

.br: ccTLD as asset of the commons

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What is a ccTLD really for?

Approval for the creation of the Country Code Top Level Domain Names Supporting Organization (ccNSO) at the recent ICANN Board meeting in Rome (March 2-6, 2004) has raised several (and some sensitive) issues regarding Internet governance at the countries' level.

In practice ICANN is focused on coordinating a complex system of management delegation (for profit or otherwise) of Internet domain names basically grouped in two large chunks: generic top level domains (gTLDs) and country-code top level domains (ccTLDs).

When ICANN was created, the US government had already delegated to a private company (Network Solutions, now a subsidiary of Verisign) the registry function for some of the most important gTLDs (.com, .net, and .org), thus definitely establishing what could have been a non-profit public service as a money-making activity. ICANN therefore, even if it wanted (which clearly is not the case), would not be able to revert this. Recently it managed to redelegate the .org gTLD to a non-profit especially created by ISOC – the Public Internet Registry (PIR) – but this gTLD remains open to anyone (as clearly stated in PIR's home page), instead of becoming the realm of non-profit groups worldwide.

At one of the Rome meeting's public forums with the Board, I asked for clarification regarding the fact that several ccTLDs in practice (from the user point of view at least) function like a gTLD (generic top level domain). In fact, Internet domains within these ccTLDs are sold for a profit to any taker, even if the prospective holder does not have any legal binding with the corresponding country. Thus many ccTLDs are no longer identified with their countries on the Internet, having been sold to national or foreign companies for a profit – some are supposed to be identified with some specific sectors of activity instead of countries, just like some sTLDs (sponsored gTLDs, like .aero for example), but in practice accept any registrant from anywhere in the world with a valid credit card.

As a very well known example, .tv is in practice a domain name suffix for the media industry (but not restricted to this industry), not the country of Tuvalu. São Tomé e Príncipe's .st registry Web site declares that any Internet user can

hold a .st domain which, the main site page says, competes favorably with any gTLD.

At the other extreme of the ccTLD registries' spectrum, the Brazilian registry, for example, does not allow individuals or organizations who do not have a legal status in the country to use the .br domain. The service is operated on a non-profit basis. There are more significant details on the Brazilian case which are worth describing (see below).

My request for clarification to the ICANN Board and the public tried to pose the following questions: in practice, from the point of view of the Internet user who is shopping for a domain, what is the difference between those business-oriented country-specific domains open to any Internet user anywhere, and gTLDs? How could this loss of identity interfere in ccTLD representation at ccNSO? How could unified positions be sought if some registries are just there for profit while others are trying to preserve their ccTLDs as part of their national pool of ICT resources? What kind of dialogue and common grounds can be established, say, between the Brazilian registry and the gTLD-like business-oriented ones, in the same supporting organization? Aren't some of the latter better represented in the already existing Generic Domain Names Supporting Organization (GNSO)?

I did not ask, but should: have the decisions to open up the ccTLDs for profit and strip them off their country significance been submitted to public scrutiny in these countries?

The response to my request for clarification was, first, a careful, diplomatic reply from ICANN Chairman Vint Cerf, and then a flurry of nervous, sometimes even aggressive, reactions, on the part of several ccTLD representatives, showing only that the issue is serious, is not resolved, and the situation may not be getting better. I have even heard absurd "solutions" to the problem like proposing a new country-code domain name system to be held by governments based on the three-letter country code standard, instead of the current two-letter standard. Thus the current ones could be free to compete in the gTLD market.

A recent ccTLD survey by Michael Geist (commissioned by the ITU)¹ has covered a sample of 56 countries in all regions. The sample is a fair distribution of developed as well as developing countries. Results of the survey are interesting in several respects. One of them indicates that, whatever the trend towards more or less control of ccTLD registry management by the local government, registries run for profit either are or tend to move in the direction of becoming direct competitors with gTLDs, in such a way that eventually sacrifices identification of a ccTLD with its country in favor of making money.

