bylaws; the global public interest; the needs of ICANN stakeholders; financial stability, or other matters of concern to the community. The veto could only concern issues that

had been raised in the public consultations conducted before the ICANN Board approved the budget or plan.

- The ICANN Budget and the IANA Functions Operations Budget would be considered separately by the community. The Proposal references the CWG-Stewardship requirements that IANA costs as set forth in the IANA Functions Operations Budget be itemized so that each specific function to the project level and below re itemized. In case the Community Power is exercised to reject the ICANN Budget or the IANA Functions Operations Budget, a caretaker budget would be implemented.
- The CWG-Stewardship is required to develop a proposed process for the IANA Functions Operations-specific budget establishment and review. The Proposal however does not specifically address the time-frame for when budgets should be submitted.
- Separation of process required by the CWG-Stewardship final transition proposal be incorporated into the ICANN Bylaws including provisions for the creation of an SCWG, its functions and voting thresholds for approving the end-result of the SCWG process.
- Empowered Community will have the power to reject ICANN Board decisions relating to reviews of the IANA names function; including the triggering of PTI separation. Prior to making a decision relating to IFRs, including the triggering of any PTI separation process, the ICANN Board must have undertaken a mandatory engagement process pursuant to which the ICANN Board must consult with the community.
- Right to reject ICANN Board decisions relating to reviews of the IANA names function, including ICANN Board decisions relating to Special IFR and SCWG recommendations, can be exercised by the Empowered Community an unlimited number of times.
- Enhancements of ICANN's existing appeals mechanisms, including the IRP, which is to be available to TLD managers to challenge ICANN decisions with respect to issues relating to the IANA naming function (with the exception of ccTLD delegations and redelegations), and that the Empowered Community can use the IRP to challenge an ICANN Board decision if it believes that the ICANN Board is in breach of its Articles of Incorporation or Bylaws.

The IRP will be available to hear and resolve claims that PTI, through its Board of Directors or staff, has acted (or has failed to act) in violation of its contract with ICANN and the CWG-Stewardship requirements for issues related to the IANA naming functions. ICANN will enter into a contract with PTI granting the latter the rights and obligations to serve as the IANA Functions Operator for the IANA naming functions, sets forth the rights and obligations of ICANN and PTI, and includes service level agreements for the IANA naming functions.

Further the ICANN Bylaws will require ICANN to enforce its rights under the ICANN-PTI Contract/Statement of Work, to ensure that PTI complies with its contractual obligations. ICANN's failure to enforce material obligations will constitute an ICANN Bylaws violation and be grounds for an IRP by the Empowered Community.

ICANN Bylaws will provide that PTI service complaints of direct customers of the IANA naming functions that are not resolved through mediation may be appealed by way of the IRP.

- The Final Proposal proposes to make the following Fundamental Bylaws as part of Work Stream 1:

- Each of the Community Powers (including in relation to ICANN and IANA Functions Operations Budgets, ICANN Director removal/Board recall, and amendments to Fundamental By-laws);
- The Empowered Community and the rules by which it is governed;
- The framework for the IRP;
- The IFR, Special IFR and the separation process;
- The CSC; and
- PTI governance.

For amending Bylaw, the proposal specifies that the ICANN Board must have undertaken a mandatory engagement process and consulted with the community. For further details on the final supplemental draft refer: <https://community.icann.org/pages/viewpage.action?pageId=58723827&preview=/58723827/58726532/Main%20Report%20-%20FINAL-Revised.pdf>

As a next step, the CWG-Stewardship is finalizing a letter confirming that the CCWG-Accountability proposal meets all of their requirements and expected to present it during ICANN 55.

The **IANA Stewardship Transition Coordination Group (ICG)** on the other hand, has finalized the IANA Stewardship Transition Proposal, with one exception, the names proposal, which is dependent on the ICANN Accountability, whose proposal, is being drafted by the Cross Community Working Group on Enhancing ICANN Accountability (CCWG) is yet to be finalized.

The ICG plans to send the finalized proposal to NTIA, via the ICANN Board, after getting a confirmation from the Cross Community Working Group on IANA Stewardship Transition Proposal on Naming Related Functions (CWG), that its accountability requirements have been met. For more details refer our [earlier article](#).

18th Asian Security Conference 2016

The 18th Asian Security Conference: 2016, was organized by the Institute for Defence Studies & Analyses (IDSA). The theme for this year's conference was "Securing Cyberspace: Asian and International Perspectives". The conference was held from 9-11 February 2016 at IDSA. The topics under discussion included– the Global Cybersecurity Environment; International and Regional Responses to Cybersecurity Challenges; Non-State Actors and Cyberspace; Securing Strategic Critical Infrastructure; Cybersecurity and the Digital Economy; Role of Military in Cybersecurity; Cybersecurity Futures. It was attended by various national and international delegates.

Upcoming Events and Opportunities

- ICANN 55 to be held at Marrakech, Morocco from 5th -10th March 2016. Remote Participation is available. The full schedule can be viewed from the following link <https://meetings.icann.org/en/marrakech55/schedule-full>
- Stakeholders are invited to make official submissions to the WSIS Secretariat for the Open Consultation Process on the Thematic Aspects and Innovations on the Format. Submissions can be made till 8th February, 2016. Please visit: <http://www.itu.int/net4/wsis/forum/2016/OCP/Submissions>

- The NextGen@ICANN and Fellowship Programs to participate in ICANN56 in Panama City, in June 2016 is open till 19th February 2016. For more details visit [Fellowship program](#) and [NextGen@ICANN program](#)
- The Secretariat of APrIGF, is inviting submission of workshop proposals for APrIGF 2016. Last date for submission is 16th Feb 2016. Submissions can be made from following link: <http://2016.aprigf.asia/program/>
- Fellowship Application to APrIGF 2016 is open, till 29th Feb 2016. Application details can be found in here: <http://2016.aprigf.asia/fellowship/>.
- Applications for ISIF Asia's 2016 grants are now open, with the pool of AUD 386,000 available, across four grant programs to
- support projects using the Internet for social and economic development in the Asia Pacific. Applications are open from today until 31 May 2016. For more details visit <http://isif.asia/grant>

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