

Question or Clarification Requested	Response
CSC – Article 17, starting on page 84	
8. Clarify whether “direct customers” and “primary customers” are the same thing or what the differences are, in the context of the CSC’s mission: “The mission of the CSC is to ensure continued satisfactory performance of the IANA naming function for the direct customers of the naming services. The primary customers of the naming services are top-level domain registry operators, but also include root server operators and other non-root zone functions.” [See Paragraphs 130 and 310 of the CWG Proposal.]	Yes, they are the same thing. The CWG-Stewardship prefers using ‘direct customers’.
9. Confirm that the appointment of a liaison to the CSC by the GNSO is intended to come from the Registrars Stakeholder Group or the Non-Contracted Parties House.	Yes, the CSC liaison is intended to come from RrSG or NCPH. Only restriction is that this not be from a gTLD registry.
10. Confirm that we can add a Bylaw that requires appointing organizations to use reasonable efforts to fill vacancies on the CSC within a month and, if so, whether the ccNSO and GNSO (which are required to approve each annual slate of CSC members) are required to approve the filling of vacancies.	Yes, the CWG-Stewardship agrees to the use of reasonable efforts to fill vacancy. Rather than making it a requirement for the ccNSO and GNSO to approve a one off vacancy replacement, it may make sense to include that the appointing organization also give due consideration to the overall composition of the CSC and make best efforts to fill any vacancy with a person with a similar skillset and diversity.
11. Clarify which organization selects the representatives from the ccNSO and the Registries Stakeholder Group who will review the CSC Charter – is it the ccNSO and the Registries Stakeholder Group? [Paragraph 357 of the CWG Proposal provides that the “Charter will initially be reviewed by a committee of representatives from the ccNSO and the RySG one year after the first meeting of the CSC.”]	Yes, the ccNSO and the RySG would select representatives from their own groups to form a committee to review the CSC Charter.
12. Given that there will not be regularly scheduled reviews of the CSC Charter (beyond the first review), should the Board be one of the entities that can call for a review of the CSC Charter? [Paragraph 358 of the CWG Proposal provides that “the Charter will be reviewed at the request of the CSC, ccNSO or GNSO and	The CWG-Stewardship does not object to the ICANN Board being able to request a review of the Charter, and also does not object to the PTI Board being able to request a review of the Charter, provided that the ccNSO and RySG conduct the review and any recommended changes are ratified by the ccNSO and

<p>may also be reviewed in connection with the IANA Function Review.”]</p>	<p>the GNSO.</p> <p>While the ICANN Board is not specified in the CWG-Stewardship proposal, ICANN is a direct party to the ICANN-PTI Contract. Therefore, the CWG-Stewardship does not object to the ICANN Board having consultation rights, provided that this does not impact the timing of the work, i.e., is done in parallel with one or more of the other steps.</p>
<p>IFR – Article 18, starting on page 87</p>	
<p>13. Clarify whether the gTLD and ccTLD registry operators are the same as the “consumers of the IANA naming functions” whose needs must be considered by the IFRT (Paragraph 276 of the CWG Proposal).</p>	<p>The CWG-Stewardship believes that the full text in Paragraph 276 is inclusive of the broader community of ‘consumers’. The recommendation is to proceed with the same text that is used for the CSC: “direct customers of the naming services”</p>
<p>14. Is it appropriate for language to be added to try to align some of the review process to the AoC reviews? A proposed inclusion is: “Any IFRT recommendations should identify improvements that are supported by data and associated analysis about existing deficiencies and how they could be addressed. Each recommendation of the IFRT shall include proposed remedial procedures and describe how those procedures are expected to address such issues. The IFRT’s report shall also propose timelines for implementing the IFRT’s recommendations. The IFRT shall attempt to prioritize each of its recommendations and provide a rationale for such prioritization.”</p>	<p>Yes, the CWG-Stewardship agrees to the proposed inclusion.</p>
<p>15. Confirm that we can add a Bylaw that requires appointing organizations to use reasonable efforts to fill vacancies on the IFRT within a month.</p>	<p>Yes.</p>
<p>Special IFR – Article 18, starting on page 87</p>	
<p>16. The CWG response chart provided on March 10, 2016 stated the following in response to a question around the method of consultation between SOs and ACs when determining whether or not to initiate a Special IFR: “CWG-Stewardship has chosen to</p>	<p>The CWG-Stewardship recommends returning to the original language (Paragraph 125): “After consideration, which may include a public comment period and must include meaningful consultation with other SO/ACs, the Special IFR could be</p>

