

1 CWG-Stewardship 2nd Draft Proposal Input Template

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3 The CWG-Stewardship has developed a template to facilitate your input on the 2nd
4 Draft Proposal as well as subsequent review by the CWG-Stewardship. Use of the
5 template is strongly encouraged, but not required. This template provides the
6 opportunity for general input on the proposal as well as specific comments per section.
7 Please note that there is no obligation to complete all of the sections – commenters
8 may respond to as many or as few as they wish. Following your completion of the
9 template, please save the document and submit it as an attachment to the public
10 comment forum (comments-cwg-stewardship-draft-proposal-22apr15@icann.org). The
11 CWG-Stewardship looks forward to receiving your feedback.

12
13 1. Please provide your name:

14 [Alan Greenberg](#)

15 2. Please provide your affiliation:

16 [Chair, At-Large Advisory Committee \(ALAC\)](#)

17 3. Are you providing input on behalf of another entity (e.g. organization, company,
18 government)? Yes/No

19 [Yes](#)

20 4. If you answered ‘yes’ to the previous question, please list the entity on whose behalf
21 you are submitting these questions:

22 [ALAC](#)

23 General Comments

24 5. If you have any general comments you would like to provide on the CWG-
25 Stewardship Proposal, please provide these here.

26 [The ALAC is generally supportive of the Draft Proposal. That being said, the ALAC](#)
27 [does have a number of critical concerns that will need to be addressed to allow us to](#)
28 [fully support the final CWG proposal.](#)

29
30 [As detailed under the comment on section III.A.i.a, the ALAC would prefer an IANA](#)
31 [wholly integrated into ICANN, but is willing to accept a compromise of a separate](#)
32 [legal entity if the details of its organization and governance are satisfactory.](#)

33
34 We do have:

- 35 • [one very major concern that we believe must be addressed by the CWG,](#)
36 [specifically the lack of multi-stakeholder oversight involvement and we will](#)
37 [offer guidance as to how this might be addressed;](#)
- 38 • [one area where the ALAC had not yet reached consensus, but we have some](#)
39 [concerns over the current direction of the CWG, specifically the Board \(or](#)
40 [other controlling entity\) of the Post-Transition IANA \(PTI\); and](#)
- 41 • [a number of lesser concerns and requests for clarification.](#)

42 **Section I - The Community's Use of IANA**

43 6. Do you have any specific comments or input you would like to provide with regards
44 to section I - The Community's Use of the IANA? Section I lists the specific, distinct
45 IANA services or activities the naming community relies on.

46 [No.](#)

47 If so, please provide your comments here.

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49 If applicable, please reference the sub-section your comment relates to.

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52 **Section II - Existing Pre-Transition Arrangements**

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54 7. Do you have any specific comments or input you would like to provide with regards
55 to section II - Existing Pre-Transition Arrangements? This section describes how
56 existing IANA-related arrangements work, prior to the transition.

57 [No.](#)

58 If so, please provide your comments here.

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60 If applicable, please reference the sub-section your comment relates to.

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63 **Section III - Proposed Post-Transition Oversight and Accountability**

64 8. Do you have any specific comments or input you would like to provide with regards
65 to section III.A - Elements of this Proposal? This section describes in short the main
66 elements of the proposed post-transition oversight and accountability.

67 [No.](#)

68 If so, please provide your comments here.

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70 If applicable, please reference the sub-section your comment relates to.

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74 9. Do you have any specific comments or input you would like to provide with regards
75 to section III.A.i - Proposed Post-Transition Structure. This section provides an
76 overview of the different elements of the proposed post-transition structure.

77 [No.](#)

78 If so, please provide your comments here.

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80 If applicable, please reference the sub-section your comment relates to.

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10. Do you have any specific comments or input you would like to provide with regards to section III.A.i.a. - Post-Transition IANA (PTI). This section describes the proposed post-transition IANA.

Yes.

If so, please provide your comments here.

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, 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 vice-versa 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.

If applicable, please reference the sub-section your comment relates to.

11. Do you have any specific comments or input you would like to provide with regards to section III.A.i.b. - Post-Transition IANA Board. This section describes the proposed Board for the post-transition IANA.

