

# Important ALAC Survey About IANA Stewardship Transition Naming Issues

## Introduction

The CWG on IANA Stewardship Transition Naming Issues (CWG) will have a face-to-face meeting from Wednesday 19 November to Thursday 20 November. Our five ALAC representatives in this working group need to have a coordinated point of view BEFORE that date.

First, we need to make a decision on two initial over-arching questions related solely to Naming Issues:

1. Should the US Government Stewardship oversight of the IANA function be replaced by a new Oversight Body or should it be replaced by a mechanism for oversight? (Please note that policy development will remain in ICANN; here we are speaking of operational oversight, making sure that the IANA functions are run according to its defined procedures.)
2. If the CWG decides to create an Oversight Body, should this body be IN ICANN or INDEPENDENT of ICANN.

Three proposals for an Oversight Body are on the table for discussion:

- (1) creating this body within ICANN - a committee that would consist of ICANN community members
- (2) creating this body in a subsidiary of ICANN - a committee housed in a semi-independent organisation that would be a subsidiary of ICANN
- (3) creating this body in an entirely independent and new organisation outside of ICANN

The three proposals are further detailed in this survey, which divides the proposal into sections based on their individual segments. Please be so kind to read the segments carefully and point out which ones you would favor. Please note that you do not need to favor segments from the same proposal. Also, if you would like to see some combination of segments across the proposals, or have other suggestions, you may elaborate on your idea in the comment sections.

If you don't support the creation of an Oversight Body for the naming related IANA Functions, please still complete the rest of the survey with the assumption that an Oversight Body would be created. In that way, our representatives on the CWG can have a fall-back position to work with if the CWG decides to go ahead with creating an Oversight Body. Please note that the questions marked with the asterisk sign are mandatory.

The three proposals are available at: <https://community.icann.org/download/attachments/49361666/StrawmanMatrix.pdf>

This survey is being sent to the subscribers of both the ALAC working list and the At-Large IANA Issues Working Group mailing list. If you have any questions prior to answering this survey, do not hesitate to ask them on either mailing list.

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## General Questions

**\*1. What is your name? [First Name Last Name]**

**\*2. Do you support the creation of an Oversight Body for the naming related IANA Functions?**

- Yes
- No -- I would prefer a mechanism for Oversight
- No -- I would support a mechanism for Oversight with the possibility of separation
- No -- but I don't have other suggestions
- Undecided

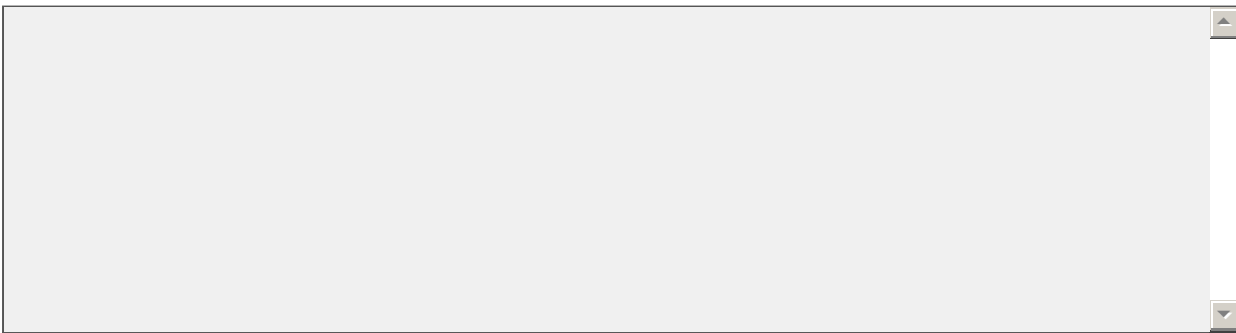
If you wish to comment on your choice, please elaborate (optional)

## Creation of an Oversight Body

### \*3. Which one of the following options do you choose?

- Proposal 1
- Proposal 2
- Proposal 3
- Some combination of the proposals
- Other

If you choose 'some combination of the proposals' or 'other,' please elaborate (optional)