Geist elaborated a preliminary report on results of the survey (stating that some

¹ Michael Geist, *Governments And Country-Code Top Level Domains: A Global Survey*, preliminary report on survey commissioned by the ITU, December, 2003.

data was still coming and would be part of the final report, not yet available), which has been criticized by CENTR -- the mostly European consortium of 40 ccTLD registry operators -- which sees in Geist's interpretation of his survey the "risk" of stimulating further government involvement in ccTLD governance². It is a bit difficult to clearly establish CENTR's mission from the discourse of their representatives at the ICANN meeting in Rome -- their emphasis on the importance of the "private sector" might indicate that defending business interests (which do not necessarily coincide with the public interest) in the ccTLD registry activity seems to be a most important part of their mission. Since they represent a very powerful voice in Internet governance politics, it is important to see how this will impact on the strategies carried out by ICANN's newly created ccNSO. In any case, Geist's sample included 54% of all CENTR members.

CENTR's criticism questions the validity of the sample's size (but does not explain why -- samples may be quite small and still provide valid results for the entire population; Geist's sample may actually be quite large, at about 22% of all ccTLDs) and fears the report's conclusions as stimulating government control (which is not in Geist's report).

CENTR goes on to say that dominance of the private sector "...ensure[s] a stable, robust Internet which functions well... it also creates the best conditions for innovation and economical [sic] growth of countries." This is a trivial repetition of the same argument in defense of more business and less government which is heard in many instances every day.

However, there is a more serious (and potentially dangerous) statement in CENTR's reply to the Geist report. In associating more government presence in ccTLD governance with more regulation (which is not necessarily true), CENTR states that "... if too strict regulation - on registering domain names nationally, for example, as pointed out by Professor Geist - prevents the citizen from accessing the Internet the way he wants to, he will use services from other countries. This is arguably not the best way to serve public interest." There is no proven relationship between a ccTLD being available only for nationals (or entities legally established as nationals, like the subsidiary of a multinational firm) and the need to seek domain registration abroad. On the other end, opening up the ccTLD for international business certainly discourages national users -- why would a Tuvalu citizen use .tv if he or she is not from the media industry?

Diversity is the rule, but Geist's survey provides a useful classification, which, however, may not capture all aspects of ccTLD governance and management. Angola's registry for example is operated by an academic entity, and due to a registry policy of charging very high prices for domain names, many Angola domain name users seek a gTLD domain instead. Brazil's ccTLD is an example of

² CENTR, *Some comments on Professor Michael Geist's "Government and country-code top level Domains: A global survey"*, available in http://www.circleid.com/article/421_0_1_0_C/. See also Geist's reply to CENTR in http://www.circleid.com/article/424_0_1_0/.

a government-controlled registry which is becoming far more representative of other social sectors and interest groups, as this paper tries to show.

These complex aspects of the ccTLD registries' realm cast, in my view, certain doubts about the possible common grounds within the newly created ccNSO.

Short history of Internet governance in Brazil

Brazil only established TCP/IP connections with the Internet in the US in the beginning of the 1990's. Like other countries, in the 1980's Brazil sought to define network protocol standards for use by the federal government, and, through the State telecommunications monopoly at the time, Telebras, subscribed to the OSI/ISO standard.

The National Research and Education Network (RNP), a project of Brazil's Ministry of Science and Technology, led the process of introducing the Internet protocol despite strong opposition of Telebras. In this it was helped by a project led by a NGO – the Brazilian Institute of Social and Economic Analyses, IBASE – who led the pioneering UNCED '92 Internet project in Rio de Janeiro.

This project was developed in partnership with RNP and the Association for Progressive Communications (APC), and, since it became an official UN project for the conference, provided the necessary leverage to demand permanent connections to the Internet from Telebras. Thus two direct links to the Internet in the US were activated just in time for the UN conference, and became the initial Brazil-US Internet links for research and education.

This was not only a key milestone for the development of the Internet in Brazil, but also marked the successful beginning of a significant working relationship between the research community and an independent NGO to build a strategic project. In fact, IBASE run the first (and only until 1994) Brazilian Internet service provider open to the general public in partnership with RNP, thus breaking up the networking monopoly then in the hands of Telebras.

In the period between UNCED '92 and 1995 the basis for how Brazil would run the Internet was established – a process not without political and institutional difficulties, and also one in which RNP played a leading role. First, the understanding that the Internet, as a set of value-added services on top of physical telecommunications lines, did not pertain to the legislation covering telecommunications became an official ruling, thus keeping the Internet beyond the reach of Telebras.

