Public Comment Review Tool Action Items – CWG-Stewardship 2nd Draft Proposal – Version 26 May 2015

This document includes the action items identified in the public comment review tool (dated 26 May 2015).

DISCLAIMER: Submissions have been broken out into the relevant subject headings to facilitate review and discussion by the CWG-Stewardship. Note that in certain cases comments may have been summarized and/or references made to other comments from the same author to avoid duplication. You are encouraged to review the full submissions that can be found here: http://forum.icann.org/lists/comments-cwg-stewardship-draft-proposal-22apr15/ and report any omissions or errors that may have unintentionally occurred.

Color Code:

Full CWG: Blue
DT-O: Light green
DT-N: Purple
DT-C: Orange
DT-A: Grey
DT-M: Yellow
DT-F: Pink

Quick links:
General Comments
Section I – The Community's Use of IANA
Section II – Existing Pre-Transition Arrangements
Section III - Proposed Post-Transition Oversight and Accountability – Proposed Post-Transition Structure
Section III - Proposed Post-Transition Oversight and Accountability - PTI
Section III - Proposed Post-Transition Oversight and Accountability – PTI Board
Section III - Proposed Post-Transition Oversight and Accountability – IANA Statement of Work
Section III - Proposed Post-Transition Oversight and Accountability – IANA Function Review

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
General Comments				
43.	Nominet	Details to be defined	A number of details still need to be defined: a number of these are crucial to the acceptability of the proposal. In particular: Clarity of roles: We are concerned that the proposal in this draft is again based on many different organisational and functional elements. In particular, the complexity of the proposed model could be a barrier to understanding what issues are dealt with where. (We raised this issue for the first consultation draft.) Our support for this proposal is on the basis that the roles and responsibilities of each organisation and functional element are clearly	*The CWG-Stewardship appreciates your feedback and will work towards refining and clarifying the final proposal.* *Action: CWG-Stewardship to review suggested areas that require further detail and/or clarification*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			defined and do not overlap with other parts of the structure. Use existing structures wherever possible: We should look to embedding as many of the functions as we can within existing structures. We believe that this will help engagement in stewardship mechanisms. Appropriate accountability: Accountability for actions needs to be clearly identified. Issues should be addressed at the point of failure. (For example, decisions made by ICANN on delegation and redelegation of gTLDs - which are then given as instructions to the ANA functions operator for implementation - are the responsibility of !CANN and not of the IANA functions operator. Such issues should be addressed through ICANN enhanced accountability processes.) An entity should never be held accountable for a decision over which it has no power. Clear accountability: The final proposal needs to clarify where accountability lies. It should avoid multiple levels of accountability as this can be confusing and frustrating and a barrier to effective engagement.	
44.	Nominet	Make explicit reference to outreach as part of decision-making process	All fundamental decisions related to the IANA functions operation and oversight should be verified through an open consultation. This is fundamental to multi-stakeholder engagement. Too much of the current	*The CWG-Stewardship appreciates your feedback and will work towards refining and clarifying references to outreach in the final proposal.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			proposal fails to make explicit reference to this outreach as a part of decision-making processes.	*Action: CWG-Stewardship to review references to outreach to determine whether these should be further called out*
51.	CNNIC	NA – concern for geographic balance	The proposal should fully embody the principle of geographic diversity. Particularly, when it comes the member composition of the new mechanism and the relevant election method, it shall ensure the geographic diversity so that developing countries and communities are able to have equal participating opportunities.	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations* *Action: CWG-Stewardship to factor feedback concerning geographical balance into its deliberations.*
Section I – The Community's Use of IANA				
61.	NCSG	Supportive	The description of the names community's use of the IANA functions in Sections I.A (a) - (j) and I.B is accurate and, based on our analysis, complete. NCSG wishes to add, however, that operation of the .INT top level domain should not be considered part of the names-related IANA functions. The .INT TLD is a top level domain, not a function that involves the DNS root zone. This function should be divested from the IANA functions operator and delegated to an independant entity. We believe neither ICANN nor the IANA functions operator should be involved in running a TLD. Further, we believe there may be a mistake in the	*The CWG-Stewardship appreciates your feedback.* *Action: CWG-Stewardship to review section I.C to determine whether a correction is needed*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			interpretation of Section I.C. I.C asks "what registries are involved in providing the service or activity." We believe that the registries referenced there are the names-related IANA functions. If this is true, it is a mistake to say these services are provided by TLD registry operators.	
63.	Peter Koch	Raises concern with overlap with other communities	It is unclear to what extent the CWG recognizes the IETF's competence (as in 'court') to reserve or designate TLDs (of any kind). There is positive precedent for such actions to be well received and widely recognized (dating back to RFC 2606 "Reserved Top Level DNS Names"), but recently RFC 6761 "Special-Use Domain Names" has invited a number of applications for the reservation of top level domains that might be perceived as end-run to established (ICANN) process, independent of the good faith and intentions of the respective applicants. This issue does not necessarily have to be fully resolved prior transition, but needs to be clearly identified as "open" and ought to be addressed in reasonably short time. Points to address in particular: o Which body is responsible for the formal designation of a TLD or 'TLD like string'? o What role (formal and/or technical) would the IETF special names registry have? o What is the coordination process between the IETF and ICANN (as a names policy setting body, not as IFO)?	*The CWG-Stewardship appreciates your feedback.* *Action: CWG-Stewardship to review section I.D to determine whether/how to address overlap concern.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			The technical and operational merits of such registry can remain out of scope. There might be other areas of overlap between the IETF and the names community, details of which should not clutter the proposal, that would benefit from a separation (pun intended) of duties in addition to the issue identified above.	
Section II – Existing Pre-Transition Arrangements				
66.	RySG/RrSG	Supportive – suggests edits for readability	While we support the goal of brevity and understand why much of the proposal has been consolidated to the annexes, we believe that section II.A.ii.b should specifically refer to the Generic Names Supporting Organization as the policy development body for gTLDs. Likewise, we believe that Section II.A.ii.c would benefit from a highlevel description of the review and redress mechanisms that are available to gTLD operators under the ICANN model. In general, we believe that providing context for the various links cited in the Proposal would improve flow and facilitate review, particularly by parties interested in the IANA Stewardship Transition that are new to ICANN participation.	*The CWG-Stewardship appreciates your feedback* *Action: CWG-Stewardship (RFP 2) to look into suggested edits*
Section III – Proposed Post-Transition Oversight and Accountability - PTI				

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
106.	Axel Pawlik / NRO Executive Council	No objection / none	It is our understanding that IANA personal and systems are presently shared among IANA tasks performed in support of names, numbers, and protocol registry activities, and as a result, the formation of PTI would result in non-naming IANA functions also being moved into PTI. The Internet numbers community's IANA Stewardship Transition Proposal (as developed by the CRISP team) calls for ICANN to continue as the IANA Functions Operator for the IANA numbering services by means of a Service Level Agreement (SLA) with the RIRs. At this time, we expect the RIRs to follow that approach, and thus to rely upon the SLA contractual measures with ICANN for oversight of the provision of IANA Internet numbering services. We do not expect the numbers community to rely upon the proposed PTI separation from ICANN for purposes of oversight of IANA numbering services, but also do not foresee any incompatibility between the CWG's proposal for formation of the PTI and our contracting with ICANN for its continuance as the IANA Numbering Services Operator. We understand that (per the CWG proposal) the PTI would be formed as a wholly owned affiliate of ICANN, and do not anticipate any issue related from this	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship to factor feedback into its deliberations*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			structure.	
109.	US Council for International Business	Supportive / suggested clarifications re. staffing of PTI and link with other communities	USCIB supports the proposed creation of Post-IANA Transition (PTI) "wholly-owned subsidiary." It represents an improvement over the previous proposal to create a separate new entity, "Contract Co." In our view, the latter would have created new accountability issues and requirements and potentially destabilized the performance of IANA functions. We recognize that current plans are to have the present IANA staff take up their same roles as part of PTI. If, for any reason, this failed to take place in whole or in large part, asking a new and inexperienced entity outside of ICANN to perform the IANA functions could pose significant implications for the security and stability of the DNS. We urge the CWG-Stewardship to take that into account in further developing and refining this draft. In addition, the CWG-Stewardship proposal should clarify how the PTI construct relates to the separate proposals put forward by the numbers and protocols communities. Does the PTI construct assume that all three IANA administrator functions will be/should be managed in the new entity? This needs further elaboration.	*The CWG-Stewardship appreciates your feedback concerning PTI staffing and will factor this into its subsequent deliberations.* *In relation to how the PTI construct relates to the proposals of the other operational communities, the CWG-Stewardship is tasked with developing a transition proposal specific to the IANA naming functions. The numbers and protocol parameters communities have already submitted their proposals to the IANA Stewardship Transition Coordination Group (ICG). The ICG's mission is to coordinate the development of a proposal amongst the (three) communities affected by the IANA functions. It has one deliverable which is a proposal to the U.S. Government NTIA regarding the transition of stewardship of the IANA functions to the global multistakeholder community. See* https://www.ianacg.org/ *for further*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
				details. *Action: CWG-Stewardship to factor feedback concerning PTI staffing into its deliberations on the pros and cons of PTI.*
118.	Swedish Government Offices	Supportive – would like to see further process and implications developed	The next version of the CWG-Stewardship proposal would benefit to include a process for designing the PTI-IANA contract, a process to establish community consent before entering the contract, explicit mention of whom the contracting parties are and what their legal responsibilities would be in relation to it. Stress-test #25 can be informative as it analyses a situation where ICANN delegates or subcontracts obligations to a third party.	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship to consider whether or not to further develop process for designing ICANN-PTI Contract and implications (such as Stress Test #25).*
120.	IAB IANA Evolution	Neutral	The precise details of organization, control, and governance of PTI are not entirely laid out in the proposal, but we believe it is likely to be either a public-benefit corporation or an LLC, under a board with at least a majority appointed by the ICANN board. The IETF community prepared a plan in advance of the proposal to create PTI, and IETF consensus was to continue the current arrangement with ICANN. As a result, we believe that the IETF's agreements for the protocol parameters IANA function will continue to be with ICANN. If ICANN	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship to factor feedback into its deliberations*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			chooses to create internal structures (such as the PTI) for the delivery of that service, we do not believe that entails changing the IETF's agreements. We expect legal analysis by the IETF will be required as the details emerge of how the PTI is to be constituted and funded, and that analysis could change our evaluation of what arrangements are needed. The proposal also contains some scenarios in which the IAB might be invited to participate either directly or via liaison in additional ICANN-related activities. We believe the IAB will need to evaluate those possibilities carefully in the future, when all the details are available. However, arrangements for the protocol parameters part of IANA are not dependent on such participation.	
125.	AFNIC	Supportive – suggestions on budget management	Afnic agrees the proposed structure (PTI) as a new legal entity that is an affiliate to ICANN answers to the need of structural and operational separation. In order to make sure that PTI will have the budgetary means to perform its duty, we however recommend that the funds allocated through the ICANN budget (and validated by the community as stated in the document) should be granted to PTI on a multi annual basis, and not year by year. It would allow PTI management and board to be fully responsible, and not to rely each year on the	*CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-O) to consider suggestions for budgetary management within PTI.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			budget allocated by ICANN. As the budget allocated to PTI will of course be of the upmost importance for this entity to fulfill its duty, Afnic recommends that an independent financial audit should be performed every year before the accounts approval by PTI board, and that this audit should be also sent to CSC for information, including a transparent stocktaking of all contracts passed between PTI and ICANN during the year, and their amount. Furthermore, we recommend that it should be stated that PTI General Manager should have full authority on PTI staff.	
127.	RySG/RrSG	Supportive / suggested clarifications re. staffing of PTI and funding	For all intents and purposes the PTI has the appearance of maintaining the status quo, in that the IANA Department will continue to provide existing services, albeit as an 'affiliate' of ICANN and as such a separate legal entity. It will also enable the continuation of the IANA functions contract, with ICANN replacing NTIA as the contractor, and PTI effectively becoming the IANA functions operator. The creation of PTI should satisfy the requirement for formal separation of policy from IANA and provide transparency as it relates to the cost of providing the IANA service which to date has never been achieved.	*The CWG-Stewardship appreciates your feedback concerning PTI staffing and will factor this into its subsequent deliberations.* *In relation to how the PTI construct relates to the proposals of the other operational communities, the CWG-Stewardship is tasked with developing a transition proposal specific to the IANA naming functions. The numbers and protocol parameters communities*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			It is important that the creation of the affiliate is not in any way detrimental to IANA staff in terms of their current conditions of service or create an environment of uncertainty. Current staff members have considerable expertise in the management of the IANA function and it will be important that the changed arrangements do not impact negatively on staff and resulting in turnover and subsequently compromising IANA services. Similarly, the day to day operation of the IANA Department should not change in any substantive way as a result of the creation of the PTI and to the extent possible it should be 'business as usual'. We believe it is critical that ICANN consistently and transparently provide funding and administrative resources to PTI as it is part of ICANN's core mission. The funding of PTI should never be compromised in favour of other projects. Currently the gTLD registry operators, gTLD registrars and most ccTLD operators pay fees to ICANN that constitute ICANN's primary revenue stream, which is used to support the IANA naming functions, as well as other ICANN projects. To ensure the continued funding of the PTI we believe that a set percentage of registry fees should be earmarked for the performance of	*have already submitted their proposals to the IANA Stewardship Transition Coordination Group (ICG). The ICG's mission is to coordinate the development of a proposal amongst the (three) communities affected by the IANA functions. It has one deliverable which is a proposal to the U.S. Government NTIA regarding the transition of stewardship of the IANA functions to the global multistakeholder community. See https://www.ianacg.org/ for further details.* ***Action: CWG-Stewardship to factor feedback concerning PTI staffing into its deliberations on the pros and cons of PTI.***

Chuck Gomes 5/25/2015 8:29 AM
Comment [1]: I don't understand what these responses have to do with the RySG/RrSG comments.

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			the IANA naming functions.

