

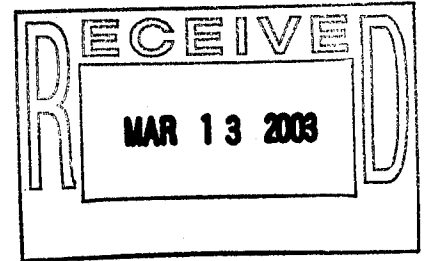


DGT

Directorate General of Telecommunications
16, SEC 2, CHI-NAN ROAD, TAIPEI 100, TAIWAN.

11 March 2003

Dr. M. Stuart Lynn
President and Chief Executive Officer
Internet Corporation for Assigned Names and Numbers
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292



Dear Dr. Lynn:

I am writing to you on behalf of the Taiwan government, as a follow-up to my letter of 5 December 2001 concerning the .tw country code top-level domain. In addition to reiterating that the DGT, Ministry of Transportation and Communications (MOTC) has designated TWNIC as the appropriate entity to receive ICANN authorization to administer the .tw country code top level domain (ccTLD), this letter also provides additional details regarding the DGT's designation of TWNIC.

The DGT's recognition of TWNIC is based on the revised Telecom Act of 2002, and subject to its operation within the provisions of its Articles of Incorporation (see Attachment 2) and to TWNIC's fulfillment of the conditions outlined in my letter of 5 December 2001, which are summarized again here:

- 1) Given that the Internet naming system is a public resource and the exercise of a top-level domain (TLD) delegation must be in the public interest, TWNIC recognizes that the management and administration of the .tw ccTLD are subject to the ultimate authority of the DGT, MOTC of Taiwan.
- 2) TWNIC agrees to comply with ICANN-developed policies, and to make its contribution to ICANN's cost of operation.
- 3) Should there be a re-delegation of the .tw ccTLD, TWNIC agrees to cooperate and comply with the requirements of the DGT and/or ICANN in order to facilitate the transfer and re-delegation of authority from TWNIC to another party.

The Taiwan government, through DGT, commits to fulfilling its role as envisioned in the "Principles for the Delegation and Administration of Country Code Top-Level Domains" adopted by the ICANN Governmental Advisory Committee (GAC) on 23 February 2000. As you know, the DGT has been Taiwan's representative in the GAC since its inception in March 1999, and it supports the GAC as the appropriate vehicle for governments and public authorities to participate in the ICANN process. In particular, the DGT participated in the development of the GAC Principles, and has endorsed them as sound best practices for the delegation and administration of ccTLDs.

Under clause 8.1 of the GAC Principles, the DGT designates TWNIC as the delegee of the .tw ccTLD and requests that ICANN enter into the three-way communication-based



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regime, as envisioned by the GAC Principles, to provide a framework of accountability for management of the .tw ccTLD.

The designated contact person within the DGT is:

Dr. Jen-Ter Chien
Director General
DGT
Address: 16 Chi-Nan Rd. Sec. 2, Taipei, TAIWAN
Tel: 886-2-2343-3959
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The contact person for the delegee is:

Dr. Vincent W. S. Chen
Executive Director
TWNIC
Address: 4F-2, No.9, Sec. 2, Roosevelt Rd., Taipei, TAIWAN
Tel: 886-2-2343-1313 ext. 111
Fax: 886-2-2396-8832
Email: wschen@twNIC.net.tw

In matters concerning the .tw ccTLD, the DGT will require that TWNIC manage the .tw top-level domain in the interest of the Taiwan public, particularly its Internet community, and that it abide by the obligations articulated in relevant communications between TWNIC and the DGT (see Attachment 1), including the terms and conditions set out in clause 9 of the GAC Principles.

Clause 8.2 of the GAC Principles calls upon the relevant government or public authority to communicate to ICANN how it will require the delegee to abide by the terms and conditions outlined in clause 9 of the Principles. The DGT's ongoing endorsement is subject to TWNIC continuing to meet the obligations outlined in my 5 December letter and this letter.

As contemplated by the GAC Principles, the DGT and TWNIC wish to work cooperatively with ICANN to ensure that TWNIC fulfills its responsibilities as delegee of the .tw ccTLD, with respect to both the Taiwan and the global Internet communities. As envisioned by clause 5.1 of the GAC Principles, the DGT recognizes its role of ensuring that the .tw ccTLD is administered in Taiwan's public interest, taking into consideration public policies, laws, and regulations. At the same time, DGT recognizes ICANN's role in establishing, disseminating, and overseeing implementation of the technical standards and practices that relate to the operation of the global domain-name system (GAC Principles, clause 6.1). The DGT considers ICANN to be the appropriate international entity to oversee technical coordination of the Internet in a manner that

will preserve it as an effective and convenient mechanism for global communication and commerce.