Secondly, at the end of 1994 it became evident to the government and the research community that the Internet would grow explosively and needed careful guidance. Again RNP and IBASE worked together and played a significant role in

lobbying the ministries to form a national governance organization with representation of all interest groups.

As a result, the ministries of Communications and of Science and Technology agreed to form the Steering Committee for the Internet in Brazil (known by its acronym CGIbr) – a group of about 12 volunteers from the government, user community, service providers, business and academic communities, and telecommunications companies – which was officially installed in May, 1995.

CGIbr's mission has since been to work out the coordination and integration of all Internet initiatives in Brazil as well as to manage domain names registration and IP numbers distribution. It is also part of its mission to promote digital inclusion in the country, to evaluate and recommend technical and operational standards and procedures, and to maintain Internet statistical data related to Brazil. CGIbr has created a subordinate technical organism (called Registro.br) which is the official .br registry (there are no registrars).

Furthering democracy in Internet governance

Since its beginning, CGIbr has established a clear policy which defines the .br ccTLD as an asset of the commons³. The guidelines have been fair and flexible, with minimal additional legislation and simple rules for registration.

The .br ccTLD has been considered by CGIbr as the identity of Brazil on the Internet, and its registry is a non-profit service in which all domain names cost the same (currently about US\$10 per year) – domains are charged just to cover the annual operating and development costs of the .br domain governance system. Thus, a registrant must submit proof of legal status in the country (as identified by a national income tax registration number and documentation demonstrating the applicant has a physical address in Brazil).

Registrants do not get "instantaneous" domains, but get a domain environment which is far more secure than most gTLDs and many other ccTLDs. In fact, currently most Internet-based bank fraud activity in the country relies on a domain purchased from a gTLD or "loose" ccTLD registrar abroad. Frequently the real Web site of the fraud is a .com assigned "instantaneously" – you have a valid credit card, you take it – to a Mr John Doe, with a fake PO Box address, and hosted in a US or Eastern European service provider.

Clear rules apply for certain sectoral subdomains (only telecommunications companies, for instance, can use .net.br, only proven non-profit organizations can use .org.br, only TV broadcasters and cable companies can use .tv.br, and so

³ "Commons" here is used according to the concepts developed by David Bollier, *Silent Theft – The Private Plunder of our Common Wealth*, New York: Routledge, 2003, referring to common goods for the benefit of all which should be kept out of reach of private business enclosures.

on). To date, none of the gTLDs corresponding to these examples follow similar rules (not even .org).

Except for a few special cases (some research organizations and special management domains pertaining to CGIbr), the second level of the domain name must identify a sector or activity area which is predefined in a long list of subdomains approved (and updated from time to time) by the committee.

Brazil's registry has gained international reputation as a very well managed and technically sophisticated operation, and today it is the technical headquarters of LACNIC, the Regional Internet Registry covering Latin America and the Caribbean, as well as the secondary DNS host to several other ccTLDs. The registry also maintains NBSO, a highly-regarded Internet security response team.

Regionally, CGIbr has played a key role in the protracted process leading to LACNIC's recognition by ICANN, and is represented in several instances of ICANN's structure. Currently, there are more than 600,000 domains registered and active, growing at a rate of about 20,000 per month.

However, in this process there has been a serious shortcoming. CGIbr has no legal institutional status. Although the intention from the beginning has been to run it as a public interest civil society organization with government representation, only at the end of 2002 efforts to propose an institutional formalization started to materialize.

Until now, however, its formal operations are run as a project of the state of São Paulo's Research Foundation, FAPESP, including financial administration of the funds obtained with domain distribution. Legally, the foundation can decide what to do with the money, and might block any spending proposal from CGIbr which does not fit its rules (which, incidentally, demand for the most part that the money be spent in the state of São Paulo).

This has been an administrative nightmare for CGIbr. As a result, several initiatives have been kept dormant while the CGIbr has about US\$30 million in cash (accumulated along nearly seven years) under FAPESP's control.

Another hurdle is that, since FAPESP had hosted most Internet infrastructure services, including Brazil's largest Internet exchange point (IEP), it took to itself responsibility for deciding how to run these services. The committee managed to remove from FAPESP control over the registry system, but not over its IEP. In 2002, FAPESP decided unilaterally to convert the IEP from a non-profit service into a business operation, and sold it to a Miami-based company (Terremark). Thus, today Brazil's strategic exchange point is operated by a US company.