### Proposal 1

a. Operational Performance Review Committee. A new body will be created to (1) ensure continuity and enhancement of the performance of current, new an improved IANA administrative and technical functions – the IANA naming services - essentially those described in the current IANA contract, (2) provide oversight over the IANA Functions Operator, and (3) provide a body to which the IANA Functions Operator is accountable. That body will be the Operational Performance Review Committee (“OPRC”).

b. Legal Status. The OPRC will be a committee rather than a separate incorporated entity. [The committee may be considered an “unincorporated association,” and will be domiciled in [California or the U.S. or Switzerland or some other place] to the extent that the committee has a legal identity.]

c. Governing Documents. The OPRC will operate according to Articles of Association and Bylaws to be created by a drafting team composed of a representative group of registries.

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## Proposal 2

a. Performance Review and Oversight Corporation. A new body will be created to (1) ensure continuity and enhancement of the performance of current, new and improved IANA administrative and technical functions – the IANA naming services - essentially those described in the current IANA contract, (2) provide oversight over the IANA Functions Operator, and (3) provide a body to which the IANA Functions Operator is accountable. That body will be the Performance Review and Oversight Corporation (“PROC”).

a.i. Committees. PROC may establish committees with primary responsibilities for various aspects of its work, and with membership reflecting the necessary expertise for the particular responsibilities. For example, an SLA Committee could be formed with primary responsibility for monitoring and engaging with the IANA Functions Operator with regard to performance under the SLA; this committee could consist primarily or exclusively of registry operators. Significant decisions by any committee would require the review and approval of the PROC Board of Directors.

b. Legal Status. PROC will be a non-profit corporation incorporated in the State of California. PROC will not have members.

c. Governing Documents. PROC will operate according to Articles of Incorporation and Bylaws to be created by a drafting team composed of a representative group of stakeholders.

d. Board of Directors. PROC’s Board of Directors will be composed of representatives of the stakeholder groups serving on the various PROC committees.

## Proposal 3

a. Performance Review, Oversight and Stewardship Inc. A new body will be created to (1) ensure continuity and enhancement of the performance of current, new and improved IANA administrative and technical functions – the IANA naming services - essentially those described in the current IANA contract, (2) provide oversight over the IANA Functions Operator, (3) provide a body to which the IANA Functions Operator is accountable, and provide stewardship of the Internet according to the principles of multistakeholderism, a competitive market, public accountability and security and stability. That body will be the Performance Review and Oversight Inc. (“PROSI”).

a.i. Committees. PROSI may establish committees with primary responsibilities for various aspects of its work, and with membership reflecting the necessary expertise for the particular responsibilities. For example, an SLA Committee could be formed with primary responsibility for monitoring and engaging with the IANA Functions Operator with regard to performance under the SLA; this committee could consist primarily or exclusively of registry operators. Significant decisions by any committee would require the review and approval of the PROSI Board of Directors.

b. Legal Status. PROSI will be a non-profit corporation incorporated in the State of California. PROSI will not have members.

c. Governing Documents. PROSI will operate according to Articles of Incorporation and Bylaws to be created by a drafting team composed of a representative group of stakeholders.

d. Board of Directors. PROSI’s Board of Directors will be composed of representatives of the stakeholder groups serving on the various PROSI committees

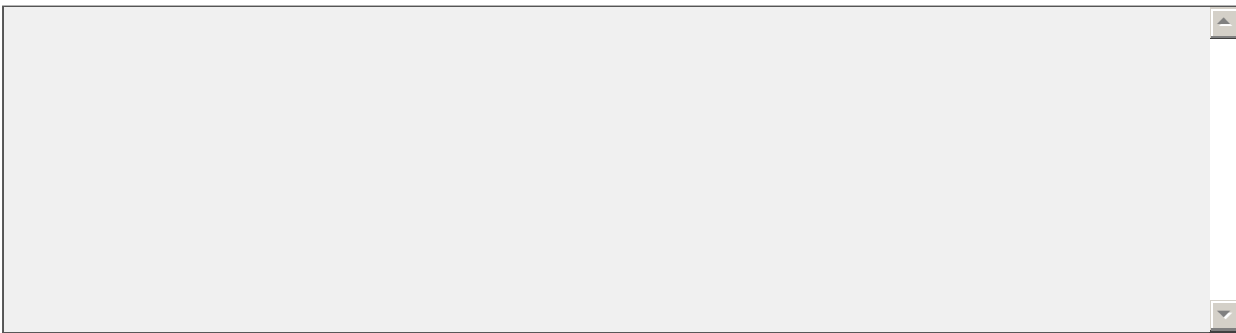
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## Composition of Oversight Body

