

**“Punch List”/Open Items on Post-Transition IANA Model
Items for CWG Discussion and Input**

Note: Grey shaded/red items below are priority items.

	Task	Responsible Group/ Relevant Design Team	Status
New Post-Transition IANA (PTI) entity type			
1.	Determine legal entity: non-profit corporation or limited liability company. (Section III.A.i.a.)	CWG	
Transfer of naming functions to PTI			
2.	Determine assets that will need to be transferred to PTI. (Section III.A.i.a.)	CWG	
3.	Determine whether consents will be required to transfer/assign assets to PTI. (Note: IETF consent is required for the assignment of the IETF MOU.) (Section III.A.i.a.)	CWG	
PTI Board			
4.	Determine size and composition. Determine who appoints. (Section III.A.i.b.)	CWG	
5.	Determine scope of PTI Board role. (Section III.A.i.b.) (See Sidley Austin memo of April 28 for statutory duties)	CWG	
IANA Function Review (IFR)			
6.	Confirm that IFR will be provided for under the ICANN governance documents (i.e., in bylaws), rather than a right under the ICANN/PTI Contract (Section III.A.i.d.)	DT-N	
6. 7. :	Proposal contemplates that a Special Review may also be initiated by TLDs on concerns raised by TLDs directly with the ccNSO or the GNSO. (Section	DT-N	

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	III.A.i.d.)		
<u>7.</u> 8 -	Proposal contemplates that IFR team can recommend amendments to SOW. Annex F contemplates any amendments proposed by IFR would be subject to ratification by ccNSO and GNSO. Determine voting threshold for ccNSO and GNSO (e.g., majority or supermajority? require both organizations?). (Annex F, page 50)	DT-N	
<u>8.</u> 9 -	Special review is triggered by supermajority vote of ccNSO and GNSO councils. Determine voting threshold (i.e., 66-2/3%; 75%, etc.). (Section III.A.i.d. and Annex F, page 55)	DT-N	
<u>9.</u> 4 0 -	If persistent problem triggers a special review, will timeline of review be accelerated to address issue? If not, how are issues addressed in the interim? (Annex F, page 55)	DT-N	
<u>10.</u> 4 4 -	Special review can be initiated after “defined escalation procedures are exhausted” and “defined accountability mechanisms are exhausted.” Define with specificity what these procedures and mechanisms will be. (Annex F, page 55)	DT-N	
12.	Is there a need to integrate AoC review with new IFR process? (Annex F, page 54)	DT-N	
Customer Standing Committee (CSC)			
13.	Determine whether CSC will be formed under ICANN structure (i.e., in bylaws) or in ICANN/PTI contract. (Section III.A.ii.a.)	DT-C	
<u>11.</u> 4 4 -	Composition: who will select the TLD representative that is not a ccTLD or gTLD registry? (Annex G, page 59)	DT-C	
<u>12.</u> 4	Full membership of CSC is approved by ccNSO and GNSO. By what	DT-C	

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5 -	percentage? (Annex G, page 60)		
13.4 6 -	If ccTLD or gTLD representative is recalled, can meetings continue before a replacement is named? (Annex G, page 60)	DT-C	
14.4 7 -	Determine how CSC will decide on who will be liaison to IFR. (Annex F, page 52)	DT-C	
15.4 8 -	Proposed Remedial Action Procedures is noted as item to be agreed upon by CSC and PTI. Will this happen prior to transition? (Annex F, page 62)	DT-C	
16.4 9 -	IANA Problem Resolution Process: contemplates that CSC can escalate to ccNSO and GNSO which may then decide to take further action “using agreed consultation and escalation processes”. What will these processes be and is anything contemplated beyond a Special Review? (Annex J, page 68)	DT-C	
ICANN/PTI Contract; Statement of Work and SLEs			
17.2 0 -	Determine to what extent the ICANN/PTI contract will be the source of rights <u>enforceability mechanism</u> (vs. CSC, IFR or other ICANN accountability mechanisms). (Section III.A.i. and Section III.A.i.c. See also Annex F)	CWG	
18.2 4 -	Determine which rights under the existing NTIA contract will be implemented in the ICANN governance documents and which will be in the new ICANN/PTI contract. (Section III.A.i.c.)	CWG	
19.2 2 -	Determine who will have the right to trigger remedies for breaches of, and otherwise enforce, ICANN/PTI Contract (i.e., will PTI Board exercise this right or will this require CSC or IFR). (Sections III.A.i.b, c, and d)	CWG	

