

Status Report: IANA Naming Function Review (IFR) Recommendations to the ICANN Board

The IFRT submitted an [IFR Final Report](#) containing four (4) recommendations to the ICANN Board for consideration on 8 April 2021. On 12 May 2021 the Board [accepted](#) all four of the Recommendations within the IFR Final Report, and directed the ICANN President and CEO, or his designee(s) to take all necessary steps to implement the recommendations after any applicable Empowered Community process concludes.

#	Recommendation	Evaluation Criteria (per the IFR Final Report)	Implementation Status
1	The IFRT recommends that PTI publishes the IANA functions transition plan as required by the IANA Naming Function Contract.	The transition plan is posted publicly on https://www.iana.org/ .	Complete: On 11 December 2020, ICANN and PTI published the IANA Services Transition Plan on PTI’s webpage.
2	The IFRT recommends that the Annual Attestation of the PTI President that PTI has complied with the requirements of Section 6.1 of the IANA Naming Function Contract be posted on https://www.iana.org/ annually.	<p>1. The annual attestations for previous years are posted publicly on https://pti.icann.org/.</p> <p>2. A procedure is put in place to ensure future attestations are published on https://pti.icann.org/.</p>	<p>Complete: On 21 December 2020, ICANN completed publishing all Annual Attestations of Compliance and Transparency, now found on PTI’s Agreement page at https://pti.icann.org/agreement.</p> <p>Archived agreements are posted here: https://pti.icann.org/archived-agreements.</p>
3	The IFRT, in conjunction with the CSC, has identified a	1. The ICANN Board initiates a legal review of Section 18.12.a (ii)	Complete: The updated Bylaws went into effect on 17 November 2023.

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<p>duplication in the ICANN Bylaws. The remedial action procedures as generated by the CSC and PTI are referred to as components in the initiation of the Special IFR as outlined in Section 18.12.a of the ICANN Bylaws. However, the CSC and the IFRT have identified that section 18.12.a (ii) is redundant as the RAP and the IANA problem resolution process were combined into a single set of procedures (the RAPs) by the CSC.</p> <p>The recommendation is that the ICANN Board consider removing the redundant section 18.12.a (ii).</p>	<p>of the ICANN Bylaws.</p> <p>2. If the legal review agrees with the recommendation of the IFRT, a vote should take place within 365 days of the ICANN Board approval of this recommendation to remove or amend Section 18.12.a (ii) of the ICANN Bylaws.</p>	<p>Procedural Considerations: Article 25.2 of the ICANN Bylaws identifies Article 18 as a "Fundamental Bylaw" requiring formal Empowered Community approval of amendments.</p> <p>A public comment forum on the Proposed Fundamental Bylaws was open from 9 March 2023 – 18 April 2023. The ccNSO Council, the Registry Stakeholder Group, and two individuals submitted comments. The comments as a whole validated the proposed changes and indicated that it was appropriate for the proposal to continue moving through the Fundamental Bylaws Amendment Process.</p> <p>As noted within the Public Comment Summary Report, some comments outside of the scope of the posted proposed amendments were received:</p> <ul style="list-style-type: none"> - Two comments requested modifying the frequency of the Periodic IFRs. As that was not a prior recommendation of the first IFR team, nor a change required to clarify ambiguities within the IFR
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			<p>processes as laid out in the Bylaws, ICANN org does not have the unilateral ability to incorporate updates to that section for approval by the Board. ICANN org notes and encourages the community to further this conversation to allow for more effective reviews that continue to serve the community's needs.</p> <ul style="list-style-type: none">- One comment requested adding additional reporting responsibilities to the IFR. That is similarly a matter that is not appropriate for ICANN org to forward to the Board at this time, and ICANN org suggests that the commenter provide this input for consideration to the next IFR. <p>On 10 September 2023, the ICANN Board approved the amendments to the IANA Naming Function Review Bylaws and directed the ICANN Interim President and CEO, or her designee(s), to proceed to notify the Empowered Community in order to initiate the Empowered Community's Approval Process. ICANN initiated the Empowered Community</p>
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			<p>Approval Period on 15 September 2023.</p> <p>On 2 October 2023, the Empowered Community Administration directed ICANN staff to convene an Approval Action Community Forum and requested that this Approval Action Community Forum be held during the next scheduled ICANN meeting at ICANN78 in Hamburg.</p> <p>The Approval Action Community Forum took place on Thursday 26 October 2023 at ICANN78 in Hamburg. The Approval Action Decision Period expired on 16 November 2023.</p>
4	<p>In Article 7 Section 7.1 (a), the IFRT recommends that this statement, "The relevant policies under which the changes are made shall be noted within each monthly report," be removed from the contract as it is a legacy statement from the National Telecommunications and</p>	<p>1. The contractual text is updated and the new contract is posted publicly.</p>	<p>Complete: On 30 June 2024, the Unilateral Amendment to implement Recommendation 4 of the first IANA Naming Function Review Team was posted to icann.org.</p> <p>Background: While the IANA Naming Function Contract has a detailed amendment provision outlined in the ICANN Bylaws, there is a special amendment clause when the Contract is amended to effectuate an IFR</p>