### \*4. Which one of the following options do you choose?

- Proposal 1
- Proposal 2
- Proposal 3
- Some combination of the proposals
- Other

If you choose 'some combination of the proposals' or 'other,' please elaborate (optional)



### Proposal 1

a. Registry Operators. The members of the OPRC will be the registry operators, as direct customers of the IANA naming functions.

### Proposal 2

a. Multistakeholder. PROC will be a multistakeholder organization, with representatives of from registry operators (both ccNSO and non-ccNSO), other GNSO stakeholder groups and constituencies, GAC, SSAC, RSSAC and ALAC, as well as representatives of the "Names Community" not directly involved in ICANN Stakeholder Organizations and Advisory Committees.

### Proposal 3

a. Multistakeholder. PROSI will be a multistakeholder organization, with representatives of from registry operators (both ccNSO and non-ccNSO), other GNSO stakeholder groups and constituencies, GAC, SSAC, RSSAC and ALAC, as well as representatives of the "Names Community" not directly involved in ICANN Stakeholder Organizations and Advisory Committees.

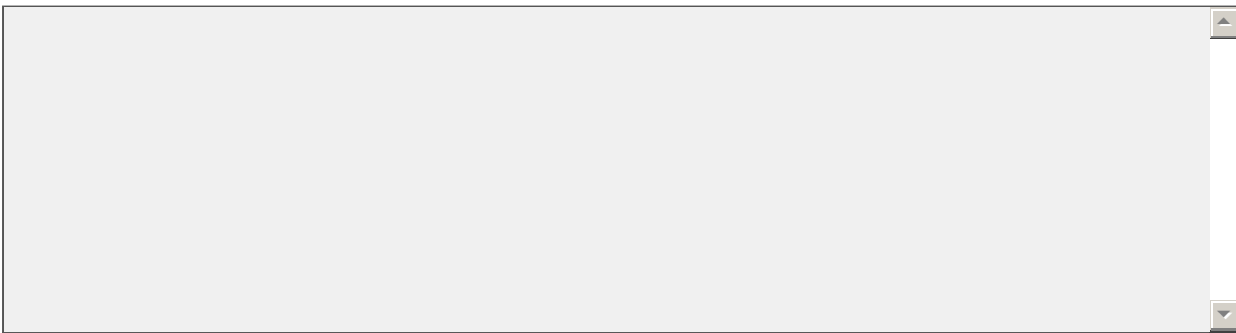
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## Documentation to Replace NTIA Contract

### \*5. Which one of the following options do you choose?

- Proposal 1
- Proposal 2
- Proposal 3
- Some combination of the proposals
- Other

If you choose 'some combination of the proposals' or 'other,' please elaborate (optional)



### Proposal 1

b. Service Level Agreement. The OPRC and ICANN will enter into a Service Level Agreement for the performance of the technical and administrative IANA functions. The SLA would run for an initial term of three years and would be renewed upon the agreement of the OPRC and the IANA Functions Operator.

### Proposal 2

a. IANA Functions and Oversight Agreement. PROC and IANA Inc. (see below) will enter into an IANA Functions and Oversight Agreement ("IFOA") that will replace those elements of the current IANA Contract deemed necessary or desirable, as set forth in Appendix \_\_\_.

b. Service Level Agreement. As part of the IFOA, PROC and IANA Inc. will enter into a Service Level Agreement for the performance of the technical and administrative IANA functions.

c. Term. Both the IFOA and the SLA would run for an initial term of three years and would be renewed upon the agreement of PROC and IANA Inc.

