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Comments on the application from the National Internet Exchange of India to form a NIR in India

The concept of National Internet Registries (as against the Regional registries such as APNIC) has the potential danger of paving the way for a geographically – or nationally – fragmented Internet. While the RIR have already decided to encourage NIR's, ISOC India Chennai wishes to place on record a general comment common to all NIR's proposed under the five RIR's:

It is theoretically possible for any National Government to 'separate' the Internet within its borders by implementing certain policies and practices peculiar to its English and IDN ccTLD domain space in combination with specific policies and practices for the IP address space under its NIR. This possibility makes it all the more important for the RIR's to ensure that the local policies of the NIRs do not conflict in any way with regional or global policies.

On the application from the National Internet Exchange of India to form a NIR in India, ISOC India comments as follows:

The application to form the NIR in India is filed by the National Internet Exchange of India (Nixi) together with the Internet Service Providers Association of India (ISPAI) as a consortium application. The arrangement proposed by the ISPAI is that Nixi would handle policy and financial aspects of the NIR while the “full responsibility for execution” will rest with the ISPAI.

Clause 3.2..2 of the NIR criteria states “NIR must be ... neutral with respect to the Internet industry ... NIRs should not provide ISP services ... NIRs should not have any special corporate or contractual relationship with any ISP within their service region.”

Nixi was formed by the Department of Information Technology in association with the Internet Service Providers Association of India. At least 34 Internet Service Providers (ISPs), including major Class A ISPs are part of Nixi as peering ISPs. The majority of Directors of Nixi are elected by member ISPs. It would not be entirely correct to assume that Nixi does not have (an implicit) 'contractual relationship with the ISPs'. By extension, the NIR proposed as a body jointly promoted by Nixi and ISPAI may not be free of implied and unspoken contractual relationship with the ISPs.

While ISOC India Chennai observes that the Internet Service Providers of India have policies and practices that are largely balanced, it objects – in principle – to the totality of control that the NIR would offer to the ISPs. In India in particular, the IP address space policies of the ISPs have favored large bandwidth users with high revenue bandwidth plans. Static IP addresses were allotted to users on bandwidth plans in excess of US \$ 300 – 500 per month, while the average user was not assigned a static IP addresses. While APNIC allots IP address blocks to ISPs at a negligible cost, the ISPs in India have indirectly gained substantial revenues by controlling IP address allocation to users. If the ISPAI or an ISPAI–dominant body is conceded the role of NIR, IP address space may be managed in such a way that even the abundant Ipv6 addresses offer indirect revenues to the ISPs. This is part of the rationale behind our hesitation to unconditionally support this application.

In order to ensure that the proposed application for the NIR in India meets the provisions of Clause 3.2.2 and other clauses, APNIC may suggest that

- NIXI should confirm that the proposed NIR would adhere to Internet Core values*
- NIXI should assure that its operational procedures of the proposed NIR will be non-discriminatory in any way (race, gender, religion, political ideology, opinion)*
- NIXI should make sure that the proposed NIR involves equal and meaningful participation, not only by the Indian ISP community, but also by a true representation of the Internet User communities. NIXI should confirm that it intends to function following a multi-stakeholder participatory model. In the process Nixi should gain greater independence from the Government*
- NIXI should continue to support the free choice of ISPs to receive services from the NIR or APNIC and ensure that there are no direct or indirect pressures on any ISP in India to confine its options to address space from the NIR. This free choice is of paramount importance for further development of Internet in India*

While ISOC India Chennai has faith in Nixi as a progressive institution and feels that a Nixi initiative to form an NIR as broadly agreeable, it wishes to recommend that APNIC does not rush into a decision to approve the proposal for the NIR and commissions a study regarding the restriction of allocation of IP addresses in India. APNIC may have to wait until there is clear evidence that all ISPs and all stakeholders have been duly consulted and informed on the proposal to establish the NIR.

The most significant ISPs in India are primarily telephone companies that have transitioned from the telecom sector. These telco/ISPs are part of large corporate groups that have caused considerable national economic development in the process of their own business growth; Their size and importance places them in a position to wield considerable influence over Internet policies, which makes it imperative to ensure that these corporations as ISPs do not gain an even larger position in the Internet arena that would be difficult to balance.

Thank You

*For Internet Society India Chennai
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President.*

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