There is also the problem of representation. Until the beginning of 2004, the federal government took charge of nominating every CGIbr board member,

including the private sector, academic and user community. In the meantime, a campaign by some NGOs led by the Information Network for the Third Sector (Rits) with strong support from RNP and the academic community pressed for transparency in governance, legitimacy in representation and for the formalization of a civil society organization to establish a new basis for the committee – a campaign to effectively democratize Internet governance in the country.

With the election of President Lula, members of the campaign were invited to present their case in a meeting with future government officials at the end of 2002, and in February, 2003, a full proposal was delivered to the government (see appendix I).

During 2003 a very slow process of discussions within the government took place, and finally, on April 2, 2003, it issued a ruling nominating a new interim committee with a new representation structure, now focusing on social sectors and sectoral interest groups – there was no longer space for a representative of the elusive “user community” for example – much along the lines proposed by the campaign.

One of the tasks of the new committee, besides continuing its original mission tasks, was to establish the details and schedule for the constituencies to elect their members to the committee. Another task was to propose the new institutional structure. Officially, this interim committee would end its mandate after delivering the requested proposals to the federal government. However, it continued to function to guarantee the basic operations of the .br registry.

In September, 2004, the federal government issued a decree officially reinstating the CGIbr board members. The proposals were finally approved by the new government in the beginning of 2004, and in March the election guidelines were approved by the interim committee and submitted to public scrutiny (see appendix II).

Regarding the proposal for a new institutional structure, a non-profit organization called NIC.BR was created in the beginning of 2003 by members of the old CGIbr at the end of their mandate. This structure is now being analyzed by the board to become a public interest non-profit organization. The CGIbr board will also become the managing board for the new organization, and all functions now delegated to FAPESP will be absorbed by the new organization. Ideally the new organization will be in place once the electoral process is concluded.

This will coronate a long-term effort of leading NGOs and members of the Internet community in Brazil to make sure that Internet governance in the country secures assets of the commons as such (including the .br ccTLD), achieves as much democratic representation in its governing structure as possible, and operates and continues to develop its services on a non-profit,

public interest basis, while guaranteeing top-level technical performance in the realm of domain names and addresses, as well as secure and optimized operation of the network.

The new institution will have the opportunity to use excess income to develop research activities supporting digital inclusion strategies and technical development of the Internet in the country, as well as deepen its technical, institutional and political relationships with similar bodies internationally.

Forming akin ccTLD constituencies?

It becomes clearly evident that the Brazilian example of Internet governance is far distanced on several counts from many other ccTLD registries and corresponding national policies. This casts doubt on the strategic possibilities for developing common policies in the ccTLD realm through bodies such as the ccNSO.

Just like in international politics there are groups of countries getting together for the defense of specific interests (like the G-20 and so on), a scenario might be devised of a group of countries agreeing on forms of democratic and sovereign Internet governance (like Brazil's) to get together to defend their specific positions.

Finally, it is clear that this form of governance could go "up the ladder" in the ICANN pyramid. RIRs could become far more representative of all social sectors and interest groups in their regions, for example – however, the usual practice is to have RIR board members drawn mostly from governments and companies in a top-down nomination process.

Recent proposals to seek alternatives to the ICANN pyramidal structure center around a network model run by an international consortium of ccTLDs, progressively rendering the current ICANN structure as less relevant, maybe dedicated only to cater to gTLDs in the future⁴. Given the divergent interests in the ccTLD universe, this might be extremely difficult to achieve at the present, but, depending on the growing awareness of public opinion in their countries regarding the importance of this process, it could move in that direction in the future.

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⁴ Kim G. von Arx (Canadian Internet Registration Authority) and Gregory R. Hagen (University of Ottawa), *Sovereign Domains - A Declaration of Independence of ccTLDs from Foreign Control*, paper submitted to the Workshop on Member States' experiences with ccTLDs, Geneva: March, 2003, ITU.

Appendix I

Internet governance proposal to the federal government

Final Workshop Document

Organized by: Rits, Abong, IFF, Andi

Sponsored by: National Education and Research Network (RNP) and the Brazilian Internet Steering Committee (CGIbr)

Place: IMPA, Rio de Janeiro

Dates: February 25-26, 2003

Note: Brazilian civil society organizations have been working to change the way the Internet is governed in Brazil. A seminar was held February 25-26 2003 in Rio de Janeiro and partly as a result of discussions with government officials and the seminar recommendations, the Lula government has decided to support the transition to a new Internet governance structure for Brazil. This is the final version of the document submitted to the federal government.

