

	IANA Division of ICANN	IANA Subsidiary of ICANN	IANA Independent of ICANN
<b>Pros:</b>	<ul style="list-style-type: none"> <li>Does not require creation of any new bodies requiring permanent staffing and ongoing costs</li> <li>May integrate well with transition approach of numbering and protocol parameter communities</li> <li>Does not require any increased funding from registry community (as would structural separation model)</li> <li>Is the least complex to design and implement so it carries the greatest potential to be completed within the timeframe established by the NTIA, the fall of 2015.</li> </ul>	<ul style="list-style-type: none"> <li>Provides for a more formal, structured relationship between IANN and IANA as all communication will need to be in writing (less potential for ICANN staff and Board to interfere).</li> <li>Quality and transparency of decisions would be improved because only IANA Inc. staff (not the ICANN Board) would authorized to request root zone changes and with IANA Inc. staff removed from the day to day direction and control of ICANN management and the Board.</li> <li>May integrate well with transition approach of numbering and protocol parameter communities</li> </ul>	<ul style="list-style-type: none"> <li>Provides complete separation of policy development processes and IANA operations.</li> <li>Quality and transparency of decisions would be improved because only IANA Inc. staff (not the ICANN Board) would authorized to request root zone changes and with IANA Inc. staff removed from the day to day direction and control of ICANN management and the Board.</li> </ul>
<b>Cons:</b>	<ul style="list-style-type: none"> <li>IANA staff would remain under the functional control of ICANN management and the ICANN Board</li> <li>May not provide sufficient separation of policy development processes and IANA operations.</li> <li>Structure would not easily permit transferring the IANA functions to another operator in future.</li> </ul>	<ul style="list-style-type: none"> <li>Does not contain any legally binding (judiciable) mechanism which would obligate ICANN to honor any commitments made (it could go back on its commitments in the future)</li> <li>An overarching commitment could possibly be secured as part of the accountability review process</li> <li>May not provide sufficient separation of policy development processes and IANA operations.</li> <li>Structure would not easily permit transferring the IANA functions to another operator in future.</li> </ul>	<ul style="list-style-type: none"> <li>Registries may not be willing to fund the costs of IANA Inc. on an ongoing basis.</li> <li>May not integrate well with transition approach of numbering and protocol parameter communities</li> </ul>

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<p><b>Questions:</b></p>	<ul style="list-style-type: none"> <li>I. How can ICANN become bound to such an approach?               <ul style="list-style-type: none"> <li>i. Through a link to outcomes of the accountability review?</li> <li>ii. Having an MOU between ICANN and the CWG, with an amendment to the ICANN bylaws requiring that it respect the agreement and requiring a ‘supermajority’ of Board members to change it.</li> </ul> </li> <li>II. Can this approach be advanced without greater certainty as to the nature of the outcome of the accountability review?</li> <li>III. Does the GAC see a role for itself on the Operational Performance Review Committee insofar as it deals with compliance with performance measures in the SLA?</li> <li>IV. Do the measures proposed go far enough in encouraging improved transparency in decision-making?</li> <li>V. Who would pay for the cost of the appeal process – if the appellant is required to pay, this could make the mechanism inaccessible to some users; if these costs are paid by ICANN, it could encourage frivolous appeals and increase overall costs.</li> </ul>	<ul style="list-style-type: none"> <li>I. Does California law allow for non-profit companies to have subsidiaries?</li> <li>II. How can ICANN become bound to such an approach?               <ul style="list-style-type: none"> <li>iii. Through a link to outcomes of the accountability review?</li> <li>iv. Having an MOU between ICANN and the CWG, with an amendment to the ICANN bylaws requiring that it respect the agreement and requiring a ‘supermajority’ of Board members to change it.</li> </ul> </li> <li>III. Can this approach be advanced without greater certainty as to the nature of the outcome of the accountability review?</li> <li>IV. Does the GAC see a role for itself on the Board of IANA Inc.?</li> <li>V. Do the measures proposed go far enough in encouraging improved transparency in decision-making?</li> <li>VI. Who would pay for the cost of the appeal process – if the appellant is required to pay, this could make the mechanism inaccessible to some users; if these costs are paid by ICANN, it could encourage frivolous appeals and increase overall costs.</li> </ul>	<ul style="list-style-type: none"> <li>I. Does the GAC see a role for itself on the board of IANA Inc.? If so, would they be in a position to be a full director or would they seek only non-voting status?</li> <li>II. Is the increased separation of policy from operational roles and transparency in decision-making merited by the cost and complexity of creating a whole new entity?</li> <li>III. Do the measures proposed go far enough in encouraging improved transparency in decision-making?</li> <li>IV. Can the governance IANA Inc. be easily worked out e.g. apportionment of board seats to various registries?</li> </ul>