In the event of the separation of the IANA naming function from ICANN, the funding for a new entity performing the IANA naming function would continue to be paid by ICANN from the earmarked registry and registrar fees. This would ensure continuity of service and the security and stability of the domain name system. | |
| 128. | Sarah Falvey and Aparna Sridhar / Google Inc | Supportive if PTI has insider Board | In its draft, the CWGStewardship proposes to establish a separate subsidiary within ICANN that will be responsible for performing the IANA functions. Google agrees that this approach can strengthen accountability and transparency by ensuring that policymaking and implementation are separated, by allowing the community to better understand how the functions are performed at a more granular level, and by enabling increased transparency regarding budgeting for the performance of the functions, as compared to ICANN's broader policymaking activities. However, Google supports such an approach only to the extent that the transition proposal avoids "replicat[ing] the complexity of the multistakeholder ICANN Board at the PTI level," and "maintain[s] primary accountability at the ICANN level." To fulfill this goal, Google recommends that posttransition IANA Board members be comprised of the ICANN board itself or a subset of ICANN board members. | *Role and composition of the PTI Board are still under discussion. It is anticipated that the PTI Board would have the minimum statutorily required responsibilities and powers focused on the operation of PTI. The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.*

Action: CWG-Stewardship to factor in feedback concerning composition |

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			By contrast, establishing a distributed governance structure with an independently appointed board for posttransition IANA would raise significant concerns. Creating two boards would make it difficult to determine who bears ultimate responsibility for ensuring that the IANA functions are performed effectively. Moreover, without any further detail regarding the composition of an independent posttransition IANA board, the multistakeholder community has no guarantee that such a body would be transparently run or responsive to the community's needs, requests, and complaints. While it may be tempting to do so, creating a complex, multistakeholder board at the IANA level will make it more difficult for the public to follow ICANN processes and more difficult to hold IANA accountable for any performance failures.	
129.	SIDN	Not convinced of need for PTI, but if it is created it should be a full subsidiary of ICANN	Keep the level of complexity as limited as possible and do not add any extra structures and layers of accountability.

This is in particular the case with regard to the (governance of the) PTI. Although we are still convinced that having a PTI makes no sense and that IANA should stay within ICANN, we feel that if the community choses to work with a PTI, that this should be a full subsidiary of ICANN and should be fully controlled by ICANN. Leave it up to ICANN who it deems the best persons to be | *The CWG-Stewardship appreciates your feedback and will factor it into its subsequent deliberations on this topic.*

Action: CWG-Stewardship to factor feedback into its deliberations on the pros and cons of PTI. |

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			appointed as board members of the PTI (ICANN employees or 'outsiders') as long as ICANN remains in full control and is able to replace the board members at any time.	
130.	SIDN	Restrict the work to what is currently necessary	Restrict the work to what is currently necessary

We notice a tendency in the CWG to work out certain aspects to a level of detail that does not seem currently necessary. One example is the question if PTI has to be a Californian public benefit corporation or a Delaware limited liability corporation. While the legal counsel made clear that both would fit all the needs of the CWG, the group keeps debating this issue where it could also decide to leave this choice further as an implementation issue to be worked out later by ICANN. | *The CWG-Stewardship appreciates your feedback and will factor it into its subsequent deliberations on this topic.*

Action: CWG-Stewardship to factor feedback into its deliberations on what needs to be decided as part of the final proposal concerning PTI. |
| 132. | NCSG | Support for PTI as PBC and suggestion to extend PTI membership to IETF and RIRs. | Currently, two corporate forms are being considered for the PTI, a nonprofit public benefit corporation (PBC) or a limited liability corporation (LLC), with a single member, ICANN, at its outset. PBCs have well understood governance structures and legal requirements, while LLCs are largely defined by operating agreements thereby offering greater flexibility in governance structure.
The NCSG believes that forming the PTI as a PBC will be easier to implement and more likely to ensure various measures of good corporate governance.
If PTI is a Public Benefit Corporation that secures | *The CWG-Stewardship is actively considering the pros and cons of the PTI entity structure and will take your feedback into account. PTI is an entity for the operation of IANA naming services only. For further detail, please see the FAQ on PTI (see https://www.icann.org/en/system/files/files/legal-counsel-memo-post-transition-structure-faq-08may15-en.pdf)* |

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			nonprofit status, it will by default be bound by a nondistribution constraint, prohibition of inurement and private benefit, and restrictions on transfers of its assets upon (possible) dissolution. If the LLC form was chosen, these constraints and other baseline responsibilities for the PTI board or management would need to be debated, agreed upon and written into PTI governing documents. In addition, a way to ensure that the PTI governing board or management could not simply amend the governing documents to circumvent the constraints would also be needed. In other words, the LLC form makes the implementation of PTI much more complex and risky. Additionally, the NCSG recommends that the CWG, with broader consultation, should consider expanding the membership of the PTI to include the IETF and RIRs (or their chosen representative legal entities). As currently proposed, enormous power is concentrated with ICANN the corporation as the sole member. Particularly if PTI took the LLC form, there is a risk that ICANN could fundamentally alter, abridge or even eliminate PTI board or management responsibilities. Expanding the membership of PTI would diminish this risk.	*Action: CWG-Stewardship to factor in feedback on structure and membership as part of the final proposal concerning PTI.*
134.	ICANN Board	Supportive – questions for clarification	In light of the above, in reviewing the proposal, the Board identified some areas where further information or clarification in the proposal would be useful. These include:	*CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.*

Chuck Gomes 5/25/2015 8:40 AM
Comment [2]: This comment seems especially relevant considering that the PTI staff will be providing the services for the protocol and numbering organizations. It might be helpful to add a response in that regard before the action item.

Chuck Gomes 5/25/2015 8:44 AM
Comment [3]: In my view the Board provides some very constructive questions that will help us in filling in details of the proposal and I think it might be good to say that in our response.

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			1. In which areas does the CWG anticipate the PTI will be separate from ICANN, and where does the CWG see shared services as being allowable (ex: shared office space, HR, accounting, legal, payroll, etc.)? Additionally, we think it would be helpful to clarify the roles and responsibilities of the PTI Board vs. the ICANN Board. For example, a. From the proposal, we understand that the ICANN Board could approve an overall budget for the PTI, and the PTI would then manage within that budget, and return to the ICANN Board if more funding was needed. The PTI Board could have ability to enter into contracts within its budget, as needed. Clarifications around these topics and other guidance such as this could be helpful. b. What will be the nature of the relationship between the parent (ICANN) and its subsidiary (PTI) and will there be a clear line of reporting between the two entities? Will the duties of the PTI directors coincide with the strategy requirements of ICANN? Will PTI corporate governance be aligned with that of ICANN? c. If the PTI were to have, for example, separate legal staffing, what would happen if ICANN and PTI received conflicting legal advice on the implementation of an IANA-related policy? This is another area where clarity on the roles of ICANN Board and PTI Board could be helpful (ex: Would the ICANN Board be required to still perform	*Action: CWG-Stewardship to consider questions in development of final proposal*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			the review of documentation to consider if proper procedures were followed in evaluating a ccTLD request for delegation or redelegation, and the PTI Board then be responsible for ensuring that the PTI initiates the requisite root zone change?)	
135.	ICANN Board	Requests information about PTI-specific accountability mechanisms	We note that there are elements of the proposal that are new and may raise issues, including, for example, cost and efficiency, and what controls are in place for accountability and transparency. Are there any PTI-specific accountability mechanisms that need to be developed? If legal separation is the preferred model, the Board acknowledges that there is ongoing discussion within the CWG as to the type of legal entity that should be formed. Any move to a separate entity must include considerations of the control mechanisms in place and the impacts of such a new legal entity. We encourage the CWG to identify of what would be the important aspects of that new entity. ICANN will need to separately research which organizational type is proper for ICANN to create, keeping in mind the CWG's identified criteria.	*The CWG-Stewardship appreciates your feedback and as a result has made available an FAQ that provides further details on PTI (see https://www.icann.org/en/system/files/files/legal-counsel-memo-post-transition-structure-faq-08may15-en.pdf).* *Action: CWG-Stewardship to address PTI-specific accountability mechanisms*
136.	ALAC	Willing to compromise if concerns are addressed	The ALAC believes that there is significant cost and complexity associated with establishing IANA as a legally entity separate from ICANN. There are several reasons: • PTI will ultimately be completely controlled by ICANN,	*CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship to consider*

Chuck Gomes 5/25/2015 8:49 AM

Comment [4]: I think it would be useful to add a response noting that the CWG co-chairs have requested an analysis of estimated costs to implement and maintain the PTI proposals from the ICANN Finance team.

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			so the legal division will not have any real effect; • The benefit of the pre-defined boundaries and budgets can be achieved far easier by simply requiring ICANN to establish them in association with IANA as a division; • The benefit of a "contract" between ICANN and IANA is dubious. It is technically legally enforceable, but the concept of ICANN suing PTI or viceversa defies logic, since ICANN is in full control of PTI. • The possible reduction of liability in the case of PTI as a Public Service Corporation and ICANN being forced into bankruptcy may have some merit, but it is unclear whether the courts would treat this if it really happened. • The complexities of establishing an acceptable PTI governance plan, including its Board if there is one has so far stymied the CWG and it is unclear how to proceed. That being said, IF we can address the above complexities and governance issues to our satisfaction, and IF the costs are not outrageous, the ALAC is willing to accept this type of compromise. Presuming this legally organized PTI, questions of what power the Board has, who manages PTI staff (including the senior executive), and how the extra budget requirements will be met must be addressed.	*ALAC considerations*
141.	Business	Supportive	The Business Constituency supports the decision to	*CWG-Stewardship appreciates your*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
	Constituency		eliminate the previous proposal to create a new independent entity (Contract Co.) This approach would have created a potentially unaccountable new entity, introducing unnecessary uncertainty in governance and performance of the IANA functions. The BC does support creating Post---Transition IANA (PTI) as a separate legal entity in the form of an affiliate that would be a "wholly owned subsidiary" of ICANN. The BC recommends that the entity be organized as a California non---profit corporation, consistent with ICANN and its Bylaws, to ensure that there is a consistent application of law to both organizations. The BC supports plans to have the present IANA staff take up their same roles as part of PTI. If, for any reasons, this failed to take place, asking a new and inexperienced entity outside of ICANN to perform the IANA functions could pose significant implications for the security and stability of the DNS. We urge the CWG-Stewardship to take that into account in further developing and refining this draft.	*feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship to consider BC considerations*
142.	IPC	Supportive	The IPC is generally in favor of the creation of PTI. We note that technically, PTI cannot be a "wholly owned subsidiary" if a non-profit corporation is used as the vehicle, since (as noted) such an entity cannot have	*CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			owners. We assume that the intention is that PTI would be a membership public benefit corporation where ICANN would be the sole member. If that is the case, the IPC supports that formulation.	*Action: CWG-Stewardship to consider IPC feedback concerning structure.*
Section III – Proposed Post-Transition Oversight and Accountability – PTI Board				
144.	Axel Pawlik / NRO Executive Council	Support for narrow mission of PTI and PTI Board	We would request that the mission of the PTI be strictly constrained to the operation of the IANA registries in conformance with adopted policy, and find the CWG proposed structure of the PTI Board (an ICANN-designated board with the minimum statutorily required responsibilities and powers) to be acceptable, in principle. We reserve further specific comments until additional details are available.	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship to factor feedback into its deliberations on PTI Board*
145.	auDA	Noting lack of support for PTI as a separate legal entity, PTI Board should be corporate in nature and hold relevant expertise / Provide further details concerning structure, size, composition, responsibilities and appointment mechanisms for the PTI Board	auDA proposes that the concept of a separate legal entity is being promoted by some members of the CWG and community under the assumption that the PTI Board should be established as a "community Board", with representatives from a broad cross section of IANA's current stakeholder group. auDA believes that the assumption of such a "community Board" is not correct. The CSC (discussed below) should be a technically-focused group of direct IANA customers. Mechanisms for review (also discussed below) should be the responsibility of the community. However, assuming a contractual relationship between ICANN and the PTI is agreed, the PTI Board must be corporate in nature, holding relevant	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *In relation to your last point, it is anticipated that the PTI Board would have the minimum statutorily required responsibilities and powers focused on the operation of PTI. As such, the example put forward would remain within the remit of the ICANN Board as it is considered part of the policy related to ccTLD delegation and re-*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			expertise (including relevant liaisons) and assuming responsibility for contractually-defined responsibilities between ICANN and the PTI. Notwithstanding, the above observations, auDA notes the CWG has published little information on the nature, structure, size, composition, responsibilities and appointment mechanisms for the PTI Board. auDA is unable to support the proposed PTI and PTI Board structure and overall model, until greater detail is made available for consideration. For example: Under the terms of the contract with USG, for ccTLD delegations and re-delegations, the ICANN Board reviews documentation to consider if proper procedures were followed in evaluating the request. Which Board (if any) would be obligated to do that sign off?	*delegations.* *Action: CWG-Stewardship to factor feedback into its deliberations on PTI Board.*
147.	CRISP Team	Understands need for PTI Board but wants minimal framework (and does not necessarily want to be required to serve on PTI Board). Requires further information on composition and role of PTI.	* PTI Board - The role and composition of a Board of Directors for the IFO was not identified in the Numbers proposal. Therefore, adding any substantial role for a PTI Board is expected to add further coordination requirements between the Names and the two other operational communities, as well as additional consultations within those other communities. - Notwithstanding the foregoing, we recognize that if an	*Role and composition of the PTI Board are still under discussion. It is anticipated that the PTI Board would have the minimum statutorily required responsibilities and powers focused on the operation of PTI. The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			organization is created that is a subsidiary to ICANN, a Board might well be required by the framework of the organization. The Numbers proposal does not contemplate any model which potentially expands the role of the Board beyond the absolute minimum for organizational framework or requires participation by representatives from the three operational communities to serve on the Board. Therefore, we seek clarification on the CWG-Stewardship's proposal requirements regarding the composition and role of the PTI Board to ascertain whether there is any conflict with the Numbers proposal.	*Action: CWG-Stewardship to factor feedback into its deliberations on PTI Board and provide further clarification on composition and role of PTI Board.*
150.	Chinese Stakeholders' Joint Submission	Suggestion for hybrid composition	It is our understanding that the most critical task for PTI Board will be the procedure by which the Board members are selected. However, the selection procedure can only be determined after the role and functions of the Board are adequately defined. In such, we encourage CWG pay close attention to clarifying the role and functions of the PTI Board as early as possible.

We believe that ICANN could play a facilitating role in PTI Board selection. However, we disagree with the idea that the PTI Board should be primarily comprised of ICANN staff who are not associated with IANA department. In the meantime, we also realize that it will be too complicated and time-consuming if primarily relying on communities to select Board members. Therefore, we | *The CWG-Stewardship will factor this into its subsequent deliberations on role and composition of PTI Board. If the PTI board would be an "outsider" Board (a PTI board in which a majority of directors are not employees of ICANN) additional accountability mechanisms would need to be developed to hold PTI accountable to the community since the accountability mechanisms currently under development for ICANN would be largely ineffectual.*

Action: CWG-Stewardship to consider |

Chuck Gomes 5/25/2015 9:05 AM
Comment [5]: I suggest that we add a response before the action item that essentially says that the CWG will coordinate with the numbering community with regard to the PTI Board composition.

Chuck Gomes 5/25/2015 9:11 AM
Comment [6]: I suggest we say that the CWG agrees with this is working to define the functions.

Chuck Gomes 5/25/2015 9:10 AM
Comment [7]: I don't think this is an accurate definition of an outsider board. Shouldn't it say "in which a majority of directors are selected by ICANN"?

Chuck Gomes 5/25/2015 9:16 AM
Comment [8]: I don't think that the commenters are recommending an 'outsider board'; if I am correct, I don't think this part of the response is helpful. Note that they say "we disagree with the idea that the PTI Board should be primarily comprised of ICANN staff who are not associated with IANA department". In my reading of the comment, saying that the Board should not be primarily made up of staff NOT associated with the IANA department doesn't imply that the Board should not be made of a majority appointed by ICANN; they simply would need to be people associated in some way with the IANA department.