<p>reference the mechanisms developed by the CCWG-Accountability, and these can be cross-referenced as part of implementation.” The CCWG Final Proposal contemplates a community forum mechanism, as well as optional conference calls; clarify which consultation mechanism CWG expects SOs/ACs to follow and whether such mechanism is to be referred to in the Bylaws or left to implementation outside of the Bylaws.</p>	<p>triggered.”</p>
<p>17. Confirm that the following insertion is acceptable, that would require each recommendation of the IFRT to be “directly related and limited to remediating the PTI Performance Issue.” The CWG Proposal provides that there is no prescribed outcome for an IFR (Paragraph 126).]</p>	<p>Yes. The CWG-Stewardship requests that “performance of PTI” is defined or clarified. IFRT’s responsibilities are listed in Section 18.3. a – k.</p>
<p>SCWG – Article 19, starting on page 98</p>	
<p>18. On a decision to create an SCWG, confirm that the EC functions as a reconsideration of the Board decision (meaning that if the Board rejects the creation of the SCWG, the EC can reject that decision and escalate).</p>	<p>Yes.</p>
<p>19. Given that the Board liaison is a role that is becoming instituted in Cross-Community Working Group practices, is it appropriate for the Board be able to appoint a liaison to a SCWG. This is not contemplated in the CWG Proposal.</p>	<p>Yes.</p>
<p>20. Clarify whether every member of the SCWG should have experience managing an RFP process, or whether a minimum number of SCWG members (e.g., four) with experience managing or participating in an RFP process would suffice. [<i>Paragraph 396 of the CWG Proposal provides that “To the extent possible, it is recommended that individuals with experience managing an RFP process be appointed to the SCWG.”</i>]</p>	<p>The CWG-Stewardship agreed not to specify any numbers. There was a suggestion that “individuals” be replaced with “as many individuals as possible” but the language of the CWG-Stewardship proposal is otherwise satisfactory and consistent.</p>
<p>21. Confirm that we can add a Bylaw that requires appointing organizations to use reasonable efforts to fill vacancies on the SCWG within a month.</p>	<p>Yes.</p>
<p>22. Consider whether an absolute majority of SCWG members</p>	<p>In the CWG-Stewardship, there is significant opposition to</p>

<p>should be required in cases where consensus cannot be reached, which would ensure at least 50+1% are in favor of the recommendation.</p>	<p>requiring a simple majority, but there is good support for the use of consensus. The CWG-Stewardship proposal states that the SCWG will follow the standards established for ICANN Cross Community Working Groups (by the CCWG-Principles) which distinguishes between consensus and full consensus.</p>
<p>Budget</p>	
<p>24. Proposed language has been inserted as a first attempt to address the recent determination by the CWG to ask for a continued IANA functions funding commitment in the Bylaws. The provision reads: “To maintain ongoing operational excellence and financial stability of the IANA functions (so long as they are performed by ICANN or pursuant to contract with ICANN), ICANN shall be required to plan for and allocate funds sufficient for the future expenses and contingencies reasonably related to the performance of those functions.”. The placement may change (currently in Section 21.4(f)).</p>	<p>The wording recommended is the following: “<i>To maintain ongoing operational excellence and financial stability of the IANA functions (so long as they are performed by ICANN or pursuant to contract with ICANN) and PTI, ICANN shall be required to plan for and allocate funds to the IANA functions and PTI as applicable that are sufficient to cover the future expenses and contingencies to ensure uninterrupted performance of those IANA functions and PTI in the future.</i>”</p>

<p>Other Comments raised by CWG-Stewardship</p>	
<p>General / Overall</p>	
<p>From CWG-Stewardship call (primarily ccTLD/ccNSO reps): review the use of the term ccNSO Council versus ccNSO (same for GNSO Council versus GNSO). The terms are not interchangeable since, for example, ccNSO Council is the decisional body of the ccNSO.</p>	
<p>From Paul Kane: the current draft Bylaws do not (adequately) address the difference between gTLDs (who obtain their authority from ICANN under contract) and ccTLDs (the vast majority pre-date ICANN and have no formal relationship with ICANN) and ccTLDs and gTLDs have very different Policy development mechanism. IMHO it is essential that any PTI (in the new Bylaws under consideration) articulates and respects the differences between ccTLDs and gTLDs... as IANA has done since its inception.</p>	

