

9-14-16 Protecting Internet Freedom Hearing - Written Question
(Senator Blumenthal)

Mr. Strickling, how does NTIA's transition plan ensure that consumers will be protected from anti-competitive practices after the transition?

U.S. competition laws exist to protect consumers from anti-competitive practices. In 1998, NTIA issued a Statement of Policy on the privatization of the domain name system (DNS), also known as the DNS White Paper.¹ The DNS White Paper concluded that the core functions relevant to the DNS should be primarily performed through private sector management. It also specifically stated that “applicable antitrust law will provide accountability to and protection for the international Internet community. Legal challenges and lawsuits can be expected within the normal course of business for any enterprise and the new corporation should anticipate this reality.” Post-transition, U.S. competition laws will continue to apply to the conduct of ICANN and its constituent groups in their policymaking activities just as they do today and to the same extent as those laws now apply to other private entities. Additionally, NTIA, working with other U.S. Government agencies, will continue to be a forceful advocate to protect and advance American interests, including protecting consumers from anti-competitive practices through our work on ICANN's Governmental Advisory Committee. Nothing about the transition reduces the level of effort we will put into representing American interests and protecting consumers.

Was the importance of market competition and consumer protection considered in the development of the IANA transition plan?

The criteria that the U.S. put forward included a requirement that the transition proposal must meet the needs and expectations of the global customers and partners of the IANA services. NTIA and other U.S. Government agencies, including the Department of Justice, conducted a thorough review of the transition proposal and determined that the proposal met this and the other requirements. Further, the Department of Justice did not identify any significant competitive issues relating to the IANA stewardship transition.

¹ NTIA, “Statement of Policy, Management of Internet Names and Addresses,” (DNS White Paper), 63 Fed. Reg. 31741 (1998), available at: <http://www.ntia.doc.gov/federal-register-notice/1998/statement-policy-managementinternet-names-and-addresses>.