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| **III.A.1.1.2 – Escalation** | |
| **Background / Current State** | |
| There are currently no formal escalation mechanisms described in the IANA Functions Contract for the NTIA. However, any new arrangement will require a set of escalation mechanisms for cases where IANA naming services fail to meet the responsibilities to its direct customers both on a case by case basis as well as on a structural basis. | |
| **Issues Identified & Rationale for Changes, if any** | |
| Any new arrangement will require a progressive set of escalation steps that can be performed as applicable by individual ccTLD or gTLD registry operators, registry organizations such as the ccNSO and RySG, the Customer Standing Committee (CSC) and any other TLD related entity that may be part of the final CWG IANA proposal for the IANA Stewardship Transition. The steps may address but not be limited to any or all of the following:   1. What can an individual registry operator do if IANA service is not provided in a timely and/or satisfactory manner (e.g., if SLEs are not met)? 2. What can be done if there are multiple instances of untimely and or unsatisfactory IANA naming services? 3. What role, if any, can existing registry organizations such as the ICANN ccNSO or the ICANN gTLD Registries Stakeholder Group (RySG) have in escalating IANA naming services problems? 4. What role should the CSC play in the escalation process for IANA name services problems? 5. If IANA naming services problems cannot be solved at the CSC level, how and to whom should the problem be escalated? 6. What role, if any, do the other SO/ACs have in escalating IANA name services issues? | |
| **[Reference the current language of the IANA Functions Contract, if applicable]** | **Proposed Language** |
| N/A | Individual party dispute   1. Where a TLD registry operator has a dispute regarding agreed levels of service or performance with the IFM, and the parties have been unable to negotiate a satisfactory outcome, the TLD registry operator will lodge a written complaint with the CSC. The CSC will request a written response from the IFM within 10 working days, will assess the circumstances, and will attempt to facilitate an agreed outcome between the parties. All disputes between the IFM and TLD registry operators will be archived for future reference. 2. Should this stage of resolution fail, the CSC will engage the services of an external mediator and will provide reports to the mediator on previous attempts at resolution. The IFM will also provide a report to the mediator. If the mediator is able to bring the parties to an agreed outcome, appropriate remedial action will be taken and records of the dispute will be archived. 3. Should mediation fail, an Independent Appeals Panel (IAP – see below) will be engaged by the CSC. All previous attempts at resolution will be considered. The IAP will take a decision that is binding upon both the TLD registry operator and IFM.   “Systemic failure”  The escalation process for a “systemic” or critical failure of the IFM regarding agreed levels of service or performance will follow precisely the same process as a dispute raised by a TLD registry operator with the exception of the first step.   1. The CSC is empowered to determine a significant failure of the IFM, either due to the outcome of a periodic audit or the CSC’s evaluation of a rising number of TLD registry operator complaints. 2. The CSC will request a written report from the IFM within 30 days to supplement the outcomes of the audit and/or record of complaints. If the CSC determines that the response is adequate, the CSC will direct the IFM to take remedial action and may choose to initiate additional audits or reviews of the on-going performance of the IFM 3. Should this stage of resolution fail, the CSC will engage the services of an external mediator and will provide reports to the mediator on previous attempts at resolution. If the mediator is able to bring the parties to an agreed appropriate remedial action will be taken and records of the dispute will be archived.   Should mediation fail, an Independent Appeals Panel (IAP – see below) will be engaged by the CSC. All previous attempts at resolution will be considered. The IAP will take a decision that is binding upon the TLD registry operator (where applicable), CSC and IFM. |