Yes.

If so, please provide your comments here.

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

126 Board will have little to do other than the normal corporate oversight responsibilities
127 (appointing auditors, approving budgets, setting executive remuneration, selecting the
128 senior executive if necessary).

129
130 However, if things are not working well and the PTI staff have not or cannot resolve
131 the issue, then the PTI Board should be the next level of recourse, and it must be
132 equipped with the proper management skills and other resources to carry out this
133 responsibility.

134
135 The ALAC is still discussing the size of the Board and who should sit on the Board,
136 but it is very clear that this must not largely be representatives of registries. Although
137 it is clear that registries must have significant input into IANA's operations, PTI is
138 ultimately there to serve the overall Internet community and registries are just a part
139 of that. Moreover, PTI will serve communities other than just the names function and
140 the PTI Board must not have a bias toward any of these communities.

141
142 Ultimately, as the owner or sole member of PTI, ICANN and its MS community will
143 be able to exercise full control over PTI, but PTI must be given the wherewithal to
144 properly serve Internet users as the IANA Functions Operator.

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146 If applicable, please reference the sub-section your comment relates to.

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150 12. Do you have any specific comments or input you would like to provide with regards
151 to section III.A.i.c. - IANA Statement of Work. This section describes the proposed
152 IANA Statement of Work, including proposed carryover provisions.

153 No.

154 If so, please provide your comments here.

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156 If applicable, please reference the sub-section your comment relates to.

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160 13. Do you have any specific comments or input you would like to provide with regards
161 to section III.A.i.d. - IANA Function Review. This section describes the proposed
162 periodic as well as special review of the IANA Function.

163 Yes.

164 If so, please provide your comments here.

165

166 Comments here also apply to Annex F

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168 The IFR must also be allowed to review the CSC and its effectiveness as well as
169 recommend changes to its composition and charter.

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171 As an integral and extremely important part of the overall transitioned IANA, the
172 CSC cannot be exempted from the periodic review that the CWG has wisely
173 mandated.

174
175 The composition of the IFRT is problematic in that it is envisioned as a relatively
176 extensive process and allowing only 1 person per most stakeholders can have
177 continuity implications. At the very least, the composition must allow at least one
178 Alternate per stakeholder.

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180 It is unclear whether the mandate of the IFR is purely the names component of IANA,
181 or will cover the entire range of IANA operations. Related to this, it is unclear what
182 organizations outside of ICANN might be included in the IFRT.

183

184 If applicable, please reference the sub-section your comment relates to.

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188 14. Do you have any specific comments or input you would like to provide with regards
189 to section III.A.ii.a. - Customer Standing Committee (CSC). This section describes
190 Customer Standing Committee that is expected to oversee performance of the IANA
191 Functions as they relate to naming services.

192 Yes.

193 If so, please provide your comments here.

194

195 The ALAC presumes that all the deliberations and output of the CSC will be
196 completely transparent. Any exclusions must be explicitly documented.

197

198 The following comments here also apply to Annex J.

199

200 The ALAC does not believe that the ccNSO or the GNSO are the appropriate bodies
201 to which the CSC should escalate problems. There are several reasons for this.

- 202 • The ccNSO and GNSO are policy bodies. As such, they should not be in the
203 direct path to address IANA operational issues. That violates one of the prime
204 principles of IANA being operated under the auspices of ICANN.
- 205 • The GNSO does not have the processes to investigate or otherwise address
206 operational issues with PTI. The staff assigned to the GNSO are explicitly
207 Policy staff.
- 208 • Although the GNSO is a multi-stakeholder body, it has a restricted number of
209 multistakeholders, and assigning escalation to the GNSO would put these
210 stakeholders in a privileged position relative to the rest of those within and
211 outside of ICANN.
- 212 • Annex J implies that the only real recourse that the GNSO or the ccNSO
213 would have would be to invoke the community empowerment mechanisms
214 being designed by the CCWG. It makes no sense to first go to the one or two
215 registry SOs instead of going to a community-wide group that actually has the

216 power to take action. This intermediate step will only delay and possible
217 action.

