

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.](#)

28
29 [As detailed under the comment on section III.A.i.a, the ALAC would prefer an IANA](#)
30 [wholly integrated into ICANN, but is willing to accept ~~the~~a compromise of a](#)
31 [separate legal entity if the details of its organization and governance are satisfactory.](#)

32
33 We do have:

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

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

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

45 [No.](#)

46 If so, please provide your comments here.

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

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

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

56 [No.](#)

57 If so, please provide your comments here.

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

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

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

66 [No.](#)

67 If so, please provide your comments here.

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

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

76 [No.](#)

77 If so, please provide your comments here.

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79 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

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

128
129 However, if things are not working well and the PTI staff have not or cannot resolve
130 the issue, then the PTI Board should be the next level of recourse, and it must be
131 equipped with the proper management skills and other resources to carry out this
132 responsibility.

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134 ~~Although the size is not the ultimate measure, more than 5 seems overkill based on~~
135 ~~the size of the operation it is overseeing.~~

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

143
144 Ultimately, as the owner or sole member of PTI, ICANN and its MS community will
145 be able to exercise full control over PTI, but PTI must be given the wherewithal to
146 ~~function on its own — that is one of the core reasons that a separate entity is being~~
147 ~~created~~properly serve Internet users as the IAN Functions Operator.

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

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

156 No.
157 If so, please provide your comments here.

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

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

166 Yes.
167 If so, please provide your comments here.

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169 Comments here also apply to Annex F

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

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

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

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

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

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

Yes.

If so, please provide your comments here.

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

The following comments here also apply to Annex J.

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

- The ccNSO and GNSO are policy bodies. As such, they should not be in the direct path to address IANA operational issues. That violates one of the prime principles of IANA being operated under the auspices of ICANN.
- The GNSO does not have the processes to investigate or otherwise address operational issues with PTI. The staff assigned to the GNSO are explicitly Policy staff.
- Although the GNSO is a multi-stakeholder body, it has a restricted number of multistakeholders, and assigning escalation to the GNSO would put these stakeholders in a privileged position relative to the rest of those within and outside of ICANN.

215 • Annex J implies that the only real recourse that the GNSO or the ccNSO
216 would have would be to invoke the community empowerment mechanisms
217 being designed by the CCWG. It makes no sense to first go to the one or two
218 registry SOs instead of going to a community-wide group that actually has the
219 power to take action. This intermediate step will only delay and possible
220 action.

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

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

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

236 No.
237 If so, please provide your comments here.

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

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

246 No.
247 If so, please provide your comments here.

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

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

256 Yes.
257 If so, please provide your comments here.
258 It is unclear what is to be “separated” from what. This is an important issue, and
259 given previous versions of this proposal have had VERY different meanings for the

260 word, this proposal must be explicit as to the type or types of separation
261 contemplated.

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

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

271 No.
272 If so, please provide your comments here.

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

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

284 No.
285 If so, please provide your comments here.

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

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

294 No.
295 If so, please provide your comments here.

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

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

304 Yes.
305 If so, please provide your comments here.
306 [The Annex N, 2.c comment on the need for budget to support R&D should be](#)
307 [included here.](#)
308 If applicable, please reference the sub-section your comment relates to.
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312 22. Do you have any specific comments or input you would like to provide with regards
313 to section III.A.iv.c. - Regulatory and legal obligations. This section describes the
314 regulatory and legal obligations post-transition and how these are expected to be
315 met.

316 [No.](#)
317 If so, please provide your comments here.

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319 If applicable, please reference the sub-section your comment relates to.
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324 23. Do you have any specific comments or input you would like to provide with regards
325 to section III.B. - Implications for the interface between the IANA Functions and
326 existing policy arrangements. This section describes the expected implications for
327 the interface between the IANA Functions and existing policy arrangements as a
328 result of the proposed transition arrangements.

329 [No.](#)
330 If so, please provide your comments here.

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332 If applicable, please reference the sub-section your comment relates to.
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335 **Section IV - Transition Implications**

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

339 [No.](#)
340 If so, please provide your comments here.

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342 If applicable, please reference the sub-section your comment relates to.
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345 **Section V - NTIA Requirements**

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

350 [No.](#)

351 If so, please provide your comments here.

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

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363 **Section VI - Community Process**

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

367 [No.](#)

368 If so, please provide your comments here.

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

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373 **Annexes**

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

376

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

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380 If so, please provide your comments here.

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

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

If so, please provide your comments here.

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

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

If so, please provide your comments here.

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

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

If so, please provide your comments here.

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

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

If so, please provide your comments here.

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

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

If so, please provide your comments here.

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

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.

472 If applicable, please reference the sub-section your comment relates to.
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475 35. Do you have any specific comments or input you would like to provide with regards
476 to section Annex I - IANA Customer Service Complaint Resolution Process for Naming
477 Related Functions.
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479 If so, please provide your comments here.
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481 If applicable, please reference the sub-section your comment relates to.
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485 36. Do you have any specific comments or input you would like to provide with regards
486 to section Annex J - IANA Problem Resolution Process (for IANA naming services
487 only).
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489 If so, please provide your comments here.
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491 If applicable, please reference the sub-section your comment relates to.
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495 37. Do you have any specific comments or input you would like to provide with regards
496 to section Annex K - Root Zone Emergency Process.
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498 If so, please provide your comments here.
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500 If applicable, please reference the sub-section your comment relates to.
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504 38. Do you have any specific comments or input you would like to provide with regards
505 to section Annex L - Separation Review.
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507 If so, please provide your comments here.
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509 If applicable, please reference the sub-section your comment relates to.
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39. Do you have any specific comments or input you would like to provide with regards to section Annex M - Framework for transition to a successor IANA operator.

If so, please provide your comments here.

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

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

If so, please provide your comments here.

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

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

If so, please provide your comments here.

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

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

If so, please provide your comments here.

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

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

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564 If so, please provide your comments here.

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

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570 **Other Comments**

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