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			suggest a hybrid way, i.e., a majority from current IANA functions staff while a limited potion selected by communities.	*hybrid composition as suggested.*
151.	InternetNZ	Supportive – makes recommendations for Board composition	a) The PTI Board must be a Board of Directors. The membership is a critical matter of detail that must be spelled out and consulted on with the community prior to the proposal being finalised for approval by the SOs and ACs. b) Existing ICANN mechanisms should be used to populate the PTI Board. For instance, it could consist of direct appointees from the ccNSO and the GNSO, an appointee by the ICANN Board, and three appointees by the ICANN Nominating Committee. In no case should a PTI Board member be an ICANN Board member. c) If the other operational communities chose to contract directly with PTI for services, they could also select a member of the Board. d) InternetNZ supports not making the PTI Board a replica of the ICANN Board or adopting some other multistakeholder approach. PTI exists to be the Functions Operator, not to make policy. It needs to maintain a narrow operational focus on delivering for the IANA customer/s.	*The CWG-Stewardship will factor this into its subsequent deliberations on role and composition of PTI Board. If the PTI board would be an "outsider" Board (a PTI board in which a majority of directors are not employees of ICANN) additional accountability mechanisms would need to be developed to hold PTI accountable to the community since the accountability mechanisms currently under development for ICANN would be largely ineffectual.* *Action: CWG-Stewardship to consider suggestions on composition.*
154.	Internet Governance Project	Supportive / input on structure and composition	PTI's corporate governance should ensure its relative independence from ICANN Unless the right choices are made regarding PTI's corporate structure and board,	*Role and composition of the PTI Board are still under discussion. The CWG-Stewardship appreciates your feedback*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			there is a danger that PTI would be so controlled by ICANN that many of the advantages of creating a separate legal entity would be lost. More specifically, we believe that PTI should be organized as an affiliated public benefit corporation (PBC) rather than a wholly owned subsidiary (i.e., a LLC). Furthermore, the PTI board should be composed of representatives from the names, numbers and protocol communities. PTI's board should be small and operationally focused; its governance should not be designed to mirror the multistakeholder policy community, as its focus should be on implementation of policy rather than re-litigating policy conflicts. It is important to recognize that the combination of a legally binding contract, CSC oversight, periodic review and the possibility of non-renewal of the contract should be more than sufficient for PTI to remain completely accountable to the names-related Internet community that is supposed to govern ICANN. The idea that a more independent PTI could somehow be "captured" and used to thwart the policies developed by ICANN is not grounded in any rational assessment of the proposal. Stewardship over the names-related IANA functions remains with ICANN and the PTI is merely a contractor with strong ties to ICANN community that implements	*and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship to consider suggestions on structure, composition and selection.*

25

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			the policies developed by ICANN. PTI has no funding and no authority other than as a contractor of ICANN. If it acted in a manner contrary to its contract it would be in breach and could be replaced.

Forming the PTI as a PBC will be easier to implement and more likely to ensure various measures of good corporate governance. For instance, a PBC that secures nonprofit status will by default be bound by a nondistribution constraint, prohibition of inurement and private benefit, and restrictions on transfers of its assets upon (possible) dissolution. If the LLC form was chosen, these constraints and other baseline responsibilities for the PTI board or management would not exist ex ante. To create them, the transition process would need to debate them, agree upon them and write them into PTI governing documents. It would be also necessary to identify a way to ensure that the PTI governing board or management could not simply amend the governing documents to circumvent the constraints. In short, the LLC form makes the implementation of PTI much more complex and risky. The PTI board must have duty of loyalty, duty of care and duty of obedience including fiduciary responsibility to the PTI. Doing so will help ensure that the PTI board, while still complying with its various contracts with the names, numbers, and protocols communities and limited | |

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			mission, remains focused on implementation of the IANA registries, and makes decisions in the best interests of the organization. This arrangement would best maintain the separation of IANA registry implementation from policy making currently required by the NTIA contract. Given this constrained role, the PTI board should be composed of a limited number of representatives from each of the supporting policy making organizations and the PTI itself. For example, the IETF liaison and Address Supporting Organization representative to the ICANN board, along with one representative from the Generic Names and ccTLD Supporting Organizations, in addition to the PTI Executive Director, should compose the PTI board or management. The selection and removal of these representatives should occur according to processes determined by the respective organizations (i.e., IETF, ASO, GNSO, ccNSO, PTI). In this manner, the PTI board would be directly accountable to the relevant stakeholders and not be self perpetuating.	
155.	CCG-NLU	NA – Questions for clarification	Questions on the draft proposal: 1. What will be the composition of the PTI Board? 2. Will the PTI also be subject to California law, being an affiliate of ICANN? 3. Will PTI Board members be liable in the event US or foreign courts "pierce the corporate veil"? 6. Will the NTIA-ICANN contract be substituted pari	*Role and composition of the PTI Board are still under discussion within the CWG-Stewardship. For your other questions, we refer you to the FAQ on PTI (see https://www.icann.org/en/system/files/files/legal-counsel-memo-post-*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			materia with the ICANN-PTI one?	*transition-structure-faq-08may15-en.pdf*).
160.	Sarah Falvey and Aparna Sridhar / Google Inc	Support for limited remit of PTI Board	The posttransition IANA Board should have a limited remit, and its purview should extend solely to implementation of the IANA functions. Policymaking for the IANA functions should continue to be conducted at the ICANN level. For example, the posttransition IANA Board should not become a forum in which parties seek to relitigate policy decisions with a small subset of ICANN Board members. Allowing such relitigation of issues, as sometimes happens today in the ICANN Board's New gTLD Program Committee, creates uncertainty regarding the finality of decisions and often delays implementation of critical decisions. To further encourage a focus on technical and implementation issues, ICANN should prioritize the appointment of members with a strong technical understanding of the IANA functions. Limiting the posttransition IANA Board's remit and making technical expertise a key criterion for membership will allow the group to focus solely on operational excellence in performing the functions and will ensure that the policymaking and execution functions remain separated within ICANN.	*Role and composition of the PTI Board are still under discussion. It is anticipated that the PTI Board would have the minimum statutorily required responsibilities and powers focused on the operation of PTI. The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship to factor in feedback concerning remit and expertise required*
161.	Nominet	Lack of detail	We note that the nature of the Board of the Post Transition IANA (PTI) has still not been resolved. We would be seriously concerned if there were overlaps of	*Role and composition of the PTI Board are still under discussion. It is anticipated that the PTI Board would*

Chuck Gomes 5/25/2015 9:26 AM

Comment [9]: If these questions are not answered in the FAQ, we should answer them in our response.

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			accountability of the PTI Board with other elements of the structure. Its authority should be clearly different from that of the ICANN Board. We believe that the PTI Board should responsible for operational decisions of the PTI, resource management and forward planning, as well as interaction with the KANN Board. It should be answerable to the parent company, !CANN. As such the PTI Board should be a small management board with a limited and targeted role. The !CANN Board should be held responsible for the operation of its subsidiary (affiliate). We believe that it would be difficult to separate authority between a multi-stakeholder board for the PTI and the multi-stakeholder KANN Board, with the risk of dispute over their relative roles. Multi-stakeholder engagement and accountability should be at the !CANN Board level. We would want to see very clear definitions of the roles and responsibilities of the two boards in their accountability for the performance of the post-IANA transition model.	*have the minimum statutorily required responsibilities and powers focused on the operation of PTI. The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship to factor in feedback concerning PTI Board remit as well as clear definitions of roles and responsibilities*
162.	Nominet	Requirement for PTI Board and IANA to continue regular	There should be a clear obligation on the PTI Board and the IANA team to continue the regular briefings and	*Role and composition of the PTI Board are still under discussion. It is*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
		briefings	outreach to the wider community, preferably (but not necessarily only) at ICANN meetings, where most of the relevant stakeholders are already engaged. Other parts of the oversight structure (the Customer Standing Committee, the IANA Functions Review Team when appropriate) should also engage in these outreach processes.	*anticipated that the PTI Board would have the minimum statutorily required responsibilities and powers focused on the operation of PTI. The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship to factor in feedback concerning PTI Board outreach responsibilities*
163.	Centre for Democracy & Technology	PTI Board should have limited functions and duties, PTI Board should have relevant expertise	We believe that the composition and expertise of the PTI Board should be dictated by the limited functions and duties the Board has to fulfill. The PTI Board is responsible for both the IANA functions operator and the affiliate. With regard to the IANA functions operator, the Board is accountable for its performance and its responsiveness to customers. The Board must therefore be empowered to respond to customers, to make appropriate changes in the way the IANA functions are implemented, to address performance issues as identified by the CSC, the IFR, etc. As much as is possible, issues relating to the day-to-day management and performance of the IANA functions should be addressed by the IANA team, but the overall responsibility for management and	*Role and composition of the PTI Board are still under discussion. It is anticipated that the PTI Board would have the minimum statutorily required responsibilities and powers focused on the operation of PTI. The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship to factor in feedback concerning PTI Board remit, composition and expertise*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			performance of IANA functions lies with the PTI Board. This necessitates that the Board or some subset thereof, have the appropriate and relevant expertise to exercise those responsibilities. It follows that we remain unconvinced by the need to have an "insider" PTI Board comprising ICANN staff and/or Board members. The PTI Board should, through specific instruction, include members that have relevant expertise: in addition to appropriate ICANN staffing (possibly in the form of the ICANN CTO), the Board should include the manager of the IANA functions team, a representative of the GNSO, the ccNSO and possibly other communities, if appropriate. The PTI Board has to be empowered to be able to do its (boring and operational) job, both as the party responsible for the affiliate and as the party responsible for the performance of the IANA functions.	
164.	NCSG	PTI should provide IANA registry services to names, numbers and protocols communities	Regardless of the corporate form chosen for PTI, its board or management must have duty of loyalty, duty of care and duty of obedience including fiduciary responsibility to the PTI. Doing so will help ensure that the PTI board or management, while still complying with its various contracts with the names, numbers, and protocols communities and limited mission, remains focused on implementation of the IANA registries, and makes	*Role and composition of the PTI Board are still under discussion. It is anticipated that the PTI Board would have the minimum statutorily required responsibilities and powers focused on the operation of PTI. The CWG-Stewardship appreciates your feedback and will factor this into its subsequent*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			decisions in the best interests of the organization. This arrangement would best maintain the separation of IANA registry implementation from DNS policy making currently required by the NTIA contract. While not explicitly stated in the CWG proposal, we believe the PTI should provide IANA registry services to names, numbers and protocols communities. Given this operational responsibility, the NCSG believes that the PTI board or management should be composed of representatives from each of the supporting policy making organizations and the PTI itself. For example, the IETF liaison and Address Supporting Organization representative to the ICANN board, along with one representative from the Generic Names and ccTLD Supporting Organizations, in addition to the PTI Executive Director, should compose the PTI board or management. The selection and removal of these representatives should occur according to processes determined by the respective organizations (i.e., IETF, ASO, GNSO, ccNSO, PTI). In this manner, the PTI board or management would be directly accountable to the relevant stakeholders and not be self perpetuating.	*deliberations.* *Action: CWG-Stewardship to factor in feedback concerning PTI Board remit and composition*
165.	ISPCP	Supportive – requests information on Board composition	Filling the PTI board with the right membership is crucial to the ISPCP. The mechanism of selecting board members should be community-wide discussed. We see board representation from a community where ISPs are part of	*Role and composition of the PTI Board are still under discussion. The CWG-Stewardship appreciates your feedback and will factor this into its subsequent*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			as being necessary.	*deliberations.* *Action: CWG-Stewardship to factor in feedback concerning PTI Board composition*
168.	Business Constituency	Further details concerning remit and membership needed.	The CWG-Stewardship should define a post-transition (PTI) IANA board with a limited remit – the operational oversight of IANA naming functions. This is essential to prevent the PTI from becoming a place to re-litigate policy decisions. Members of the post---transition IANA board should be drawn from the broader ICANN board. This ensures that the ICANN Board remains the clear locus of accountability, and that neither of the two Boards can avoid responsibility for any operational shortcomings by seeking to hold the other responsible. In addition, common Board members will best promote a clear understanding of the limited PTI mission by its Board.	*Role and composition of the PTI Board are still under discussion. The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship to factor in feedback concerning remit and composition of PTI*
**Section III – Proposed Post-Transition Oversight and Accountability – IANA Statement of Work**			
170.	auDA	Support for a clear Statement of Work / instead of a contractual arrangement, SOW could also exist under amended ICANN Bylaws	auDA supports the concept that a clear Statement of Work (as a mechanism to enshrine current SLAs), is appropriate and essential. Should ICANN's stakeholder community agree that a separate legal entity is the preferred model for the future management and "oversight" of the IANA function, we agree that a	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations. However, as noted in the FAQ without a contract, other means of establishing expectations regarding performance*