218
219 The concept of the Multistakeholder Review team from the original Contract Co
220 model indeed made sense. In this model, it would simply be the empowered group
221 of stakeholder representatives who actually have the power to act on a CSC
222 concern. This group must be provided with staff resources to allow it to function
223 properly.

224
225 If applicable, please reference the sub-section your comment relates to.

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230 15. Do you have any specific comments or input you would like to provide with regards
231 to section III.A.ii.b. - Service Level Expectations. This section describes the proposed
232 service level expectations post-transition.

233 No.
234 If so, please provide your comments here.

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236 If applicable, please reference the sub-section your comment relates to.

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240 16. Do you have any specific comments or input you would like to provide with regards
241 to section III.A.ii.c. - Escalation mechanisms. This section describes the different
242 proposed escalation mechanisms as they relate to the naming services.

243 No.
244 If so, please provide your comments here.

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246 If applicable, please reference the sub-section your comment relates to.

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250 17. Do you have any specific comments or input you would like to provide with regards
251 to section III.A.ii.d. - Separation review. This section describes the separation review
252 that can be triggered by an IANA Function Review if needed

253 Yes.
254 If so, please provide your comments here.
255 It is unclear what is to be “separated” from what. This is an important issue, and
256 given previous versions of this proposal have had VERY different meanings for the
257 word, this proposal must be explicit as to the type or types of separation
258 contemplated.

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260 If applicable, please reference the sub-section your comment relates to.

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18. Do you have any specific comments or input you would like to provide with regards to section III.A.ii.e. - Framework for transition to successor IANA Operator. This section describes the proposed framework for a transition to a successor IANA Operator to ensure continuity of operations.

No.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

19. Do you have any specific comments or input you would like to provide with regards to section III.A.iii.a. - Proposed changes to root zone environment and relationship with root zone maintainer. This section describes the proposed changes to the root zone environment and the relationship with the Root Zone Maintainer.

No.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

20. Do you have any specific comments or input you would like to provide with regards to section III.A.iv.a. - ccTLD Delegation Appeals. This section describes the proposed recommendation in relation to a ccTLD delegation appeals mechanism.

No.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

21. Do you have any specific comments or input you would like to provide with regards to section III.A.iv.b. - IANA Budget. This section describes the recommendations in relation to the IANA Budget.

Yes.

If so, please provide your comments here.

The Annex N, 2.c comment on the need for budget to support R&D should be

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[included here.](#)

If applicable, please reference the sub-section your comment relates to.

22. Do you have any specific comments or input you would like to provide with regards to section III.A.iv.c. - Regulatory and legal obligations. This section describes the regulatory and legal obligations post-transition and how these are expected to be met.

[No.](#)

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

23. Do you have any specific comments or input you would like to provide with regards to section III.B. - Implications for the interface between the IANA Functions and existing policy arrangements. This section describes the expected implications for the interface between the IANA Functions and existing policy arrangements as a result of the proposed transition arrangements.

[No.](#)

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

Section IV - Transition Implications

24. Do you have any specific comments or input you would like to provide with regards to section IV. - Transition Implications. This section is expected to describe the CWG-Stewardship views as the implications of the changes it proposed in Section III.

[No.](#)

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

Section V - NTIA Requirements

343 25. Do you have any specific comments or input you would like to provide with regards
344 to section V. - NTIA Requirements. This section is expected to describe how the
345 proposal community's proposal meets these requirements and how it responds to
346 the global interest in the IANA functions.

347 [No.](#)

348 If so, please provide your comments here.

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350 If applicable, please reference the sub-section your comment relates to.

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360 **Section VI - Community Process**

361 26. Do you have any specific comments or input you would like to provide with regards
362 to section VI. - Community Process. This section is expected to describe This section
363 should describe the process the community used for developing this proposal.

364 [No.](#)

365 If so, please provide your comments here.

366

367 If applicable, please reference the sub-section your comment relates to.

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370 **Annexes**

371 [No to all except Annex G. Other relevant comments already included in appropriate](#)
372 [sections of the main text.](#)

373

374 27. Do you have any specific comments or input you would like to provide with regards
375 to section Annex A - The Community's Use of the IANA - Additional Information.