From a different perspective, the DGT and ICANN share responsibility for ensuring that TWNIC operates appropriately as delegee of the .tw ccTLD; thus we believe it is vital that there be close DGT/ICANN coordination in connection with the delegation. In this regard, we suggest the following procedures be followed:

1. Coordination of Policy Requirements

The DGT acknowledges ICANN's responsibility for coordinating the DNS (including ccTLDs) in a manner that ensures the stability and interoperability of the entire Internet. Meanwhile, we also reiterate the fact of our regulatory power over TWNIC to ensure that it operates the .tw top-level domain in the interest of the Taiwan community. We should work together to minimize the possibility of conflicting policies. In this regard, either party should alert the other upon discovering a possibility of conflict, and both should seek to coordinate the supervision of TWNIC through appropriate means, with the goal of avoiding any situation where the TWNIC faces conflicting DGT and ICANN requirements.

2. Termination Procedures

Clauses 7.1 and 7.3 of the GAC Principles envision that a delegee's status may be terminated in the event that it breaches the requirements set forth in communications from the relevant government and ICANN. To promote coordination in this area, ICANN and the DGT should consult with one another concerning any contemplated termination due to a TWNIC breach of its obligations as delegee.

In the event of a breach, the DGT commits to adopt the type of coordination set forth under GAC Principles clause 7.3, and recognizes that ICANN has the ability to terminate the Sponsorship Agreement upon notification by the DGT that the Sponsoring Entity has contravened the terms of the Government or Public Authority Communication, or when the term of the Government or Public Authority's designation of the Sponsoring Entity as manager of the Delegated ccTLD has expired.

3. Designation of a Successor Delegee

The GAC Principles recommend that, in the event a delegation is terminated, a successor delegee be designated by the relevant government or public authority, subject to the designated successor's ability to meet the technical and other requirements embodied in an ICANN-delegee communication (see GAC Principles, clauses 3.5, 7.3, 7.4 and 7.5). Consistent with this recommendation, DGT suggests articulating in the ICANN-TWNIC ccTLD Sponsorship Agreement



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that any reassignment of a ccTLD delegee will be done in coordination with the DGT . The DGT believes this provision will provide an appropriate mechanism for the designation of a successor manager of the .tw ccTLD.

If you wish to discuss any aspect of the designation of TWNIC as delegee of the .tw ccTLD, please do not hesitate to contact me.

Sincerely yours,

Jen-Ter Chien
Director General
DGT, TAIWAN

Attachments:

- 1) Communications between TWNIC and the DGT
- 2) TWNIC's Articles of Incorporation



Attachment 1-1

[Translation]

Letter

To: Directorate General of Telecommunications (DGT)

Date: March 5, 2003

Ref. no.: (92) Tai-Wang-Kuan-Chi 92002

Your reference: 09205016190 from DGT

Subject:

The TWNIC will abide by the Principles for Delegation and Administration of ccTLDs adopted by the Governmental Advisory Committee and relevant requirements of Taiwan government and ICANN while operating as the .tw ccTLD manager.

Explanation:

In reply to your letter dated March 4, 2003, reference no. 09205016190.

Shiang-shyong Tseng

Chairman of Board

Taiwan Network Information Center



DGT

Directorate General of Telecommunications
16, SEC 2, CHI-NAN ROAD, TAIPEI 100, TAIWAN

Attachment 1-2

[Translation]

Letter

To: Taiwan Network Information Center (TWNIC)

Date: 4 March 2003

Ref. no.: Tien Hsin Kui Tzu 092005016190

Subject:

As a country code Top-Level Domain (ccTLD) administrator for .tw, please undertake the commitment to abide by the "Principles for the Delegation and Administration of Country Code Top Level Domains" adopted by the Governmental Advisory Committee (GAC) of ICANN and relevant regulations of Taiwan government and ICANN.

Jen-Ter Chien, Director General

Directorate General of Telecommunications



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Directorate General of Telecommunications
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Attachment 1-3

[Translation]

Letter

To: Taiwan Network Information Center (TWNIC)

Date: 14 May 2002

Ref. no.: Tien Hsin Kui Tzu 0910503879-0

Subject:

The TWNIC has been approved to be the administrator of .tw ccTLD.

Explanation:

According to the MOTC's letter (Ref No. Chiao You Tzu 0910032478) dated April 25, 2002.

Jen-Ter Chien, Director General

Directorate General of Telecommunications

Ministry of Transportation and Communications (MOTC)

Attachment 1-4

[Translation]

Letter

To: Directorate General of Telecommunications (DGT)

Date: 25 April 2002

Ref. no.: Chiao You Tzu 0910032478

Subject:

With regard to the Directorate General of Telecommunication's ("DGT") intent to designate TWNIC as the administrator for the .tw country code Top-Level Domain (ccTLD), and to inform the International Corporation for Assigned Names and Numbers (ICANN) to proceed with matters related to processing the agreement with TWNIC, the Ministry grants approval.