33

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			contractual solution is appropriate. However, auDA believes that whilst the SOW could exist under a contractual arrangement it could also exist under amended ICANN bylaws. As stated previously, auDA believes that amendments to existing bylaws provide the most efficient mechanism to achieve the agreed goals. The effectiveness of these bylaw provisions would be enhanced by the work and eventual recommendations of the CCWG on accountability. auDA notes that the CWG has proposed the use of fundamental bylaws as a mechanism for ensuring the long-term effectiveness and relevance of the IFR. This being the case, auDA questions why all of the mechanisms and supporting documents for a PTI could not be developed through the fundamental bylaw model.	*levels and related terms would need to be identified, which would likely be less formal and less enforceable than through a contractual relationship.* *Action: CWG-Stewardship to factor feedback into its deliberations on IANA Statement of Work*
174.	ALAC	Concerns about role, composition, and size of PTI Board	There have been discussions on the size and responsibilities of the PTI Board. The ALAC believes that the PTI Board must be able to exercise control over PTI and must have the necessary resources and skills to do so. If everything is going well, this Board will have little to do other than the normal corporate oversight responsibilities (appointing auditors, approving budgets, setting executive remuneration, selecting the senior executive if necessary). However, if things are not working well and the PTI staff	*Role and composition of the PTI Board are still under discussion. The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship to factor in feedback concerning PTI Board composition*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			have not or cannot resolve the issue, then the PTI Board should be the next level of recourse, and it must be equipped with the proper management skills and other resources to carry out this responsibility. The ALAC is still discussing the size of the Board and who should sit on the Board, but it is very clear that this must not largely be representatives of registries. Although it is clear that registries must have significant input into IANA's operations, PTI is ultimately there to serve the overall Internet community and registries are just a part of that. Moreover, PTI will serve communities other than just the names function and the PTI Board must not have a bias toward any of these communities. Ultimately, as the owner or sole member of PTI, ICANN and its MS community will be able to exercise full control over PTI, but PTI must be given the wherewithal to properly serve Internet users as the IANA Functions Operator.	
	Section III – Proposed Post-Transition Oversight and Accountability – IANA Function Review			
176.	auDA	Support for concept of periodic review, but not for proposed structure and composition of IFRT / Increase ccTLD and gTLD	Once again, auDA supports the broad principle of periodic review of the work of the IANA Functions Operator. This is a key element of ensuring ongoing accountability, transparency and responsiveness to the community. auDA supports many of the details outlined in Annex F of	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations. Further details concerning the IFR have been made available in the FAQ on PTI:*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
		registry representation to three members from each group, provide further details with regards to the role of the ccNSO and GNSO	the CWG's report. However, the overarching structures for the implementation of the stated principles give rise to concerns. On logistical details, auDA is concerned at the proposed structure and composition of the IFRT. Currently, only one ccNSO member and one "nonccNSO" ccTLD are proposed as participants on the IFRT, and the GNSO's Registry Stakeholder Group (RySG) are also only afforded two "seats". The remaining eight positions on the IFRT would be held by other stakeholders. Given that IANA's remit is inherently technical, auDA supports the concept of direct customers maintaining a significant role in all oversight mechanisms relating to IANA's operations post-transition. auDA proposes that both ccTLD and gTLD registry representation be increased to three members from each group. This would not represent a majority stake on the IFRT, nor overly inflate the size of the IFRT, though would provide a greater degree of customer engagement. With regard to the triggering of "special", out-of-cycle reviews, additional clarity is required regarding the need for "supermajority" support of both the ccNSO and GNSO. The term "supermajority" can be interpreted in a variety of ways and, in its most literal sense, would require the engagement and support of most of the ccNSO and gNSO. Has the CWG considered circumstances where support is received from one community and not the other? Would	*https://www.icann.org/en/system/files/files/legal-counsel-memo-post-transition-structure-faq-08may15-en.pdf as well as the general FAQ [include link].* *Action: CWG-Stewardship (DT-N) to consider in further detail proposal to increase ccTLD and gTLD registry representation to three members from each group on IFRT.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			such a circumstance lead to the refusal to proceed with a special review? Does this, in turn, mean that the threshold for commencing a special xc review has been set too high? Furthermore, the deliberations of the IFRT must not be part of an unnecessarily lengthy and complex process. The IFRT should be clearly tasked with reviewing the operations of the PTI (or other entity) and, if necessary, instructing appropriate remedial actions - a process which the CSC would monitor.	
177.	US Council for International Business	Supportive, with suggestions concerning composition and development of interim process	USCIB agrees that the IANA Function Review (IFR) team should be a "lean" group of about 12 individuals drawn from each stakeholder group and convened for the express purpose of reviewing PTI's performance of the IANA Statement of Work (SOW). We agree with the initial 2-year review, followed by reviews every 5 years. USCIB also agrees that the IFR Review team should not be a standing group. The IFRs would benefit from fresh perspectives of rotating, different community members every five years. In this regard, we suggest adding some "term-limit" language concerning the selection of the IFR Review team members to ensure diverse participation. We note, however, that Annex F states that it could take	*The CWG-Stewardship appreciates your feedback. In relation to your latter point, a number of escalation mechanisms are proposed that would allow for interim redress but the CWG-Stewardship will factor your feedback into its subsequent deliberations.* *Action: CWG-Stewardship (DT-N) to consider in further detail whether additional interim process are needed to address issues*

Chuck Gomes 5/25/2015 9:49 AM

Comment [10]: These are important questions in my opinion so I think we should add action items to address them.

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			up to "nine months from the appointment of members to the IANA Function Review team to the publication of a Final Report," that will describe the process and working of the IFR. In light of our concerns regarding the separability of IANA functions raised below, we would recommend that an interim process be included in the CWG proposal on the handling of issues related to IANA functions performance.	
179.	AFRALO	Disagrees with composition of IRFT	The composition of the IFRT as proposed is acceptable, however we don't think there is need to include a CSC liaison especially as CSC is already dominated by registries and also considering that IFRT also has more seats to the so called "direct customers".	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-N) to consider composition feedback*
181.	InternetNZ	Supportive – suggests increased registry composition	a) The IANA Function Review (IFR) is a vital part of the Proposal and InternetNZ supports it being incorporated in the ICANN Bylaws as a Fundamental Bylaw, unable to be changed except by high thresholds of co-agreement between the ICANN Board and the Community (as set out in the CCWG-Accountability's first public comment report). b) InternetNZ supports the IFR being a multistakeholder group, but does not believe that registries (either ccTLDs or gTLDs) have adequate representation in the proposed composition in Annex F (at p. 52). At the least there should be three representatives of ccTLD and gTLD	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-N) to consider composition feedback (point b) and feedback on secretariat provisions (point c).*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			registries, without allowing registries to become a majority of the IFR's members. c) It is not clear why the IANA Functions Operator (PTI) should provide the Secretariat functions for the IFR. The IFO is the main target of the review, and the IFO should be a narrowly focused technical operations body. It would appear to be more sensible to provide secretariat support for the IFR through ICANN, which is structured and resourced to support such reviews as part of its overall policy work.	
182.	AmCham EU	Supportive	As highlighted in the general comments AmCham EU regrets that portions of the proposal on Separation Review and Framework for Transition to Successor IANA Functions and Operation are not entirely developed or will be developed after the transition. We think important issues such as the separation Review and Framework for transition should be fleshed out and clarified before the transition and not left for a later stage. This would create uncertainty. AmCham EU agrees that the IANA Function Review (IFR) team should be made up of 12 people drawn from each stakeholder group and convened to review the IANA Statement of Work. We also agree with initial 2 years review, followed by 5 years.	*The CWG-Stewardship appreciates your feedback.* *Action: CWG-Stewardship (DT-N) to consider in further detail whether additional interim process are needed to address issues*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			AmCham EU supports that the IFR Review team should not be a standing group. The IFR would indeed benefit from fresh ideas of rotating members every five years. Hence we suggest adding some language, highlighting the 'term limit' on the selection of the IFR Review team members to ensure diverse participation. Annex F highlights that 'it could take 9 months from the appointment of members to the IANA Function Review team to the publication of the final Report', that will describe the process and working methods of the IFR. In light of the above we ask that an interim process be included in the CWG (or CCWG) proposal on the handling of the issues related to the IANA functions performance.	
184.	Rui Zhong / Internet Society of China	Suggestion concerning timing of IFR	It is suggested that after the initial review, the IFR occur every 1-2 years, as 5 years is a long time.	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations* *Action: CWG-Stewardship (DT-SR/DT-N) to factor feedback concerning timing of IFR into its deliberations.*
185.	CENTR Board of Directors	Supportive, but requests further details concerning where and how IFRT will be established and raises possible undermining of	The dual structure that is expected to monitor (Customer Standing Committee - CSC) and review (IANA Functional Review Team - IFRT) the PTI replaces the role currently executed by the NTIA. It allows both customers and other stakeholders to oversee IANA's performance and	*The CWG-Stewardship appreciates your feedback and notes that some of this information concerning the IFRT is already available in Annex F of the proposal. Nevertheless, the CWG-*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
		independence as a result of funding by IFO	evolution. Considering the importance of such functions, we deem appropriate that further details be provided regarding where and how exactly these organisations are going to be established. Concerning the IANA Functional Review Team, in order to be truly multistakeholder, it will need funds to provide travel assistance and a state of the art remote participation system for its meetings. We understand that it is assumed that the IFO will provide the IFRT with the necessary support and resources. This however could undermine IFRT independence from the subject of their review.	*Stewardship will review your feedback and incorporate this feedback into subsequent work.* *Action: CWG-Stewardship (DT-SR/DT-N) to consider providing further details concerning where and how CSC will be established as well as concerns expressed regarding funding.*
186.	KISA	Supportive / geographical balance should be considered in composition	The Internet Community of Korea supports the proposed structure and composition of the IFRT(IANA Function Review Team). Aside from this, we'd like to reiterate that sufficient consideration be given to the geographical balance in the composition of IFRT. We have previously emphasized the importance of geographical balance of MRT(Multi-stakeholder Review Team) on the first draft proposal of CWG. The members of the ICG, CWG Stewardship, CCWG-Accountability were selected based on the multi stakeholder model, but we note that the selection process did not have mechanisms to ensure a more balanced regional representation. Thus, there are regions which have lower representation as well as	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations* *Action: CWG-Stewardship (DT-SR/DT-N) to factor feedback concerning geographical balance of the IFRT into its deliberations.*

Chuck Gomes 5/25/2015 10:00 AM
Comment [11]: Is this a correct understanding? If not, we should correct it. Would the IFO fund the IFRT or would ICANN fund the IFRT? Clearly, ICANN is the ultimate funder in both scenarios.

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			regions and countries that have a significantly higher number of members in the groups. We understand that one of the more important criteria for the selection of members in those groups was their willingness to exert their time and effort and that may be the reason for the disproportion in regional representation. However, we strongly believe that regional balance be included as an important criteria in the composition of the IFRT since it will need to fully represent the global community.	
187.	Internet Governance Project	Supportive	Just as pre-transition ICANN was held accountable by the possibility that NTIA would not re-award it the IANA functions contract, so the post-transition IANA should be held accountable by the possibility that ICANN, acting with the support of its broader community, would not re-award it the IANA contract. For this accountability measure to be effective, the review, re-bidding and selection process must be quick and efficient. We urge the CWG to simplify and expedite the IFR process and to develop a clearer, more efficient re-bidding and selection process.	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations* *Action: CWG-Stewardship (DT-SR/DT-N) to factor feedback concerning simplification and expedition of the IFR into its deliberations.*
188.	CCG-NLU	Clarity needed concerning consequence of negative IFR	4. What will be the consequence of an unfavourable IANA Functions Review? This is not specified currently in the draft proposal.	*The CWG-Stewardship appreciates your feedback and notes that this information is available in Annex F of the proposal. The CWG-Stewardship will include your question as a general FAQ (see [include link]).*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
				Action: CWG-Stewardship to include response to this question in FAQ.
189.	DIFO	Supportive – seeks broader ccTLD composition	DIFO welcomes regular reviews of PTI and agree that a first review after two year and then once every five years seem to be a sensible period. DIFO support a list that includes a minimum of issues a regular reviews should contain. It is important to have a possibility of ad hoc reviews, and neither the regular not the ad hoc reviews should be limited in scope. DIFO finds it essential that the review team as suggested includes non-members of the ccNSO. It is also important the Special Reviews also can be triggered by request from non-members. This includes a need for a process that ensures that any ad hoc review must also be consulted with the ccTLD community that are not members of the ccNSO. In general any structure and processes around reviews shall include the entire ccTLD community and not only the ccNSO members.	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations* *Action: CWG-Stewardship (DT-SR/DT-N) to factor feedback concerning composition.*
190.	CIRA	Supportive and has suggestions on composition	I believe there is a need to hold broad, regular reviews of the operation of the IANA functions, just as the NTIA has periodically carried out by soliciting community input. For	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations*