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20. 2 3 -	DT-A SLE documentation following receipt of additional IANA documentation. (Section III.A.ii.b. and Annex H)	DT-A	
Escalation mechanisms			
21. 2 4 -	Who does ccNSO/GNSO escalate unresolved issues to? Will there be an IRP process? (Section III.A.ii.a. and Annex J, footnote 22)	DT-M	
22. 2 5 -	Additional detail on how a persistent performance issue/systemic problem will be defined (e.g., discretion given to CSC or some principles-based standard)? (Section III.A.ii.c.)	DT-M and DT-C	
23. 2 6 -	Customer complaints, Phase 2: additional detail on customer mediation process and ability to initiate an IRP. (Annex I, page 66)	DT-M and DT-C	
Separation Review Process			
24. 2 7 -	Under what circumstances can at the separation review process be triggered? Will it only be upon a recommendation of the IFR? (Section III.A.ii.d. and Annex L)	CWG/DT- [XSR]	
25. 2 8 -	What remedies that must be exhausted prior to triggering separation review process? (Section III.A.ii.d. and Annex L)	CWG/DT- [XSR]	
26. 2 9 -	Who can initiate a separation review process? (Section III.A.ii.d. and Annex L)	CWG/DT- [XSR]	
27. 3 0 -	Is the cross community working group for a separation contemplated by Annex L different from the IFR team ? If so, more detail is needed. (Annex L)	CWG/DT- [XSR]	

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28. 3 4 -	Is there an interim approval of an IRF recommendation to separate (i.e., by SOs/ACs) or does recommendation go directly to ICANN/Board? (Section III.A.ii.d. and Annex L)	CWG/DT-[XSR]	
29. 3 2 -	Implementation of a separation. (Section III.A.ii.d. and Annex L)	CWG/DT-[XSR]	
Root Zone Maintainer (RMZRZM)			
30. 3 3 -	Proposal contemplates that if RZM transition is completed prior to IANA stewardship transition, need mechanism to ensure that change requests for Root Zone are implemented in a timely manner by RMZRZM (proposal references possible agreement between RZM and PTI). (Section III.A.iii.b.)	DT-F	<i>Note: Cannot yet advance this. Contingent on what happens with the parallel Root Zone Maintainer Cooperative Agreement.</i>
31. 3 4 -	Discuss potential required requirement for an agreement between PTI and RZM or changes to the Cooperative Agreement. (Annex N, page 77)	DT-F	<i>Note: Cannot yet advance this. Contingent on what happens with the parallel Root Zone Maintainer Cooperative Agreement.</i>
32.	<u>What is the process mechanism body to approve substantive changes related to RZM? The details for an authorization approval function still needs to be determined.</u>	<u>DT-F</u>	
Timeline			
33. 3 5	Develop timeline for implementation. CCWG dependency (consider with CCWG timeline). (Section IV.D.)	CWG	

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CCWG Dependencies			
<u>34.</u> 3 6 -	ICANN Budget – Ability for the community to approve/veto the ICANN budget. Requirements relating to budget to include transparency of IANA function's comprehensive costs and itemization of costs at project level. (Section III.A.iv.b.)	CWG	<u>Note: Continue to monitor</u>
<u>35.</u> 3 7 -	Community Empowerment Mechanisms – The multistakeholder community would be empowered to have certain rights with respect to ICANN Board and the IANA functions including: <ul style="list-style-type: none"> i. ability to appoint/remove board members; ii. ability to exercise oversight with respect to key ICANN board decisions (approve/veto rights); iii. ability to approve amendments to fundamental bylaws 	CWG	<u>Note: Continue to monitor</u>
<u>36.</u> 3 8 -	IANA Function Review – the IFR should be created and empowered to conduct periodic and special reviews of the IANA functions. (Section III.A.i.d.; Annex F)	CWG	<u>Note: Continue to monitor</u>
<u>37.</u> 3 9 -	Customer Standing Committee (CSC) – A CSC should be created and empowered to monitor the performance of the IANA functions and escalate non-remediated issues to the ccNSO and GNSO. The CSC should be contemplated by the ICANN bylaws. If not currently within the mandate, the ccNSO and/or GNSO should be empowered to address matters escalated by the CSC. Section III.A.ii.a.; Annex G and Annex J)	CWG	<u>Note: Continue to monitor</u>
<u>38.</u> 4 0 -	Appeal Mechanism – An appeal mechanism, for example in the form of an Independent Review Panel, will be required for issues relating to the IANA functions. (Annex I and Annex J)	CWG	<u>Note: Continue to monitor</u>
<u>39.</u> 4	Separation Review <u>Process</u> – Mechanism for a separation review <u>process</u> to be		<u>Note: Continue to</u>

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4 -	included once certain remedies are exhausted which would trigger a separation of PTI. (Annex L)	CWG	<u>monitor</u>
40.4 2 -	Fundamental Bylaws – All of the foregoing mechanisms are to be provided for in the ICANN bylaws as “fundamental bylaws”.	CWG	<u>Note: Continue to monitor</u>

Summary report:	
Litéra® Change-Pro TDC 7.5.0.145 Document comparison done on 5/6/2015 9:11:11 PM	
Style name: Sidley Default	
Intelligent Table Comparison: Active	
Original DMS: iw://SIDLEYDMS/ACTIVE/207290251/6	
Modified DMS: iw://SIDLEYDMS/ACTIVE/207290251/7	
Changes:	
Add	63
Delete	56
Move From	0
Move To	0
Table Insert	1
Table Delete	3
Table moves to	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	123