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## Proposal 3

a. IANA Functions and Oversight Agreement. PROSI and IANA Inc. (see below) will enter into an IANA Functions and Oversight Agreement (“IFOA”) that will replace those elements of the current IANA Contract deemed necessary or desirable, as set forth in Appendix \_\_\_.

b. Service Level Agreement. As part of the IFOA, PROSI and IANA Inc. will enter into a Service Level Agreement for the performance of the technical and administrative IANA functions.

c. Term. Both the IFOA and the SLA would run for an initial term of three years and would be renewed upon the agreement of PROSI and IANA Inc.

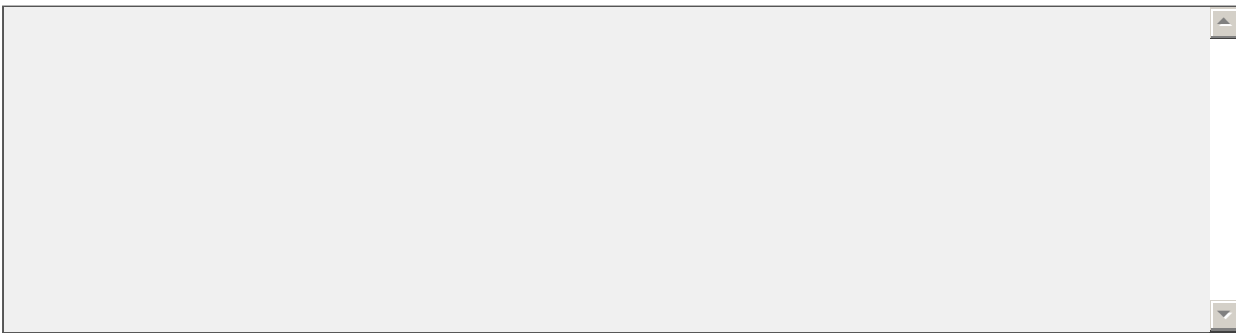
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## Status of IANA Functions Operator

### \*6. Which one of the following options do you choose?

- Proposal 1
- Proposal 2
- Proposal 3
- Some combination of the proposals
- Other

If you choose 'some combination of the proposals' or 'other,' please elaborate (optional)



### Proposal 1

a. Division of ICANN. The IANA Functions Operator will remain a division of ICANN.

b. Enhanced Separability. ICANN will maintain the current separation between ICANN and IANA, and will make the IANA Functions Operator more easily separable from ICANN, if separation becomes necessary at some future time.

### Proposal 2

a. Subsidiary of ICANN. The IANA Functions Operator will be organized as a wholly-owned subsidiary of ICANN ("IANA Inc."). On an operational basis, the IANA Functions Operator will function largely as it presently does.

b. Enhanced Separability. IANA Inc. will be structured to be readily separable from ICANN, if separation becomes necessary at some future time.

c. Legal Status. IANA Inc. will be a non-profit corporation incorporated in the State of California. IANA Inc. will not have members.

d. Governing Documents. IANA Inc. will operate according to Articles of Incorporation and Bylaws to be created by a drafting team composed of a representative group of stakeholders.

e. Board of Directors. While IANA Inc. is a subsidiary of ICANN, IANA Inc.'s Board of Directors will be composed of representatives of ICANN and of the stakeholder groups in the Names Community.



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## Proposal 3

a. Independent Entity. The IANA Functions Operator will be organized as an independent corporation ("IANA Inc."). On an operational basis, the IANA Functions Operator will function largely as it presently does.

c. Legal Status. IANA Inc. will be a Swiss non-profit association, and would request that the Swiss government grant it immunity of jurisdiction.

d. Governing Documents. IANA Inc. will operate according to Articles of Incorporation and Bylaws to be created by a drafting team composed of a representative group of stakeholders.

e. Board of Directors. IANA Inc.'s Board of Directors will be composed of representatives of the stakeholder groups in the Names Community.