43

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			this reason, I support the proposed IFRT and the frequency of its reviews – initially in two years, then every five years. While I recognize and accept the need for broad participation in the IFRT, including representatives of the multi-stakeholder community, further discussion is required to determine whether the proposed composition of the IFRT represents the right balance. Consideration should be given to ensuring the direct customers of IANA (that is, top-level domain registries) represent the majority of the composition of the IFRT panel. Moreover, the representation of the ccTLD community should be equivalent to that of the GNSO community. I support the inclusion of a non-ccNSO aligned ccTLD manager on the IFRT. However, the proposal does not identify how this member would be chosen. CIRA recommends that the ccNSO Council have this responsibility, as it is the entity that is in the best position to do so. While the ccTLD community has been fortunate to have two non-ccNSO members volunteer for CWG membership, we must be cognizant that we cannot be	*Action: CWG-Stewardship (DT-SR/DT-N) to factor feedback concerning composition and section process.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			assured that suitable non-ccNSO ccTLD managers will always present themselves for participation on the IFRT. This should not preclude ccTLD full participation. To ensure adequate ccTLD representation on this important team, I recommend that any non-ccNSO ccTLD representatives be chosen by the ccNSO Council, provided candidates with relevant knowledge and experience present themselves.	
191.	AFNIC	Supportive but suggests composition change	Afnic is of the opinion the composition of the IANA function review team should : a. Give more room to IANA direct customers. b. Have an equal representation inside the direct customers between CCTLDS and GTLDS In order to do so, Afnic proposes the following repartition between IFRT members: CCNSO :3 Non CCNSO : 1 GNSO : 4 The rest of the list with no change.	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations* *Action: CWG-Stewardship (DT-SR/DT-N) to factor feedback concerning composition*
192.	Digilexis	Supports the general concept of an IFRT.	The IANA Function Review (IFR) will be due every 5 years. We believe that the IANA Function Review recommendation for a separation process should be escalated directly to ICANN Board by the IFR Team (they should be well equipped to do a good enough job for that), although it is up to the Board to request advice or	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations* *Action: CWG-Stewardship (DT-SR/DT-N) to factor in feedback concerning*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			opinion directly from the Supporting Organizations and Advisory Committees or to get such advice or opinion by means of a Cross Community Working Group process. In any event an IFR recommendation for the initiation of (IFO) Separation discussion should be carried out by such CWG (which should include the IFR Team members.) We would also advise that the Customer Standing Committee (CSC) be included as participant in the Separation Review. Perhaps they could also appoint 5 people or at least a couple a liaisons to the Review. The (CSC) is responsible for monitoring IFO performance, particularly in relation to naming services, according to contractual requirements and service level expectations.	*composition*
194.	Sarah Falvey and Aparna Sridhar / Google Inc	Supportive	Google agrees with the proposal to have the IANA Functions Review Team review the performance of the IANA Functions Operator and identify areas for improvement every five years. In proposing the creation of this Review Team, the CWG-Stewardship has struck a good balance between the need to evaluate the performance of the IANA Functions Operator with the recognition that it would inappropriate to create a permanent, standing committee to do so. In order to ensure that the Functions Review Team remains focused on its core mandate, we urge the following:	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations* *Action: CWG-Stewardship (DT-SR/DT-N) to factor in feedback concerning IFRT*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			• The Functions Review team should limit its mission to evaluating the performance of the IANA Function Operator and related IANA oversight bodies, and recommending changes where appropriate. • The proposal should require multistakeholder representatives from a cross-section of the ICANN community, with a focus on technical expertise and experience with IANA. • The Functions Review team must act transparently: Its meetings, procedures, and recommendations must be public. • The CWG-Stewardship should include in its proposal a mechanism to ensure that ICANN acts on the IANA Function Review Team's recommendations and periodic evaluations of its performance. It is critical that its recommendations are acted upon to promote and preserve the community's trust in the performance and accountability of the IANA Functions Operator. If necessary, the CWG-Stewardship should work with the Accountability Working Group to implement its recommendation.	
195.	SIDN	IFRT should be more balanced	The service that IANA provides with respect to names is by nature a very limited but extremely important one. The direct customers of IANA (the TLD registries) are the first to be aware of that, as their own services heavily	*The CWG-Stewardship appreciates your feedback on the IFRT composition and will factor this into its subsequent deliberations*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			depend on it. The direct customers therefore will also be the first to want things changed if that is necessary from a service (level) perspective. On the contrary the direct customers have a high interest in avoiding any changes to the IANA function for other than failures in services because such changes always create the risk of instability of the IANA services. From that point of view we feel that: • the IANA functions review team (IFRT) should be more balanced than currently foreseen, having as many registry appointed members as non registry appointed members seems more logical; • the mechanism by which a decision within ICANN will be taken on significant changes with regard to IANA should include opportunities for the registries to veto such changes. (to be arranged by the CCWG).	*Action: CWG-Stewardship (DT-N) to factor in feedback concerning IFRT composition* *In relation to your second point, the CWG-Stewardship would like to remind the commenter that the CCWG-Accountability has been tasked to review and address the broader ICANN accountability issues and as such the CWG-Stewardship would like to refer the commenter to the CCWG-Accountability to submit feedback on this issue directly.*
196.	Nominet	IFR to be established using existing models within ICANN, strong representation of operational customers on IFRT	We believe that the IFR should be established using existing models within ICANN, whether based on the Affirmation of Commitments reviews or the cross-community working group model). Fundamental to both of these mechanisms is the outreach to the wider community - we would welcome an explicit statement of this principle in any review process.	*The CWG-Stewardship appreciates your feedback on the IFRT structure and composition and will factor this into its subsequent deliberations* *Action: CWG-Stewardship (DT-N) to factor in feedback concerning IFRT structure and composition*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			Given the role of the IFR to maintain operational excellence for IANA services, we believe that the IFRT should bring in a strong representation from operational customers. The review should be focused on performance and development, looking at delivery against agreed service levels and operational requirements and making recommendations for improvements in the contract.	
197.	Centre for Democracy & Technology	Supportive, but question ability of Board to reject IFR recommendations and PTI providing secretariat	The IFR is a central element in the overall proposal and is an appropriate review mechanism for ensuring that the broader Internet community has an opportunity to contribute to the assessment of the performance (and more) of the IANA functions operator. We fully support the two-year post transition IFR and then periodic five year reviews thereafter. This periodicity is an essential component of ensuring the accountability, performance and reliability of the IANA functions. CDT also supports the IFR's inclusion as a fundamental bylaw. While we agree that the IFR does not need to be a standing entity, there needs to be a mechanism for ensuring that it can be quickly and effectively assembled should a Special IFR be called for (which we understand to be an interim IFR that can be called for in exceptional circumstances). The membership of the IFR/SIFR should be broader than that of the CSC and should involve the	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations* *Action: CWG-Stewardship (DT-N) to factor in feedback concerning Board role and secretariat*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			SOs and ACs, as is outlined in the proposal. We do not support the PTI/IFO providing the secretariat for the IFR, particularly as the IFR will be reviewing the performance of the PTI/IFO. Further, we do not see any reason why an IFR should not be able to make the same recommendations as a SIFR, up to and including separation – perhaps this is intended but it is not clear in the text. We note in points 4 and 5 of accompanying FAQ that the Board would review recommendations from the IFR and either adopt, modify or reject them. We question whether it is appropriate that the Board's has the ability to reject IFR (community) recommendations. We would suggest that the CWG look again at this and discuss whether it would be more appropriate that the Board adopt or if there is disagreement ask for further clarification/seek to find common ground with the IFR on its recommendations.	
199.	ISPCP	Supportive – makes suggestions on periodicity	ISPCP support establishing the IFR and fixing it within the ICANN bylaws in principle. However with regard to the periodicity we suggest to be more flexible. The schedule could be fixed after the first IFR (2 years after the transition).	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations* *Action: CWG-Stewardship (DT-N) to factor in feedback concerning periodicity*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
200.	ALAC	Concerns about composition and mandate	Comments here also apply to Annex F The IFR must also be allowed to review the CSC and its effectiveness as well as recommend changes to its composition and charter. As an integral and extremely important part of the overall transitioned IANA, the CSC cannot be exempted from the periodic review that the CWG has wisely mandated. The composition of the IFRT is problematic in that it is envisioned as a relatively extensive process and allowing only 1 person per most stakeholders can have continuity implications. At the very least, the composition must allow at least one Alternate per stakeholder. It is unclear whether the mandate of the IFR is purely the names component of IANA, or will cover the entire range of IANA operations. Related to this, it is unclear what organizations outside of ICANN might be included in the IFRT.	*The CWG-Stewardship appreciates your feedback on the IFRT structure and composition and will factor this into its subsequent deliberations. The CWG-Stewardship is tasked with developing a transition proposal specific to the IANA naming functions, and the IFRT is limited to naming functions as a result.* *Action: CWG-Stewardship (DT-N) to factor in feedback concerning IFRT structure and composition*
202.	NIRA	Supports the general concept of an IFRT, but does not generally support IFRT as proposed.	NIRA welcomes the recommendation that III.A.i.d -IFR be included in the "Fundamental bylaw" as part of the work of CCWG Accountability. However, the composition of IFRT as shown in Annex F, seems skewed towards GNSO (RYSG, RsSG, CSG, NCSG and GNSO). What of non-GNSO	*The CWG-Stewardship appreciates your feedback on the IFRT composition and will factor this into its subsequent deliberations. The CWG-Stewardship is tasked with developing a transition*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			representation? (.ARPA, .INT, .GOV and .EDU) GAC, and ALAC had one each, the equal footing of the Multistakeholder principle seems to be absent here. NIRA believes that GAC and ALAC should each have regional representatives to the IFRT because this seems to be the strongest oversight mechanism. Itsrecommendation can cause a separation, rebid and another transition.	*proposal specific to the IANA naming functions, and the IFRT is limited to naming functions as a result.* *Action: CWG-Stewardship (DT-N) to factor in feedback concerning IFRT composition*
203.	Business Constituency	Supports the general concept but requests further details	The Business Constituency agrees that an IANA functions review team should be constituted solely for that purpose, rather than established as a standing body vulnerable to mission creep. It is already difficult for businesses - especially small and medium size enterprises - to participate fully in ICANN today, and increasing the complexity and number of standing committees would have made the process even more difficult to follow. The IANA functions review group should be defined more clearly. Its processes should be open and transparent, and its remit should be limited. Moreover, ICANN should adopt a requirement to implement recommended process improvements arising from the IANA functions review. As we have seen in the context of the Accountability and Transparency review teams, conducting the review and making recommendations is useful only if those recommendations are actually implemented.	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations* *Action: CWG-Stewardship (DT-N) to factor in feedback concerning further details and how to deal with IFRT recommendations*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
204.	IPC	Comments concerning composition	It is particularly important that the composition of the IFR Team be multistakeholder and not be dominated by registries. We recognize that the members of the IFR Team need to be capable of conducting an operational and performance review, but we believe that the varied skill sets required in this regard are not the exclusive province of registries. Indeed, fluency in contract review and compliance can be found in various stakeholder groups, not least the IPC. On a related note, we view favorably the statement that the IFR Team will be open to "participants" as well as "members." As with the CWG, it is important that these participants are not "second class citizens," and that they are able to participate fully in the work of the IFR Team, except as to votes or formal consensus calls (which should be rare).	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations* *Action: CWG-Stewardship (DT-N) to factor in feedback concerning composition of IFRT.*
Section III – Proposed Post-Transition Oversight and Accountability – CSC				
206.	Axel Pawlik / NRO Executive Council	Supportive / note willingness of RIRs to provide liaison to CSC	We note that the CWG proposes a Customer Standing Committee to perform the operational responsibilities towards monitoring of performance of the IANA naming function, and the RIRs would be willing to provide a numbers community liaison for that Customer Standing Committee in consideration of the dependency that the numbers community has on IANA naming services related to the global reverse DNS domains (IN-ADDR.ARPA, IP6.ARPA).	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-C) to factor in willingness of RIRs to provide a numbers community liaison to the CSC*
209.	CRISP Team	Supportive so long as	* Customer Standing Committee	*The CWG-Stewardship agrees with this*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
		independence between the Names and Numbers mechanisms is maintained.	- We understand the role of the CSC is to review the service level of the Names related IANA Functions. The Numbers community has proposed a separate mechanism for service level review of the IANA Numbering Services. We observe they are independent and do not see any issues so long as this independence is maintained, but we note the possibility of communication between the groups as needed.	*perspective and is of the view that its proposal meets these criteria.* *Action: CWG-Stewardship (DT-C) to note observation on CSC coordination with (and independence from) Numbers mechanism.*
212.	InternetNZ	Supportive	a) InternetNZ supports the role and composition proposed for the Customer Standing Committee. Day to day oversight of the IANA functions should predominantly be by the users of these functions. b) The constitutional documents for the CSC must make clear how inappropriate ICANN influence on the CSC or its functions can be assured. c) It should be noted for clarity that the GAC Liaison proposed for the CSC should not be from the same entity as a government-operated TLD.	*The CWG-Stewardship appreciates your feedback and will incorporate this feedback into subsequent work.* *Action: CWG-Stewardship (DT-C) to consider adjustments based on points b and c.*
214.	CCWG-Accountability Co-Chairs	Supportive	Section 1.4, on page 12 of the CCWG Accountability interim proposals, acknowledges the intention of the CWG Stewardship to create a Customer Standing Committee. The CCWG Accountability did not at this point consider specific Bylaw changes related to the CSC. It would however not contradict any of the CCWG Accountability proposal. It might therefore be more appropriate if this recommendation was drafted and	*The CWG-Stewardship appreciates your feedback and will incorporate this feedback into subsequent work.* *Action: CWG-Stewardship (DT-C) to consider formal linking the CCWG-Accountability response on CSC in relevant section of draft.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			specified directly as one of the CWG Stewardship recommendation.	
216.	CENTR Board of Directors	Supportive, but requests further details concerning where and how CSC will be established	The dual structure that is expected to monitor (Customer Standing Committee - CSC) and review (IANA Functional Review Team - IFRT) the PTI replaces the role currently executed by the NTIA. It allows both customers and other stakeholders to oversee IANA's performance and evolution. Considering the importance of such functions, we deem appropriate that further details be provided regarding where and how exactly these organisations are going to be established. We would recommend further clarity on the organisational structure of the CSC, including its juridical profile – a Committee within the PTI or ICANN, and its funding mechanisms.	*The CWG-Stewardship appreciates your feedback and notes that some of this information concerning the CSC is already available in Annex G of the proposal. Nevertheless, the CWG-Stewardship will review your feedback and incorporate this feedback into subsequent work.* *Action: CWG-Stewardship (DT-C) to consider providing further details concerning where and how CSC will be established.*
220.	AFNIC	Supportive	The composition as well as the functions and responsibilities of the CSC are in line with Afnic's expectations. However, we note that its secretariat would be provided by PTI. In order to guarantee the smooth and independent functioning of the CSC, Afnic would recommend that the budget allocated to it should include an independent secretariat.	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-C) to consider feedback on secretariat provisions.*
222.	Sarah Falvey and Aparna Sridhar /	Supportive, but concerns about creating a new structure – suggestions to	We agree that the multistakeholder community must assume NTIA's stewardship role in monitoring ICANN's performance to ensure that the IANA functions	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
	Google Inc	address these concerns	themselves are being carried out in an accurate and efficient ways. However, we continue to have concerns about creating a new structure to perform these tasks — it will likely increase complexity, bureaucracy, and further obfuscate issues of authority, governance, and dispute resolution. Noting that there is strong support in the community for the creation of a CSC, we offer some suggestions below for ensuring that the CSC provides useful and meaningful oversight over the IANA functions. Specifically, this committee's scope should be strictly technical and include only: (1) monitoring the performance of the naming functions for any technical irregularities or issues; (2) ensuring that the IANA functions operator maintains appropriate service levels for services associated with naming; and (3) raising and addressing any persistent performance deficiencies related to naming. Because the CSC's remit should be technical and it should have no role in setting or reevaluating policy, its composition should be limited to the direct customers of the IANA naming functions (gTLD and ccTLD operators) and related experts or liaisons as that group sees fit. Currently, the proposal does not provide clear roles and responsibilities between members of the CSC and liaisons to the CSC, and these roles must be clarified before moving forward.	*Action: CWG-Stewardship (DT-C) to consider feedback on CSC remit and composition*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			Finally, the overall membership of the CSC should remain small. It is not necessary for the technical oversight over the IANA functions to be broadly representative in order for the group to accomplish their narrowly stated mission. Also, a smaller group is more likely to be operationally efficient.	
228.	ALAC	Concerns with CSC escalations	The ALAC presumes that all the deliberations and output of the CSC will be completely transparent. Any exclusions must be explicitly documented. The following comments here also apply to Annex J. The ALAC does not believe that the ccNSO or the GNSO are the appropriate bodies to which the CSC should escalate problems. There are several reasons for this. • The ccNSO and GNSO are policy bodies. As such, they should not be in the direct path to address IANA operational issues. That violates one of the prime principles of IANA being operated under the auspices of ICANN. • The GNSO does not have the processes to investigate or otherwise address operational issues with PTI. The staff assigned to the GNSO are explicitly Policy staff. • Although the GNSO is a multi-stakeholder body, it has a restricted number of multistakeholders, and assigning escalation to the GNSO would put these stakeholders is a	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-C/DT-M) to consider feedback on CSC escalation*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			privileged position relative to the rest of those within and outside of ICANN. • Annex J implies that the only real recourse that the GNSO or the ccNSO would have would be to invoke the community empowerment mechanisms being designed by the CCWG. It makes no sense to first go to the one or two registry SOs instead of going to a community-wide group that actually has the 6 power to take action. This intermediate step will only delay and possible action. The concept of the Multistakeholder Review team from the original Contract Co model indeed made sense. In this model, it would simply be the empowered group of stakeholder representatives who actually have the power to act on a CSC concern. This group must be provided with staff resources to allow it to function properly.	
231.	IPC	Supportive, but CSC should be sufficiently multistakeholder	The IPC acknowledges that the remit of the CSC is narrowly focused on operational performance of the IANA Function operator. However, it is still important from a governance perspective that the composition of the CSC be sufficiently "multistakeholder" so that the CSC is not essentially run by and for the benefit of registries. For similar reasons, it is important that the work of the CSC be open and transparent. The IANA Function is a critical resource used by every person or thing that interacts with the Internet. As such, it is quintessentially	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-C) to consider feedback concerning CSC composition*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			a public resource, and its oversight should reflect that. The fact that the registries are nominally its "customers" is not dispositive. There may be times when the needs of the "customers" are not aligned with the global public interest. The CSC needs to be able to act in that higher interest, and not merely as a "special interest." As with the IFR Team, the CSC should be open to "participants" as well as "members," able to participate fully in its work.	
**Section III – Proposed Post-Transition Oversight and Accountability – Service Level Expectations**
232.	auDA	Questions whether development of re-defined SLEs is essential prior to the IANA transition / Maintain status quo with continuous improvement post-transition	auDA welcomes the DT's commitment to working with IANA staff to develop a set of SLE's for the posttransition environment. It is critical that the perspectives and experience of current IANA staff are acknowledged and reflected in final documentation. However, auDA questions whether the development of re-defined SLEs is essential prior to the IANA transition. The current transition process is significantly complicated and auDA proposes that the maintenance of the "status quo" regarding SLEs is adequate and further goals relating to continuous improvement should be addressed post-transition. auDA welcomes the opportunity to comment in detail, when the DT's work (or other post-transition work) is finalised.	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-A) to factor feedback into its deliberations*
234.	CENTR Board of Directors	Requests assurances that the transition plan will target a further refinement of IANA	As ccTLD operators and therefore, direct IANA customers, we have been working in close contact with ICANN to improve IANA's performance, including its level of	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
		productivity and efficiency	responsiveness toward its stakeholders, over the last decade. Consequently, we believe that the essence of a sound transition plan is the assurance that it will be targeting a further refinement of IANA productivity and efficiency and assures that IANA delivers a service on a non-discriminatory basis.	*Action: CWG-Stewardship (DT-A) to factor feedback into its deliberations*
235.	CENTR Board of Directors	SLEs should be in place before transition	It is not clear how the initial contract and statement of work is going to be drafted. If the current NTIA contract and SOW are used, it would take two years (until the first IFR) until there is an opportunity to discuss Service Level Expectations, SLEs. As there is a significant gap between the current SLEs and the contractual requirements, it would not only be a missed opportunity to bring them closer together, but there is also a risk that service levels might deteriorate while still fulfilling the requirements in the renewed contract. We therefore ask that the SLEs are in place before the transition. In case the current contract is adapted to reflect the current service levels, it is unclear who would be responsible for deciding on these clauses. We regret that the draft proposal does not include details on the Service Level Expectations. We understand that there are issues regarding the disclosure of proprietary information and we urge all parties to come to a swift solution. The SLEs section is the keystone for this	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-A) to factor feedback into its deliberations*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			proposal.	
240	SIDN	Restrict the work to what is currently necessary.	Restrict the work to what is currently necessary. We notice a tendency in the CWG to work out certain aspects to a level of detail that does not seem currently necessary. Another example is the whish to update the SLE's. While it would certainly be a benefit if the SLE's would be updated in the process (IANA's actual performance is on a significant higher level than the current SLA) SIDN does not feel that this should in any way block or slow down the finalization of the work of the CWG. Given the limited time for the CWG to finalize its proposal it might be wise to postpone (the finalization) of this work until later.	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-A) to factor feedback into its deliberations*
241.	Nominet	Concerned about the lack of progress	We are concerned at the lack of progress in establishing the current service level commitments for the provision of the service. This is a key element for the oversight of the new service. The starting point for the SLEs should be that included in the current contract, subject to any necessary updating because of the withdrawal of the NTIA. While it might be "nice" to increase commitments to recognise the current performance of the IANA functions operator, we believe that this should be resisted unless	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-A) to factor feedback into its deliberations*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			there are clear operational reasons for change. On the other hand, we think there needs to be a clear statement on processes to amend and update the SLEs post transition and in response to customer requirements. We would note that SLEs need to be appropriate to the needs of the customers: they should be based on operational requirements only. We would also note that not all service levels will have equal weight in assessing the performance of the operator. Service levels can have a direct impact on the cost of providing the service and this should be considered in setting commitments.	
242.	Nominet	Lack of detail	We are concerned that there is little detail about the service level expectations. Bearing in mind that these will be the basis for measuring the effectiveness of the PTI, these metrics should be clearly specified as soon as possible. The service levels in the current contract should be the basis for the post transition environment unless it is clear that they are no longer appropriate. The stewardship transition should not be an opportunity unilaterally to establish new levels without clear justification. SLEs should not be set higher simply to reflect current levels of performance, but based on	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-A) to factor feedback into its deliberations*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			operational need. However, it is important to establish a process to keep the SLEs under review post transition and to agree and implement new commitments as and when needed.	
Section III – Proposed Post-Transition Oversight and Accountability – Escalation Mechanisms				
246.	AFRALO	Suggestion for alternative escalation path	We are concerned about the escalation path of the CSC as currently proposed and we suggest that CSC escalates to PTI Board who may ask for a review (from the IFR) or any other action they judge appropriate than the "direct customers" of IANA	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-M/DT-C) to consider alternative escalation path.*
255.	Centre for Democracy & Technology	Concerns re. step 3 of problem management and lack of detail	We have some concerns that Problem Management step 3 on page 68 - where it is suggested that the CSC escalates to the ccNSO/GNSO - is adding a layer of escalation that may not be necessary. If requests for remedial actions are not being addressed by the IANA functions operator then there is, one must accept, a breakdown in the relationship and trust between the customers and the IANA functions operator. If this is the case, and remedy is not possible, it would seem appropriate for the CSC to call for a SIFR. A trusted relationship between the CSC and the IANA functions operator is absolutely essential to the stability, security and resiliency of the DNS.	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-M) to consider concerns re. step 3 and address lack of detail.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			Further, the lack of detail relating to how systemic problems will be addressed is concerning. We would suggest that systemic issues/problems should be subject to an SIFR and not just left to the 5 year IFR. Again, the stability, security and reliability of the DNS are paramount, and systemic problems - which are precisely the potential issues this stewardship framework is designed to address - must be dealt with as soon as they are identified.	
256.	NCSG	Concerned about inconsistencies and lack of detail	While we agree that the CSC should address issues of concern related to performance directly with the IFO, there may be inconsistencies between the review processes related to the CSC and its responsibilities and the IFR. According to the consultation document p. 58 "in the event that a material change in the IANA naming services or operations would be beneficial, the CSC reserves the right to call for a community consultation…" seems to be duplicative of the IFR and in particular the special review that is a component of the IFR. In addition the proposed CSC consultation process seems at odds with the IFR in that any result of the consultation would be approved by the ccNSO and RySG, a much smaller subset of the community than involved in an IFR. Our preference would be for any such material changes be reviewed as a part of the IFR special review process.	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-M) to review suggested inconsistencies and address lack of detail.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			The process for addressing "systemic problems" on p 68 needs to be further elaborated as this is a key part of any escalation process. While it may be convenient to footnote to "IRP and CCWG Accountability WS 1 mechanisms", filling this escalation gap with a fully spelled out and credible community based process that is proven and effective will be essential prior to the finalization of the proposal.	
Section III – Proposed Post-Transition Oversight and Accountability – Separation Review				
260.	auDA	Lack of details / further details needed regarding what could trigger separation and escalation paths	There is a lack of detail on the proposed separation process, particularly regarding the role of SOs and ACs in said process. It is unclear what could trigger separation (or a separation review) and escalation paths at this extreme stage of review must also be made clearer.	The CWG-Stewardship acknowledges that further details are required on the separation review and is actively working on this issue. Action: CWG-Stewardship (DT-SR/DT-N) to factor feedback into its deliberations
261.	US Council for International Business	Lack of details / mechanisms to accomplish separability should be explicitly included	We note that Annex C singles out "separability" as one of the 10 principles and criteria that should underpin decisions on the transition of NTIA stewardship for names functions. The annex states that any proposal must ensure the ability: i. To separate the IANA Functions from the current operator (i.e., ICANN) if warranted and in line with agreed processes; ii. To convene a process for selecting a new IANA Functions Operator; and	The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations. Action: CWG-Stewardship (DT-SR/DT-N) to factor feedback into its deliberations