Introduction

Internet "governance" includes secure, reliable and efficient management of the systems which permit computer addressing for access to its network services, as well as its corresponding data exchange protocols.

The current worldwide governance structure is a pyramidal one, having the Internet Corporation for Assigned Names and Numbers (ICANN) - a non-profit California-based organization - at its top. ICANN runs the root servers, the delegation of IP numbers and domain names (which are crucial for locating computers on the Internet), and protocol standards for access to Internet services.

ICANN operates by delegation of the US government - in thesis, the Commerce Department can change any of the operational network rules from the root servers managed by ICANN. Among other reasons, this is already enough justification for a growing international movement to replace ICANN by a true international organization with equal representation from each country in its governance.

In each region of the world there are ICANN "subsidiaries" managing IP numbers and domain names for the region. In each country there is a national managing entity (designated by ICANN), with attributions similar to ICANN's but limited to the country's root domain. In each country this entity is organized in different ways (when it is at all) - many are government departments, others are non-profit organizations, some are academic entities and still others are private for-profit companies.

Internet in Brazil is managed since 1995 by a committee of volunteers with a 2-year mandate, designated by the federal government - the Brazilian Internet Steering Committee (CGIBR). Under CGIBR's responsibility are:

- management and administration of domain names and IP numbers assigned for Brazil, including operation of the corresponding root servers, as well as management of any income generated from these activities;
- management of Internet traffic (national and international network interconnections, traffic optimization etc);
- operational security of the network (stand-by systems, monitoring, protection and control);
- representing the Brazilian Internet management and governance entities in international

Internet governing bodies and fora ((LACNIC, ICANN, and so on).

This structure, created at the beginning of the commercial operation of Internet services in Brazil, has had a fundamental role in the beginning of this process, guaranteeing several achievements which had not been possible in many other countries, such as:

- operational and legal separation between Internet services and the telecommunications infrastructure, with the characterization of Internet services as "value-added services";
- centralizing the domain name and IP number distribution services in a single non-profit operation, thus avoiding commercial bias and inadequate use of these resources;
- reserving the ".br" root domain for exclusive use of Brazilians (which does not happen with many other countries, from China to Tuvalu);
- national interconnection of backbones in order to optimize national Internet traffic.

However, later on this non-institutionalized governance structure has not provided the transparency and social control needed in a public interest service of such tremendous importance.

Among other worrisome facts, it has been discovered during 2002 that Fapesp (São Paulo State Research Foundation) - the institution designated by the Steering Committee to administer domain name registration - has taken for itself all income generated by domain names' registration fees. The total until the end of 2002 amounts to R\$60 million (about US\$17 million) and the current estimated yearly income is about US\$4 million.

There are serious doubts also about the traffic optimization strategy, involving a US company without a proper analysis of the real need of transforming a public Traffic Exchange Point (TEP) service into a for-profit business operation. This might also have implications regarding probable control of Brazilian Internet traffic content under US laws.

Finally, despite having enough financial resources for it (it is estimated that the total operational cost of managing the Brazilian Internet is about half the income generated with domain names' registration fees), the Steering Committee has not promoted fundamental activities for the development of the network in the country, such as:

- monitoring and research on network penetration and universal access;
- developing criteria for quality certification of network services (e-mail, Web services, e-commerce etc), in which the Steering Committee itself can act as a certifying organization;
- strategies for allocating excess income for the development of the Internet in Brazil;
- consolidation of a transparent institutional structure overseen by an effectively representative council with equitable participation.

It is common sense today that this structure needs to be changed to guarantee transparency and social control over the secure, reliable and efficient operation of the Internet in Brazil, without losing the above mentioned achievements.

With the new government, there is an opportunity for a reorganization in consultation with the government and the several social sectors in the elaboration of a new proposal for this governance. This process needs to be carried out now - the current Steering Committee ends its 2-year mandate in March, 2003, and consensus must be achieved on the new paths to follow.

With the objective to contribute to this new governance model, civil society organizations met in Rio de Janeiro, on February 25-26, 2003, to discuss a proposal for Internet governance in Brazil. The result of these two days of work is expressed in the document below, as follows.