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<p>Information Administration (NTIA) contract that is no longer required. Implementation of this requirement has long been recognized as being operationally impracticable ever since the time of the NTIA contract, and the IFRT is satisfied that its continued inclusion in the contract adds no value to the reports.</p>		<p>provision (emphasis added):</p> <p>Section 7.3 IANA Naming Function Reviews: “(c) Contractor agrees that ICANN may unilaterally amend or terminate this Contract (including the SOW) in accordance with an approved IFR Recommendation, an approved Special IFR Recommendation or an approved SCWG Recommendation (as such terms are defined in ICANN’s Bylaws), subject to the limitations set forth in ICANN’s Bylaws. Contractor agrees to abide by and implement any such amendments.”</p> <p>The relevant portions of the ICANN Bylaws in effect during consideration of the IFR Recommendations provide for the following:</p> <p>Article 18.6 (a): <i>“The IFRT may recommend, among other things to the extent reasonably related to the IFR responsibilities set forth in <u>Section 18.3</u>, amendments to the IANA Naming Function Contract, IANA Naming Function SOW and/or the CSC Charter. The IFRT shall, at a minimum, take the following steps before an amendment to either the IANA</i></p>
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			<p><i>Naming Function Contract, IANA Naming Function SOW or CSC Charter is proposed:</i></p> <ul style="list-style-type: none"><i>(i) Consult with the Board (such consultation to be conducted in parallel with other processes set forth in this Section 18.6(a)) and PTI;</i><i>(ii) Consult with the CSC;</i><i>(iii) Conduct a public input session for ccTLD and gTLD registry operators; and</i><i>(iv) Seek public comment on the amendments that are under consideration by the IFRT through a public comment period that complies with the designated practice for public comment periods within ICANN.”</i> <p>Article 18.6 (b): <i>“A recommendation of an IFRT for a Periodic IFR that would amend the IANA Naming Function Contract or IANA Naming Function SOW shall only become effective if, with respect to each such recommendation (each, an "IFR Recommendation"), each of the following occurs:</i></p>
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			<p><i>(i) The IFR Recommendation has been approved by the vote of (A) a supermajority of the ccNSO Council (pursuant to the ccNSO's procedures or, if such procedures do not define a supermajority, two-thirds (2/3) of the ccNSO Council's members) and (B) a GNSO Supermajority;</i></p> <p><i>(ii) After a public comment period that complies with the designated practice for public comment periods within ICANN, the Board has approved the IFR Recommendation; and</i></p> <p><i>(iii) The EC has not rejected the Board's approval of the IFR Recommendation pursuant to and in compliance with <u>Section 18.6(d)</u>.”</i></p> <p>Article 18.6 (c): <i>“If the Board (x) rejects an IFR Recommendation that was approved by the ccNSO Council and GNSO Council pursuant to <u>Section 18.6(b)(i)</u> or (y) does not resolve to either accept or reject an IFR Recommendation within 45 days of the later of (1) the date that the condition in <u>Section 18.6(b)(i)</u> is satisfied or (2) the expiration of the</i></p>
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			recommendation, with no objections stated. In parallel with this public comment, the ccNSO Council and GNSO Council were consulted and each approved Recommendation 4 with a supermajority vote.
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