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			iii. To consider separability in any future transfer of the IANA functions. We are deeply concerned that portions of the proposal on Separation Review and Framework for Transition to Successor IANA Functions Operation are insufficiently developed or "postponed" to be developed post-IANA Stewardship Transition. It is critically important that the CWG-Stewardship proposal give some teeth to its recognition of the right of customer communities of the IANA functions (i.e., Names, Numbers, and Protocols) to separate from ICANN and choose another operator of their global registries. Thus, we strongly recommend that robust mechanisms to accomplish the above separability concepts be explicitly included in the CWG proposal with the requirement that any such transition should maintain at least the service level agreements for the naming functions of the existing contract and the existing security, stability, and resiliency of the DNS and Internet. Furthermore, the CWG should work closely with the CCWG to ensure appropriate accountability for these mechanisms.	
262.	DCA Trust	Not supportive with regards to proposed timing / IFR should be every year	The IANA Functions Review should be every year in the immediate period after the Transition, and every 2 years in the Post-Transition regime. The five years that has	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
		immediately after transition and then every 2 years.	been specified is very long.	*Action: CWG-Stewardship (DT-SR/DT-N) to factor feedback concerning timing of IFR into its deliberations.*
265.	InternetNZ	Supportive but seeks assurances of no ICANN Board involvement	b) InternetNZ presumes that this Separation Review is the same as that discussed in conjunction with the IANA Functions Review. We note and support the flow of reviews: that a Separation Review can be triggered only by a Functions Review. c) The details for a Separation Review must be developed and should be subject to community consultation before the proposal is finalised. d) InternetNZ strongly recommends that the need for a Separation Review if established by the IFR should lead to a community-convened CWG, not one convened by the ICANN Board. What would happen if the Board chose not to convene such a CWG? e) InternetNZ also strongly recommends that, where the findings of a Separation Review relate to requiring an RFP to select a new IANA Functions Operator, there be no role for the ICANN Board in approving the decision. This applies provided a Separation Review is comprised in a suitably multistakeholder manner. In such a situation ICANN, as the owner/member of the PTI IFO, would have an unmanageable conflict of interest and would face very grave difficulties in dealing with such a recommendation	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-SR/DT-N) to further develop position in relation to ICANN Board role.*

67

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			in an appropriate way. f) It is unlikely that Board approval subject to the mechanisms the CCWGAccountability is proposing (review and redress processes) is appropriate in this situation. That is why the CWG that conducted such a Separation Review must be the binding forum making the decision.	
266.	CCWG-Accountability Co-Chairs	Request for further detail	We have noted that a Separation review is also being discussed within the CWG. This could also be addressed by the CCWG Accountability. However, since it is still in process, it is not explicitly referred to at this stage. The CWG Stewardship might wish to provide additional details through the CCWG accountability public comment, which ends on June 3rd.	*The CWG-Stewardship appreciates your feedback and will work to provide you with further details.* *Action: CWG-Stewardship (DT-SR/DT-N) to provide further detail on Separation Review to CCWG-Accountability.*
267.	CENTR Board of Directors	Lack of detail / provide further details concerning the approval procedure	This is one of the most crucial elements in the proposal and unless more detail is added, could turn into its main weakness. We recommend to clearly define the approval procedure for a decision that leads to separation of the IANA functions. We believe the CWG's proposal should include clear and undisputable guidance, including: a) The scenarios when a separation could be considered; b) The documentation requirements for all steps in the process; c) The decision making process and d) The voting rules.	*The CWG-Stewardship appreciates your feedback and will work to provide you with further details.* *Action: CWG-Stewardship (DT-SR/DT-N) to provide further detail on Separation Review to CCWG-Accountability taking into account the information requested.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			Considering the broader level implications for a possible separation of the IANA function and subsequent appointment of a new IANA operator, we believe that a supermajority of direct IANA customers should be required.	
269.	CIRA	Supportive – seeks further detail on severity of process	The section on 'separation review' states that a possible outcome of an IANA Function Review may include a recommendation that could ultimately lead to separation of the IANA function from its operator. I accept that this aspect of the proposal requires further work, and will follow its development closely and provide input as appropriate. That being said, I the proposal should more clearly layout the process by which separation of the IANA function from ICANN could be effected. CIRA recommends that this aspect of the proposal be designed to ensure that such a decision to recommend a process that could lead to separation is not taken lightly. It should only occur after a significant consultation with the community, including an appropriate role for the direct customers of IANA. The current text suggests that a 'supermajority vote' of both the ccNSO and the GNSO would be required. I support this provision, though certain questions remain unanswered. 'Supermajority' needs to be defined in this context, and clarity is needed to ensure it is a supermajority of the ccNSO Council, as	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-SR/DT-N) to consider suggestions regarding triggering of Separation Review.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			obtaining a supermajority of all 150+ ccNSO members (over 100 if this were by a two thirds majority) would be impossible to achieve.	
271.	RySG/RrSG	Supportive and seeks further detail, concern about underrepresentation of registries	We support the defined escalation paths through which issues are first addressed through the CSC and then referred to the relevant supporting organizations before an emergency review or determination to separate is triggered. However, further details are needed around the separation mechanism itself, such as what conditions or issues would support the initiation of a separation review, what criteria would be assessed in evaluating potential successor operators, and the process by which the community would agree upon a successor operator. As an initial criterion we believe that the decision to initiate a separation review should only occur if it is supported by a majority of the direct customers of the IANA Naming Functions, namely ccTLD and gTLD registry operators. This would provide a check to ensure that the functions were not moved arbitrarily while its customers remained satisfied with IANA's performance. While it is true that a decision to separate would affect the whole community, registries, as direct customers of the IANA function, are disproportionately affected and any decision has the potential to affect the day‐‐‐to‐‐‐day business operation of registry operators, which in turn	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-SR/DT-N) to consider suggestions regarding triggering and composition of Separation Review.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			would affect all domain name registrants and Internet users. Additionally, we are concerned about the underrepresentation of registries in the proposed structure of the Cross Community Working Group that would be responsible for managing the separation process that followed a separation review. The current structure does not even guarantee a single appointment by a member of the gTLD registry community. As an alternative, we propose that a structure that is multi---stakeholder in composition but provides for some weighted representation by registries should be used.	
272.	Sarah Falvey and Aparna Sridhar / Google Inc	Lack of details	Equally importantly, the CWG-Stewardship must further clarify the procedures for moving the IANA functions to a new operator. This process is termed "separation review" in the draft proposal, and some ideas for implementing a potential separation are set forth in Annex L. As the group rightfully recognizes, transitioning the IANA functions away from the current operator could itself create significant risks for the stability and security of the DNS. As such, the community should fully understand how such a separation may be invoked before agreeing to establish separation procedures. As currently drafted, Annex L fails to provide any meaningful detail regarding these processes. When	*The CWG-Stewardship appreciates your feedback and will work to provide you with further details.* *Action: CWG-Stewardship (DT-SR/DT-N) to provide further detail on Separation Review.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			providing additional detail, the CWG-Stewardship should specify precisely when separation procedures may be invoked, how they can be invoked, how a standalone would be funded, and how the proposed escalation and transition mechanisms ensure the security and stability of the DNS. We recognize that the CWG-Stewardship is discussing this issue and look forward to reviewing and commenting on this proposal when it is more fully developed.	
273.	Nominet	Supportive	We support the plan for a separation mechanism in the case of refusal by, or inability of, the PTI or IANA Boards to correct serious and persistent failure of the ANA functions operator.