Proposal from the third sector organizations (identified at the end of this document)

interested in the Internet governance structure and in the participation of the third sector in that governance

Considering that:

- Information and Communication Technologies (ICTs) are the main form of accessing, organizing and producing information and content;
- the Internet is the main expression of the ICTs;
- in the information society social stratification and the capacity to accumulate power and wealth depend on the capacity to access, organize and produce information and knowledge,

The organizations below consider that the following must be the guiding action principles of the Internet governance structure in Brazil:

- Promotion of universal access to the network, to equipment and training for its effective use;
- Promotion of human rights, with emphasis on the right to communicate and freedom of expression;
- Defense of democratic principles for Internet governance in Brazil and in the world;
- Incentives for Brazilian society's participation in Internet governance;
- Incentive for public debate on relevant themes related to the Internet - e.g, intellectual property, digital crimes etc;
- Safe and reliable operation of the Internet infrastructure in Brazil;
- Promotion of conditions favoring a democratic environment for the economic development of the Internet in Brazil;
- Protection of consumers' rights.

Thus the organizations below propose the formation of an Internet Governance Council:

- Which is constituted equitably by members indicated by the government, the private sector and the third sector;
- Which defines autonomously its internal governance, respecting the principle of alternation of the Council presidency among the represented sectors in successive mandates;
- Where each sector defines in an independent way its representation;
- Where Council members have a mandate of two years, with the possibility of continuation for an additional 2-year mandate;
- Where a portion of the council is renovated in an equitable form every year; for this, it is proposed that the mandate of part of the council members in the [initial] 2003 period be of one year;
- Where representatives of the third sector and the private sector be indicated through open electoral processes, with rules specific to each sector, established in a transparent and public way;
- Where each organization can be qualified to vote and be voted in only one sector;
- Where permanent dialogue fora are established among representatives and their constituencies in the three sectors;
- Which guarantees the principles of transparency and consultation in its activities;
- Which promotes interaction mechanisms with society, like public consultations, hearings etc;
- Which ensures elected councilors proper personal and institutional working conditions;
- Where any income generated by the Internet Governance Council are used exclusively for the promotion of its principles and execution of its mission;
- Where the Council has full control over a non-profit organization formally constituted for implementing its policies through a professional body;
- Where the only members of the controlling council of the above mentioned institution will be the members of the Internet Governance Council during their mandates.

Rio de Janeiro, February 26th, 2003

Subscribing civil society organizations:

Afirma, Rio de Janeiro
Agência Nacional dos Direitos da Infância (Andi), Brasília
Associação Brasileira de ONGs (Abong), São Paulo
Central Única dos Trabalhadores (Cut), São Paulo
Centro de Assessoria Multiprofissional (Campo), Rio de Janeiro
Comitê para a Democratização da Informática São Paulo (CDI-SP), São Paulo
Comunicação, Educação e Informação em Gênero (Cemina), Rio de Janeiro
Federação de Órgãos para Assistência Social e Educacional (Fase), Rio de Janeiro
Fundação Pensamento Digital, Porto Alegre
Grupo Origem, Recife
Instituto de Estudos e Projetos em Comunicação e Cultura (Indecs), Rio de Janeiro
Instituto Florestan Fernandes (IFF), São Paulo
Instituto Sócio-Ambiental (Isa), São Paulo
Rede de Informações para o Terceiro Setor (Rits), Rio de Janeiro
Saúde e Alegria, Santarém
Sociedade Digital (Socid), Rio de Janeiro
Viva Rio, Rio de Janeiro

Appendix II

Steering Committee of the Internet in Brazil (CGIbr)

Public notice of electoral process - summary

This is a summary of the most relevant points of the Public Notice issued by CGIbr (www.cg.org.br/eleicao2004) to define the rules and guidelines for electing representatives of NGOs, private companies, and the academic sector to the Board. It is in the final stage of approval after a public scrutiny period which ended on March 12, 2004. All dates quoted are tentative and might change in the final version of the Notice.

CGIbr has a mandate from the federal government to carry out this electoral process, according to federal Decree 4829 (September 3, 2003), which establishes the new board structure of 21 members (eight from the federal government, one representing the Science and Technology secretariats of the state governments, one chosen by consensus as a highly qualified and experienced ICT scientist, four representing the business community, four representing non-profit civil society organizations, and three representing the academic sector).