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377 If so, please provide your comments here.

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379 If applicable, please reference the sub-section your comment relates to.

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383 28. Do you have any specific comments or input you would like to provide with regards
384 to section Annex B - Oversight mechanisms in the NTIA IANA Functions Contract.

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386 If so, please provide your comments here.

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388 If applicable, please reference the sub-section your comment relates to.

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392 29. Do you have any specific comments or input you would like to provide with regards
393 to section Annex C - Principles and criteria that should underpin decisions on the
394 transition of NTIA Stewardship for names functions.

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396 If so, please provide your comments here.

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398 If applicable, please reference the sub-section your comment relates to.

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402 30. Do you have any specific comments or input you would like to provide with regards
403 to section Annex D - Xplane Diagram.

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405 If so, please provide your comments here.

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407 If applicable, please reference the sub-section your comment relates to.

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411 31. Do you have any specific comments or input you would like to provide with regards
412 to section Annex E - IANA Contract provisions to be carried over post-transition.

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414 If so, please provide your comments here.

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416 If applicable, please reference the sub-section your comment relates to.

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420 32. Do you have any specific comments or input you would like to provide with regards
421 to section Annex F - IANA Function Reviews.

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423 If so, please provide your comments here.

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425 If applicable, please reference the sub-section your comment relates to.

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33. Do you have any specific comments or input you would like to provide with regards to section Annex G - Proposed charter of the customer standing committee (CSC).

Yes.

If so, please provide your comments here.

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 review of the CSC.

If applicable, please reference the sub-section your comment relates to.

34. Do you have any specific comments or input you would like to provide with regards to section Annex H - Service level expectations.

If so, please provide your comments here.

If applicable, please reference the sub-section your comment relates to.

472 35. Do you have any specific comments or input you would like to provide with regards
473 to section Annex I - IANA Customer Service Complaint Resolution Process for Naming
474 Related Functions.

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476 If so, please provide your comments here.

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478 If applicable, please reference the sub-section your comment relates to.

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482 36. Do you have any specific comments or input you would like to provide with regards
483 to section Annex J - IANA Problem Resolution Process (for IANA naming services
484 only).

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486 If so, please provide your comments here.

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488 If applicable, please reference the sub-section your comment relates to.

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492 37. Do you have any specific comments or input you would like to provide with regards
493 to section Annex K - Root Zone Emergency Process.

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495 If so, please provide your comments here.

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497 If applicable, please reference the sub-section your comment relates to.

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501 38. Do you have any specific comments or input you would like to provide with regards
502 to section Annex L - Separation Review.

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504 If so, please provide your comments here.

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506 If applicable, please reference the sub-section your comment relates to.

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515 39. Do you have any specific comments or input you would like to provide with regards
516 to section Annex M - Framework for transition to a successor IANA operator.

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518 If so, please provide your comments here.

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520 If applicable, please reference the sub-section your comment relates to.

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525 40. Do you have any specific comments or input you would like to provide with regards
526 to section Annex N - Proposed changes to root zone environment and relationship
527 with root zone maintainer.

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529 If so, please provide your comments here.

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531 If applicable, please reference the sub-section your comment relates to.

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535 41. Do you have any specific comments or input you would like to provide with regards
536 to section Annex O - ccTLD Appeals Mechanism Background and Supporting
537 Findings.

538
539 If so, please provide your comments here.

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541 If applicable, please reference the sub-section your comment relates to.

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546 42. Do you have any specific comments or input you would like to provide with regards
547 to section Annex P - IANA Operations Cost Analysis.

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549 If so, please provide your comments here.

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551 If applicable, please reference the sub-section your comment relates to.

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558 43. Do you have any specific comments or input you would like to provide with regards
559 to section Annex Q - IANA Budget.

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561 If so, please provide your comments here.

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563 If applicable, please reference the sub-section your comment relates to.

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567 **Other Comments**

568 44. Are there any other comments or issues you would like to raise for the consideration
569 of the CWG-Stewardship?