It is a measure of last resort. We welcome the approach of the proposal to base stewardship on resolving issues and on remedial action: "a Separation Review ... would only occur if other escalation mechanisms and methods have been exhausted."

We would, however, suggest that this step should only be started following an open consultation and with the support of the ccNSO and the RySG. While the review team should be broadly multi-stakeholder in nature, it should include strong representation from registries. | *The CWG-Stewardship appreciates your feedback and will consider your suggestions with regards to the steps involved.*

Action: CWG-Stewardship (DT-SR/DT-N) to consider suggestions with regards to steps involved. |

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			Having decided to go ahead with a rebid of the IANA functions operator role, the development of an RfP needs to be carried out in an open consultative manner and the final approval should be required from the ccNSO and the RySG.	
274.	Centre for Democracy & Technology	Supportive, but further details are needed	As noted earlier, we fully support separation as a key element of the proposal and support its inclusion as a fundamental bylaw.\n\nHowever, the separation review text needs greater elaboration and further discussion. For example, if a separation review is needed should it not be initiated through the community rather than the ICANN Board? We are uncomfortable with the proposed role of the ICANN Board in the separation review given that PTI is an affiliate of ICANN and the Board is the PTI contractor/provider of oversight. For the same reasons we are not convinced that the ICANN Board should have to approve the recommendations of the community with regard to separation. If the community were at a stage where the escalation and appeals mechanisms had been exhausted – and the room for maneuver very limited – ensuring the continuity of the DNS through separation could well be the only option left, and that is a decision that the community should take itself.	*The CWG-Stewardship appreciates your feedback and will work to provide you with further details.*\n\n*Action: CWG-Stewardship (DT-SR/DT-N) to provide further detail on Separation Review.*
279.	IPC	Suggestions concerning	The IPC suggests that the IFR Team should make a	*The CWG-Stewardship appreciates your*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
		separation review	recommendation regarding separation or other measures to be taken if intermediate remediation steps are unsuccessful. These recommendations should then be subject to GNSO/ccNSO approval, Board approval and, if ICANN is reconfigured as a membership organization, Members approval. This should then trigger a separation process (rather than a separation review), with a multistakeholder cross-community group (similar in composition to the IFR Team) running that process.	*feedback and will take into account your suggestions.* *Action: CWG-Stewardship (DT-SR/DT-N) to consider suggestions concerning separation review.*
Section III – Proposed Post-Transition Oversight and Accountability – Framework for Transition to Successor IFO				

281.	US Council for International Business	Lack of details / mechanisms to accomplish separability should be explicitly included	We note that Annex C singles out "separability" as one of the 10 principles and criteria that should underpin decisions on the transition of NTIA stewardship for names functions. The annex states that any proposal must ensure the ability:
			   iv. To separate the IANA Functions from the current operator (i.e., ICANN) if warranted and in line with agreed processes;
			   v. To convene a process for selecting a new IANA Functions Operator; and
			   vi. To consider separability in any future transfer of the IANA functions.
			
			We are deeply concerned that portions of the proposal on Separation Review and Framework for Transition to Successor IANA Functions Operation are insufficiently
				The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.
				
				Action: CWG-Stewardship (DT-SR/DT-N) to factor feedback into its deliberations

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			developed or "postponed" to be developed post-IANA Stewardship Transition. It is critically important that the CWG-Stewardship proposal give some teeth to its recognition of the right of customer communities of the IANA functions (i.e., Names, Numbers, and Protocols) to separate from ICANN and choose another operator of their global registries. Thus, we strongly recommend that robust mechanisms to accomplish the above separability concepts be explicitly included in the CWG proposal with the requirement that any such transition should maintain at least the service level agreements for the naming functions of the existing contract and the existing security, stability, and resiliency of the DNS and Internet. Furthermore, the CWG should work closely with the CCWG to ensure appropriate accountability for these mechanisms.	
283.	ISPCP	Supportive but makes suggestion re: costs	One important criterion for the potential transition to a successor IFO should be the cost estimate for this successor IFO. E.g. in the FY16 operational budget plan ICANN expects a $ 2.3 M budget for the IANA department operations. Successor IFO cost estimates should be benchmarked against this figure.	*CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-L/DT-O) to address suggestion on budget/costs.*
**Section III – Proposed Post-Transition Oversight and Accountability – Root Zone Maintainer Function**			
293.	CENTR Board	Supportive / review	We welcome the removal of the authorisation function	*The CWG-Stewardship appreciates your*

Chuck Gomes 5/25/2015 2:22 PM

Comment [14]: I am not sure that the Transition to Successor section is insufficiently developed. On the other hand, it is well known that the Separation Review is insufficiently developed. Should we say that we agree on the one and are not so sure on the other and make an action item to reach out to USCIB to find out specifically what they think needs more work with regard to the Framework?

Chuck Gomes 5/25/2015 2:25 PM

Comment [15]: I think it would be good to note that the CWG co-chairs have requested cost estimates for the PTI model from the ICANN Finance Team.

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
	of Directors	inconsistencies when referring to the NTIA authorization function	for TLD change requests which should further streamline one of the most clerical functions of IANA. However we noticed inconsistencies throughout the proposal when referring to the NTIA authorisation function. Sometimes it only refers to root zone changes and omits the approval of changes to the Whois database. (e.g. III.A.iii.a.1.c).	*feedback and will consider your suggestion in its deliberations.* *Action: CWG-Stewardship (DT-F) to review inconsistencies when referring to the NTIA authorization function.*
294.	CENTR Board of Directors	Urges concern with regards to frivolous redelegation requests	With regard to III.A.iii.a.3, we urge to treat frivolous redelegation requests with care as disclosure could harm the reputation of the current TLD manager.	*The CWG-Stewardship appreciates your feedback and will consider your feedback in its deliberations.* *Action: CWG-Stewardship (DT-F) to review section III.A.iii.a.3 in light of the feedback provided.*
297.	AFNIC	Supportive	Afnic understands this part of the proposal relies heavily on NTIA's decision about the contract with the current Root Zone Maintainer. Afnic supports CWG-Transition views on the necessary change in the contract between NTIA and the RZM to make sure that, in any case, the RZM has to comply with PTI's request. Furthermore, Afnic's opinion is that the same principles of accountability including oversight by the community should apply to RZM and that it should be reflected in the current proposal. [ANNEX N] Afnic would like to add to c) that any major change in the software and new steps on the automation	*The CWG-Stewardship appreciates your feedback.* *Action: CWG-Stewardship (DT-F) to consider addition to Annex N.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			should be reviewed by CSC prior to its full implementation.	
300.	Nominet	Supportive, but suggestion that IFO check the accuracy of proposed changes	We fully agree that, post-transition, no authorization for TLD change requests is needed. We would suggest, however, that the IANA functions operator check the accuracy of all proposed changes with the appropriate registry operator. Any checks, balances and verifications should be done with the final customer. The study proposed under c. should be carried out between the IANA functions operator and direct customers. Concerning III.A.iii.a. 2. - 'The entity responsible for such approvals" is not identified.	*The CWG-Stewardship appreciates your feedback and will consider your suggestions in its subsequent deliberations.* *Action: CWG-Stewardship (DT-F) to consider suggestions concerning accuracy check and study as well as review III.A.iii.a.2.*
304.	JPNIC	Supportive – suggestion for architecture change approval mechanism	We agree that no external authorization is needed for changes to the Root Zone Content and the associated WHOIS database. For changes to the Root Zone Management Architecture and Operation, a replacement of the approval function is definitely needed. We would suggest a new advisory committee within ICANN to deal with Root Zone Management Architecture and Operation which consists of the experts, and suggest CWGStewardship to provide an expected scheme in the proposal. We agree that the separation between the IFO and the Root	*The CWG-Stewardship appreciates your feedback and will consider your suggestions in its subsequent deliberations.* *Action: CWG-Stewardship (DT-F) to consider suggestions concerning authorization for architectural changes.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			Zone Maintainer should be kept during the transition and be considered post-transition as one of next steps based on better understanding on the new IFO operations.	
306.	Business Constituency	Supportive with request for clarification	The BC welcomes the effort of the CWG to work on the basis of the results of the December 2014 public consultation which highlighted a high degree of satisfaction with the current arrangements and that any new mechanism should ensure security, stability and resiliency of the DNS. The BC supports the CWG recommendation that the replacement for NTIA approval function should be clearly designated, especially for major operational changes. Trust in the security and stability of the Internet is strictly linked to the security and stability of the Root Zone Management Architecture and Operation. A solid approval function and transparent process must be defined in details before the transition and must not be left open to be defined at a later stage. The current draft proposal states: "The entity responsible for such approvals will establish a process which allows for consultation with impacted "bodies involved in such changes as well as with those with wide experience in the specific technology or process to ensure that prudent but effective changes are made." Although it is possible to guess from the CWG-Stewardship recommendation that the responsible entity would be ICANN or VeriSign, it is essential for the recommendation to explicitly establish which entity will have the role of	*The CWG-Stewardship appreciates your feedback and will consider your suggestions in its subsequent deliberations.* *Action: CWG-Stewardship (DT-F) to consider clarification with regards to the "entity responsible for such approvals"* *With regards to your comment concerning the root zone maintainer, the CWG-Stewardship notes that the NTIA addressed the transition of the Root Zone Maintainer function which will be a separate process in its "IANA Functions and Related Root Zone Management Transition Questions and Answers" on 18 March 2014. See http://www.ntia.doc.gov/other-publication/2014/iana-functions-and-related-root-zone-management-transition-questions-and-answ for*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			approval, and to explicitly establish the process that would be used for consultation to ensure a high level of community support for major changes. The BC also recommends that the community be given an update on the parallel process of transitioning the Root Zone Maintainer role. Knowing the plan for this separate transition would help to ensure that there is a well-established structure and process for approval of major architectural and operational changes to the Root Zone environment. Specifically, we call the CWG to include a mechanism that would enable tracking of content changes in the Root Zone and reversal if necessary. Finally, the BC supports the recommendation that any future proposal to combine the remaining two roles within the Root Zone Maintainer be a topic of public consultation with the global community.	*further details.*
Section III – Proposed Post-Transition Oversight and Accountability – IANA Budget				
314.	auDA	Supportive of transparency and itemization of IANA-related costs, but concerns regarding complexities moving these costs to PTI / similar level of clarity can be delivered through ICANN internal divisions	auDA supports the transparency and itemisation of IANA-related costs but notes concerns expressed above regarding complexities associated with "moving" these costs to a PTI, as currently envisaged by the CWG. auDA believes that similar levels of budgetary and asset-management clarity can be delivered through ICANN-internal divisions.	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG to factor feedback into its deliberations on the pros and cons of PTI*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
315.	US Council for International Business	NA / Further details on how IANA Functions would be paid for if one of the operational communities would decide to end the relationship with ICANN	We note that Annex P provides IANA naming operations cost analysis and estimates of the how much it would cost ICANN to fully absorb such costs. In short, ICANN would continue to provide financing for the administration of all three IANA functions. As previously discussed, separability is one of the central principles on which decisions concerning the transition of NTIA stewardship functions is based. If, indeed, one or all three of the IANA communities decide to end the relationship with ICANN, where will the funding come from to pay for IANA naming operations? A possible alternative would be for the PTI to hold the IANA budget. Since funds currently are derived from registry fees, a new mechanism would be needed to enable the channeling of such funds to PTI. In any event, this issue must be more thoroughly examined and explored in considering the implications of exercising more dramatic accountability actions.	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship to factor feedback into its deliberations on pros and cons of PTI*
316.	CRISP Team	Does not oppose but notes a different approach to the budget in the Numbers community	* Budget of the IANA Operations - We observe a difference in the approach between what is proposed by the CWG-Stewardship and the Numbers community, but we do not observe any material issues of incompatibility at this point. - The current draft of our SLA defines cost-based fees for the RIRs to pay to the IFO. If this proposed fee structure is	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-O) to consider the different approach taken by numbers community and assess*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			adopted, we do not observe the need to provide detailed input on the budget on the IANA operations, as the RIRs will be paying a fee with a fixed maximum amount and it is incumbent on the IFO to manage its funds appropriately to successfully meet its contractual obligations. At the same time, we do not observe issues for the ICANN community to have more powers to provide input on the budget, given it will have no discretion regarding, and not make decisions about, the contracted fees for the IANA Numbering Services defined in the SLA.	*whether or not this affects the CWG-Stewardship recommendations on IANA Budget.*
317.	InternetNZ	Suggestions concerning operations process	a) The IANA Functions Budget should indeed be rendered transparent, with resourcing supplied by ICANN. b) The CWG-Stewardship could consider the InternetNZ experience. The analogy would operate as follows: a. ICANN's annual setting of expectations for PTI would include its views about the level of resources required to operate in the coming year. b. The PTI Board would respond to the expectations set by ICANN for its year's operation and the SLE framework it is operating in, and propose (with full transparency) its annual Operating Budget as part of its annual operating plan. It would have to explain any significant variations from the expectations ICANN had set. c. ICANN would approve and then fund that Operating Budget, from general ICANN resources and contributions	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-O) to consider the operations process suggested.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			(as IANA is funded today). d. Concerns about the cost of the IANA Functions Operator would be addressed by the IANA Functions Review	
319.	CCWG-Accountability Co-Chairs	Supportive but needs further details	The CCWG Accountability initial proposals address this requirement directly in Section 5.2, which introduces a new power for the community to "consider strategic & operating plans and budgets after they are approved by the Board (but before they come into effect) and reject them based on perceived inconsistency with the purpose, Mission and role set out in ICANN's Articles and Bylaws, the global public interest, the needs of ICANN stakeholders, financial stability or other matters of concern to the community." Due to the proposed creation of the Post Transition IANA organization, the CWG will need to develop a proposed process for the IANA-specific budget review. It could be made a component of the bigger review. The CCWG Accountability is available for further coordination between the two groups on that aspect.	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-O) to provide CCWG-Accountability with further detail on process for IANA-specific budget review.*
327.	ALAC	Suggestion for consolidation	The Annex N, 2.c comment on the need for budget to support R&D should be 8 included here.	*The CWG-Stewardship appreciates your feedback and will consider your suggestion into its subsequent deliberations.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
				Action: CWG-Stewardship to consider suggestion
328.	IPC	Lack of clarity with regards to PTI funding and expenditures	We note that, if PTI is a separate entity, it will, by definition, have an itemized budget. This should alleviate some concerns regarding granularity of the ICANN budget. However, budget transparency is a means to an end – ensuring that PTI is adequately funded and that expenditures are appropriate. It is not entirely clear how the community will be able to express concerns regarding these issues. We urge the CWG to clarify this matter.	*The CWG-Stewardship appreciates your feedback and will consider your suggestion into its subsequent deliberations.* *Action: CWG-Stewardship to consider how further clarity can be added to the proposal concerning PTI funding and oversight of expenditures.*
Section III – Implications for the interface between the IANA Functions and existing policy arrangements				
332.	NCSG	Lack of detail	The single sentence in the proposal is far from adequate nor does it reflect the importance that many of the stakeholders in ICANN's community and outside have bestowed on this principle. We would like to re-emphasize the absolute imperative of ensuring the separation between the policy development processes and the IANA functions. Given that under the current proposal the ultimate oversight of the IANA functions rests with ICANN - the community and the Board - ensuring that the affiliate is not only legally separate but that it is independent in its governance is essential. The PTI Board is/should be responsible for the performance of the IANA functions - and therefore have	*The CWG-Stewardship appreciates your feedback and will factor this into its deliberations on this section.* *Action: CWG-Stewardship to consider suggestions in relation to the section on implications for the interface between the IANA Functions and existing policy arrangements*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			the ability to address any deficiencies - which in turn requires that it be adequately independent of ICANN, but representative of the community, in its composition as we have noted above. The role of ensuring the neutrality, effectiveness and independence of the IANA functions will fall to the PTI - so its Board should be empowered to take measures to ensure that independence and separation between policy and the IANA functions remain sacrosanct.	
Section IV – Transition Implications				
333.	RySG / RrSG	Lack of detail	As this section is under development and in draft form, it is difficult to identify missing or incomplete implications. Additionally, the structure described in Section III is not yet finalized. Open questions such as those regarding the composition of the PTI board, the process of separation, and the legal structure of the PTI make it difficult to comment on implications with specificity. There are also several broad issues that may be missing from this section. These include the impact on community involvement, uncertainties about funding, the implications of the separation process, and the effects of the CCWG Accountability proposal. Subsection IV.D, which references timelines, does not mention the effects of possible delays created by CCWG Accountability or the receipt of workflows and process documents from IANA.	*The CWG-Stewardship appreciates your feedback and will factor this into its deliberations on section IV.* *Action: CWG-Stewardship to consider suggestions in relation to section IV.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			We recommend adding further implications that capture the more recent iterations of the proposed post transition structure.	
334.	IPC	Lack of detail	The IPC finds Section IV to be significantly underdeveloped and as such, not adequately responsive to the ICG's RFP. This section should not be given short shrift. It would not be useful to comment on what currently has been put forth in this section, although we do note the reference to the "Stress Tests" developed by the CCWG, and see this as indicating the potential for a step in the right direction. We understand that the CWG recognizes that this section needs further work. We urge the CWG to give this Section of the response substantial attention, since the implications (positive or negative) and potential issues arising from acting to implement the proposal are critically important to any judgment about whether to endorse the proposal as a practical matter. We look forward to seeing an appropriate response when the chartering organizations are asked for their approval.	*The CWG-Stewardship appreciates your feedback and will factor this into its deliberations on section IV.* *Action: CWG-Stewardship to consider suggestions in relation to section IV.*
Section V – NTIA Requirements				
336.	RySG/RrSG	Supportive	We believe that the proposal generally meets the four transition criteria posited by the NTIA as follows: *Support and Enhance the Multi---Stakeholder Model*	*The CWG-Stewardship appreciates your feedback and will factor this into its deliberations on section V.*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			As noted above, the IANA Stewardship transition marks the NTIA's confidence that ICANN and the multi---stakeholder model that underpins it have evolved and matured such that NTIA oversight over IANA is no longer necessary. We believe that transitioning the functions to ICANN and having performance oversight be carried out by IANA customers and other elements of the ICANN community, through the CSC and the IFRT, respectively, support and enhance the Multi---stakeholder model. *Maintain the security, stability, and resiliency of the Internet DNS* As noted above, we believe that the performance of the IANA functions is currently satisfactory. We hope that the continuity provided for within the draft proposal, wherein the functions remain within ICANN and operational requirements are carried over into a Statement of Work between ICANN and PTI will continue to provide for security, stability, and resiliency in the performance of the IANA Naming Functions and in the Internet DNS at large. We do note that in the event that sometime in the future, a decision is made to separate the IANA function from ICANN, due consideration must be given to ensuring that security and stability of the DNS is not compromised in any way. *Meet the needs and expectations of the global customers*	***Action: CWG-Stewardship to consider suggestions in relation to section V***