On February 17, 2004, a first draft of the electoral process guidelines was elaborated and released to public scrutiny. Voting by email using digital certificates is scheduled to happen on May 24, 2004. For each representative a surrogate will also be elected.

The entire process is being carried out by an Electoral Commission chosen among the current members CGIbr.

The Electoral Colleges for each sector (business, NGOs, and the academic community) will be constituted by associations representing each of them, except in the case of NGOs -- any NGO can be part of its Electoral College. In all cases, however, the members of the Electoral Colleges must be legally registered as associations or NGOs for at least two years before the official start of the process (March 15, 2004). Any member of the electoral college can nominate candidates for its sector. Also, when registering the organizations will have to specify and present legal proof they represent the respective sector of activity. Thus, business associations cannot participate in the NGO Electoral College, for example.

The business sector will elect a representative (and a surrogate) for each of the following areas of activity:

- Internet services providers
- Telecommunications infrastructure providers
- Computer, telecommunications and software companies
- Business users of Internet services

The associations of the business sector's Electoral College must include in their statutes the explicit purpose of defending the interests of its specific sector or activity.

Also, all elected representatives from all sectors will be participating in the board on behalf of their electing constituencies, not on behalf of their organizations or associations.

The legal representatives of the member associations and organizations of the Electoral Colleges will receive technical and financial support from CGIbr to obtain a digital certificate for electronic voting via email.

Indication of candidates for each sector will be done through a secure electronic form sent by the legal representative of the College member. Members of the Electoral College are not required to submit candidates. Any member can indicate candidates for its corresponding sector, and this

process will be carried out from April 19 to April 23.

Every step of the process will be open to the public and will provide reasonable time for questioning, eventual impugnations and so on.

Legal representatives of NGOs will be able to cast votes for up to four candidates. The representatives of the academic community can cast votes for up to three candidates. However, legal representatives of the business sector will only vote for one candidate, representing their specific area of activity as indicated above.

The candidate with the most votes in each of the four segments of the business sector will be elected as representative, while the second most voted will be his/her surrogate.

The four most voted candidates of the NGO sector will be elected as representatives, while the next four will be their surrogates. The same criteria will be used for the three board members of the academic community.

Criteria have also been established in the case of a draw. In this case, a second election will be carried out for the specific sector (or subsector) in which the draw occurred; if a new draw is obtained, the oldest candidate will be elected, and if the draw persists, decision will be made by a raffle carried out by the Electoral Commission.

On May 25, 2004, the Electoral Commission will publish the election results including: name and sector of the candidate; names of the Electoral College members who voted in the candidate; total of votes for each candidate; indication of the candidate (as representative or surrogate) as a winner if applicable. Eventual impugnation requests will be accepted for review until May 27, 2004. On March 31, 2004, the final list of winners will be published.

Appendix III

Acronyms and Internet references

APC (Association for Progressive Communications) – www.apc.org

ccTLD (country-code Top Level Domain)

ccNSO (Country Code Top Level Domain Names Supporting Organization) – ccnso.icann.org

CENTR (Council Of European National Top-Level Domain Registries) – www.centri.org

CGIbr (Comitê Gestor da Internet no Brasil) – www.cg.org.br

FAPESP (Fundação de Amparo à Pesquisa do Estado de São Paulo) – www.fapesp.br

gTLD (generic Top Level Domain)

GNSO (Generic Domain Names Supporting Organization) – gns0.icann.org

IBASE (Instituto Brasileiro de Análises Sociais e Econômicas) – www.ibase.br

ICANN (Internet Corporation for Assigned Names and Numbers) – www.icann.org

ICT ([Digital] Information and Communication Technology)

ISOC (Internet Society) – www.isoc.org

ITU (International Telecommunications Union) – www.itu.int

LACNIC (Latin American and Caribbean Internet Addresses Registry) – www.lacnic.net

NBSO (NIC BR Security Office) – www.nbso.nic.br

PIR (Public Interest Registry) – www.pir.org

Registro.br (.br Internet registry) – www.registro.br

RITS (Rede de Informações para o Terceiro Setor) – www.rits.org.br

RNP (Rede Nacional de Ensino e Pesquisa) – www.rnp.br