Explanation:

This approval is with reference to the DGT letter of 23 April 2002, Ref. no. Tien Hsin Kui Tzu 0910503043-0.

Lin Ling-San, Minister

Ministry of Transportation and Communications

Attachment 1-5

[Translation]

Letter

To: Ministry of Transportation and Communications

Date: 23 April, 2002

Ref. no.: Tien Hsin Kui Tzu 0910503043-0

Subject:

With reference to ICANN's intent to enter into agreements with the administrators of the country code Top-Level Domain (ccTLD) in each country, the DGT designates TWNIC as the administrator of the .tw ccTLD, and will inform ICANN that it may proceed with matters related to signing of the agreement. Please indicate approval upon examination of the explanation below.

Explanation:

1. These matters are undertaken in accordance with the TWNIC letter (91) Tai-Wang-Kuan-Tzu No. 1003 of 4 April 2002 and the 11 April 2002 TWNIC letter forwarded to ICANN.
2. ICANN is currently responsible for technical coordination of the global Internet domain-name system (DNS). ICANN is currently processing agreements with ccTLD administrators in various countries and distinct economies, and stipulating in those agreements the obligation of ccTLD administrators to share in ICANN's operating expenses.
3. ICANN's agreements with the ccTLD administrators of various countries take place within the framework of a triangular relationship, which includes ICANN and the respective ccTLD administrator and government or public authority. This framework requires (1) an agreement between the government or public authority and the administrator regarding administration of the ccTLD; (2) government or public authority notification to ICANN of the administrator approved in the respective country or distinct economy; and (3) processing of an agreement between the respective administrator and ICANN. Within this triangular relationship, the

authority for designation of the administrator originates with the government or public authority, which may also replace the designated ccTLD administrator with another (see the "Principles for the Delegation and Administration of Country Code Top-Level Domains" adopted by the ICANN Governmental Advisory Committee).

4. TWNIC is currently the de facto administrator of the .tw ccTLD. Its efforts have earned affirmation from the global Internet community, as it has actively participated in ICANN initiatives, undertaken work in the secretariat of the Asia Pacific Network Information Center (APNIC), and hosted Internet-related conferences on several different occasions.

5. The DGT's formal designation of TWNIC as the .tw ccTLD administrator is based on the passage of the amended Article 20-1 of the Telecommunications Act in Taiwan.

6. Attachments:

1. TWNIC letter (91) Tai-Wang-Kuan-Tzu No. 1003 of 04 April 2002
2. TWNIC's 11 April 2002 letter forwarded to ICANN
3. DGT draft letter to ICANN indicating designation of TWNIC as .tw ccTLD administrator
4. ICANN Governmental Advisory Committee's "Principles for the Delegation and Administration of Country Code Top-Level Domains"

Jen-Ter Chien, Director General
Directorate General of Telecommunications

Attachment 1-6

[Translation]

Letter

To: Directorate General of Telecommunications (DGT)

Date: April 4, 2002

Ref. no.: (91) Tai-Wang-Kuan-Tzu No. 1003

Subject:

The TWNIC intends to enter into the ICANN-ccTLD Sponsorship Agreement with ICANN, as stated in the explanation below.

Explanation:

1. With reference to your letter to Stuart Lynn, CEO of ICANN, TWNIC would like to thank the DGT for informing ICANN that TWNIC is a non-profit organization under Taiwan law and that it is the appropriate agency to serve as administrator of the .tw top-level country domain at the current time.
2. TWNIC was established as a nonprofit juristic person organization under the sponsorship of the DGT, in accordance with Letter Ref. No. (Chiao You) 88 Tzu 05700, to be responsible for administering the top-level country domain .tw as a public resource, and to execute its responsibilities in accordance with the Articles of Incorporation approved by the DGT, the relevant laws and regulations of Taiwan, and related policies as announced by ICANN.
3. TWNIC has also, as of 26 December 2001, formed an ICANN-ccTLD Sponsorship Agreement Consultative Committee under the aegis of our International Affairs Committee to undertake study of issues related to the signing of an agreement with ICANN. Currently, that committee is actively seeking materials on countries and distinct economies with whom ICANN has already entered into agreements and is convening discussions in order to provide suggestions for subsequent development.
4. TWNIC anticipates entering into consultations with ICANN on matters relating to the signing of an agreement in the near future.

Shiang-shyong Tseng
Chairman of Board
Taiwan Network Information Center