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			and partners of the IANA services In the Registries Stakeholder Group's comments on the previous iteration of the Naming Proposal we had noted that in proposing cumbersome oversight structures the proposal could put at risk the operational needs of registries in favor of giving all parties a seat at the table. In providing for leaner structures, and executing day-‐to-‐ day performance monitoring through the CSC, a predominantly customer-‐led body, the current proposal addresses these needs of registries as direct customers of the IANA Functions. Likewise, the creation of a streamlined and regular review process will provide an opportunity to ensure that IANA continues to meet the needs of its customers, as well as the ICANN community at large, without the possibility of jeopardizing day-‐to-‐ day performance of the naming functions. We remain concerned about the possibility that a broad scope of responsibility is assigned to the PTI board. If the PTI board were to be developed with a broad scope and/or large composition our previous concerns would likely resurface. We urge the CWG in scoping the PTI board to seek out an effective and minimalist mandate and composition, otherwise this criterion could be undercut. *Maintain the Openness of the Internet* Maintaining the openness of the Internet is inextricably	

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			tied to sustaining and supporting the multi---stakeholder structures that govern it. Though not an end in itself, we believe providing a multi---stakeholder, private---led solution to replace the NTIA oversight helps to maintain the openness of the Internet. *The proposal must not replace the NTIA role with a government---led or an intern governmental organization solution* The proposal does not suggest a government---led approach to the future oversight of the IANA Functions. Neither the CSC nor the IFRT are government---led bodies; instead, they are drawn from the customers of the IANA functions and from the ICANN community and are balanced in such a way that does not give government actors that participate in the ICANN multi---stakeholder model a larger role than other relevant stakeholders. We note that the fulfilling of this NTIA requirement will be dependent on the outcome of the CCWG Accountability recommendations.	
**Annex B – Oversight mechanisms in the NTIA IANA Functions Contract**			
341.	IPC	Recommendation to replicate oversight mechanisms	We urge the CWG to replicate these oversight mechanisms to the greatest extent appropriate in any new agreement or other documentation controlling ICANN and/or PTI's activities in connection with the IANA Function.	*The CWG-Stewardship appreciates your feedback and will factor this into its deliberations.* *Action: CWG-Stewardship to consider*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
				suggestion in relation to replicating oversight mechanisms in Annex B.
Annex C – Principles and Criteria				
343.	Italy	Suggested addition	<u>ANNEX C</u> We suggest adding the following sentence to Point 7.v: "be appealed by significantly interested parties. Furthermore they must give adequate guarantees of independence through uncostly procedures".	*CWG-Stewardship appreciates your feedback and will consider this edit.* *Action: CWG-Stewardship to consider suggested edit to Principles*
Annex F – IANA Function Reviews				
349.	RySG/RrSG	Supportive but need to ensure transparency and limited scope	As noted above we are generally supportive of the creation of the IANA Function Review Team (IFRT). Specifically, we support its creation as it allows for meaningful multistakeholder input into the overarching management of the functions while maintaining technical flexibility and day---to---day oversight by the direct customers of the IANA functions. While we would not support the creation of a standing committee or body to carry out these review functions, as currently drafted the IANA review team would be stood up every five years with members appointed from the various stakeholder groups and relevant technical liaisons. As such, instituting a review cycle of once every five years seems appropriate to not only unduly burden the community with review work while at the same time providing an effective review mechanism for the	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-N) to consider IFRT feedback*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			management of the IANA functions. However, it is critical that the IFRT remains open and transparent and limited in scope and remit to deal with concerns around mission creep, in order to mitigate the concerns we raised with the creation of the Multistakeholder Review Team in response to the previous CWG draft Proposal.	
350.	Nominet	Supportive but concerns about proposed composition	While we welcome the idea of a multi-stakeholder review team, we would note that there should be a strong representation from the customers of the service. The model proposed in Annex F is, we believe, poorly balanced between customer and non-customer interests and expertise, and between the ccNSO and the GNSO. A selection based on the cross-community working group model would be an appropriate way to select membership. If the model in Annex F is used, we would suggest increasing registry representation to four members each for both ccTLDs and gTLDs to ensure a strong input based on operational requirements. The membership could then be: four ccTLDs (of which at least one non-ccNSO) and 4 RySG with the remainder as defined in Annex F	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-N) to consider feedback concerning IFRT composition*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			An alternative, if it is important to keep membership to 12, would be to increase ccTLD registry participation to three (encouraging diversity of registries) and reducing GNSO membership to four, balancing more fairly the ccNSO and GNSO input into the process.	
351.	IPC	Supportive but concerns about proposed composition	Overall, the proposal regarding IANA Function Reviews seems appropriate. The IPC does take exception to the "Composition of Review Teams," where the IPC is not accorded a seat at the table. The proposed IFRT has a single seat denoted as the "Commercial Stakeholder Group" (CSG) seat. The CSG is merely a container used for internal governance purposes within the GNSO. It has no existence independent of the three disparate constituencies that were placed in the CSG. Thus, as a practical matter, the views and experiences of each constituency will be absent from the IFRT, replaced by a single individual who will have to bring forth a homogenized and synthetic compromise that is only a shadow of three robust and diverse organizations. Hopefully, "participants" from the IPC will be able to participate in the work of the group on an equal footing, enabling the IPC to bring its unique strengths and viewpoints to the table.	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-N) to consider feedback concerning IFRT composition*
Annex G – Proposed Charter for CSC				

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
354.	ALAC	Suggested changes	Page 60, Annex G Although it may not hurt, the concept of a unaffiliated registry being allowed to be a Liaison does make sense as Liaisons are from groups that are explicitly not registries. The proposal says that Members and Liaisons "will be appointed by their respective communities in accordance with internal processes", but also that "the full membership of the CSC must be approved by the ccNSO and the GNSO". Those two specifications conflict with each other. Similarly, it is unclear how the ccNSO and GNSO will address geographic diversity or skill sets while honoring the first premise. If stakeholders appoint their own Members or Liaisons, no further approval is needed. Do the term limitation and staggered appointment rules apply just to Members (which makes sense) or also Liaisons (which doesn't). Page 61, Annex G CSC Charter changes should be approved by the Community and not just the ccNSO and GNSO. The proposal puts the non-Registry parts of the GNSO in an inappropriately privileged position compared to stakeholders that are not part of the GNSO. Page 62, Annex G Same comment in relation to the	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-C) to consider suggestions on CSC Charter*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			review of the CSC.	
355.	IPC	Concerns regarding composition	We repeat with even greater emphasis our concerns expressed regarding the composition of the IFRT, and are dismayed at the marginalization of the IPC in the composition of the CSC. Here, the IPC will be represented (to the extent such a thing is possible) by a single individual representing the Registrar Stakeholder Group, the Non-Commercial Stakeholder Group and the CSG. This problem is compounded by the absence of any "participant" concept, or even an "observer" concept. We urge the CWG to rethink this, so that the global multistakeholder community can participate in the oversight role being handed on from the NTIA.	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-C) to consider feedback concerning CSC composition*
Annex L– Separation Review				
359.	Nominet	Lack of clarity, need for process for the development of an RFP	We do not understand in what way the role of a separation review differs from that of the special review described in Annex F: that process would seem adequate and appropriate for informing decisions, subject to open consultations and clear decision thresholds. We see no good reason why, in the case of continued poor performance of the PTI (which, when other escalation mechanisms and methods have been exhausted, is the only reason for separation), the PTI would transfer out of ICANN (and hence out of the	*The CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-SR/DT-N) to factor feedback into its deliberations*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			general oversight structure of !CANN. Should separation of the IANA functions operator role from ICANN be necessary, this should be through an RfP-led process and the ICANN PTI subsidiary/affiliate should be wound up. On the other hand, a process for the development of an RfP to replace a failing operator is needed.	
Other Comments				
377.	ICANN Board	NA- relationship with other communities and structural details	Relationship with other operating communities: The CWG proposal has a lot of structure built in for the operation of the naming-related functions. Is it envisioned that PTI will operate the IANA functions as required by the Numbers and Protocol Parameters communities as well as the root zone management function? If so, how can some of this complexity be moderated to allow adequate space for other operational communities to participate, if they wish, while still keeping in line with the narrow technical scope of the IANA functions? Alternatively, is there any provision for their oversight of their IANA functions by separate arrangement with either ICANN or PTI? It seems there are a variety of configurations possible here, but any expectations or constraints on PTI regarding the other IANA functions should be clear in the proposal.	*The CWG-Stewardship is tasked with developing a transition proposal specific to the IANA naming functions.* *Action: CWG-Stewardship to consider questions raised in finalizing structural proposal*
378.	ICANN Board	NA – timeline for implementation	What is the expected timeline for implementation of the proposal including testing against the NTIA criteria and accountability, and how will this impact the timing of the	*The CWG-Stewardship is preparing an updated timeline, including implementation, and will consider this*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			transition?	*question.* *Action: CWG-Stewardship to consider questions raised in finalizing timeline*
379.	ICANN Board	NA – separation and coordination with other communities.	With regards to separability, what steps for an escalation mechanism and separation ensure meeting the criteria set out by NTIA, and are there ways to manage that within the respective operational communities?	*CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship (DT-SR/DT-N) to consider question raised in finalizing proposal*
380.	LACTLD	New issue on delegation	On delegation / transfer / revocation. This is a theme of uttermost relevance for ccTLDs. Considering that the PTI structure and its scope are not entirely defined and that in the CCWG Accountability proposal it has been reiterated that the mechanisms of delegation revocation will be defined by the community of ccTLDs in the development of its own processes2 , these new structures / reforms envisaged by the stewardship and operation of IANA functions will have repercussions in the current processes and mechanisms of delegation / transfer / revocation. Since this is a central component in the horizon of expectations of a registry we believe the proposal should be clearer on this issue. We have concerns that despite the fact that it is stated that this will be addressed later on within the ccTLD community,	*CWG-Stewardship appreciates your feedback and will factor this into its subsequent deliberations.* *Action: CWG-Stewardship to consider comments on delegation*

#	Who / Affiliation	General Direction (supportive of the mechanism or not) / Suggested Changes	Concerns/ considerations/ rationale/ new issues	CWG-Stewardship Response (which may include new information as a result of the continued discussions) / Recommended action
			currently there is no clarity regarding who will be the entity responsible for defining when a process of delegation / transfer / revocation has been fulfilled in order for the IANA Functions Operator (IFO) to make effective those changes. From the current CWG proposal, there are several entities that could be potentially involved in this function: a) The ICANN Board; b) The PTI; c) The IFO; d) the Customer Complaint Resolution; e) The CSC. As it can be noted, this theme should be more effectively upheld in order to establish the mandate of these entities with respect to this issue. In addition, the CWG proposal addresses the consideration of "stress tests" that the CCWG Accountability report considers (p. 32, section IV.C) on ICANN's response when faced with a government request to manage (transfer) the incumbent ccTLD. We believe that the results of this exercise should constitute a solid documented evidence and input which the CWG should necessarily consider in its final proposal.	