<p>From DT-O: some terms such as ‘PTI’ may change as the implementation process proceeds and [one] assumes that any necessary edits in that regard will be made when possible.</p>	
<p>From Chuck Gomes: Note that a glossary of acronyms and key terms would be a very useful aid for community members.</p>	
<p>IFR and Special IFR – Article 18, starting on page 87</p>	
18	<p>From Chuck Gomes: ‘IFRT’ – The acronym is used before it is defined (page 90)</p>
18.2	<p>And IFR should be delayed until one year after the end of the SIFR. Does not make sense to hold both an IFR and SIFR at the same time</p>
18.4 c	<p>“as reasonably determined by the IFRT” is repeated. Does it need to be said twice?</p>
18.4 a	<p>(updated on 13 April): 4.6(a)(iv) is the correct reference and should replace the reference to 18.4(a). At the time of writing, the IFR and Special IFR were designed to be included among the AOC reviews, and thus inheriting the same conditions as the AOC reviews. In the end, the AOC reviews were not made Fundamental Bylaws, while the IFR and Special IFR remained in the Fundamental Bylaws since they are PTI-related. So, while these reviews were separated in the Bylaws, the IFR and Special IFR should nonetheless be done under the same conditions as the Section 6 Specific Reviews.</p>
18.8c	<p>Why are the liaisons involved in selecting the IFRT. Does not seem appropriate.</p>
18.6.c.i	<p>The language in this state machine is very difficult to parse. Same comment applies to 18.12.c.i, 19.1.c.i and 19.4.c.i.</p>
18.9 a	<p>“which is where a small minority disagrees, but most agree.” This almost makes it seem like at least one must disagree for consensus. Could ‘disagree’ be changed to ‘may disagree’</p>
18.9 a	<p>“ If consensus cannot be reached with respect to a particular issue, actions by the majority of all of the members of the IFRT.” Clause seems to be missing a verb, for example “actions may be taken by”</p>

19.5.xvi d iii	Why 4 with RFP experience. Why is at least one not sufficient. Or maybe two.
Budget	
22.4 (b)	<p>DT-O recommends paragraph 22.4 (b) be changed to the following, with the understanding that the Bylaws drafters may improve the wording as long as the intent is preserved:</p> <p>“Separately and addition to the general ICANN planning process, PTI shall prepare and submit to the PTI Board a proposed operating plan and budget for the IANA functions for the upcoming planning cycle. Such proposed operating plan and budget shall provide appropriate information to enable a consultation process allowing for broad community engagement and input, including appropriate steps for addressing such community input. The proposed operating plan and budget for the IANA functions, resulting from such process, shall be submitted to ICANN as input prior to and for the purpose of being included in the proposed ICANN operating plan and budget, itself then subject to a broad consultation process, including appropriate steps for addressing community input.”</p> <p>Please note that Xavier Calvez and Elise Gerich contributed significantly to the recommendations.</p>
Annex F: Caretaker IANA Budget Principles	<p>DT-O discussed the following regarding 1.f:</p> <ul style="list-style-type: none"> • This clause seems appropriate in a case where the EC rejects the budget because it does not support funding certain actions or thinks that too many funds are allocated to those actions. • But what about a situation in which the EC rejects the budget because it believes that insufficient funds are budgeted for certain actions? In a case like that, it might not be necessary to prevent funding of the actions while the dispute is resolved; in other words, it might be fine if the actions proceeded at the reduced funding level until a decision is made on increased funding, especially if taking the actions at the reduced funding level would not negatively impact the actions if increased funding was provided later. <p>DT-O recommends that this principle be reworded to accommodate situations like the example cited above. Here is a suggestion for rewording it: “(A suggestion for re-wording will be provided as soon as possible by Xavier Calvez)”</p>

	<p>If 1.f is reworded, then a change may also need to be made in section 2.b.v, Examples of expenditures that would be excluded from a Caretaker Budget: “the proposed expenditure that was the basis for the rejection by the EC that triggered the need for the Caretaker ICANN Budget.” (Note that a minor edit is needed: it should say Caretaker IANA Budget, not Caretaker ICANN Budget.)</p>
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