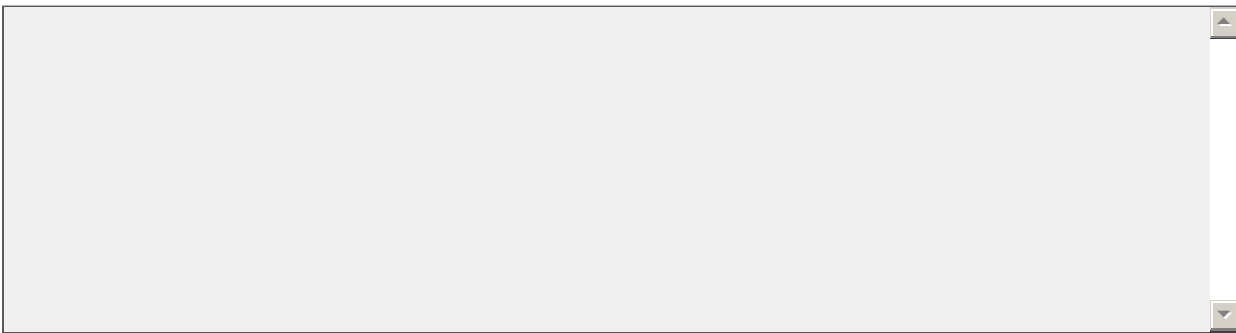
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## Method of Oversight

### \*7. Which one of the following options do you choose?

- Proposal 1
- Proposal 2
- Proposal 3
- Some combination of the proposals
- Other

If you choose 'some combination of the proposals' or 'other,' please elaborate (optional)



## Proposal 1

- b. Review existing performance metrics, e.g., that 80% of Root Zone File and WHOIS database change requests be processed within 21 days
- c. Develop the (SLA) for the performance of these technical and administrative functions [to be negotiated with ICANN] [and approved by the multistakeholder community]
- d. meet periodically with IANA staff to review performance relative to the SLA [and the need for changes to SLA parameters]
- e. meet [annually] with the president of ICANN to review and approve the budget for the IANA naming services for the next [three] years
- f. On a periodic basis, e.g., every 3 to 5 years, initiate a review of the IANA naming services to consider whether new (e.g., the addition of DNSSEC represents an example of a 'new service' that was introduced) or improved services (e.g., further improvements to root zone automation) are needed.
- g. Question: If the OPRC is composed solely of registries, should other stakeholders be involved in this review (e.g., Registries, Commercial Stakeholders, Noncommercial Stakeholders, SSAC, ALAC and the GAC)]
- h. Any proposed new or improved services would be reviewed by the ccNSO, GNSO, ALAC and GAC before being implemented
- i. Act as a final review of changes to the root zone made by Verisign at the direction of a designated IANA staff member. [The Verisign Cooperative Agreement would be amended by the NTIA to require that Verisign make changes to the root zone at the direction of a designated IANA staff member, and not ICANN]

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## Proposal 2

- a. Review IANA Inc.'s performance against the IFOA and against any other policies established to ensure a secure, stable, and resilient internet operating as a single interoperable network.
- b. Review existing performance metrics, e.g., that 80% of Root Zone File and WHOIS database change requests be processed within 21 days
- c. Develop the (SLA) for the performance of these technical and administrative functions [to be negotiated with ICANN] [and approved by the multistakeholder community]
- d. meet periodically with IANA staff to review performance relative to the SLA [and the need for changes to SLA parameters]
- e. meet [annually] with the president of ICANN to review and approve the budget for the IANA naming services for the next [three] years
- f. On a periodic basis, e.g., every 3 to 5 years, initiate a review of the IANA naming services to consider whether new (e.g., the addition of DNSSEC represents an example of a 'new service' that was introduced) or improved services (e.g., further improvements to root zone automation) are needed.
- g. Question: If the PROC is composed solely of registries, should other stakeholders be involved in this review (e.g., Registries, Commercial Stakeholders, Noncommercial Stakeholders, SSAC, ALAC and the GAC)]
- h. Any proposed new or improved services would be reviewed by the ccNSO, GNSO, ALAC and GAC before being implemented
- i. Act as a final review of changes to the root zone made by Verisign at the direction of a designated IANA staff member. [The Verisign Cooperative Agreement would be amended by the NTIA to require that Verisign make changes to the root zone at the direction of a designated IANA staff member, and not ICANN]

## Proposal 3

- a. Review IANA Inc.'s performance against the IFOA and against any other policies established to ensure a secure, stable, and resilient internet operating as a single interoperable network.
- b. Review existing performance metrics, e.g., that 80% of Root Zone File and WHOIS database change requests be processed within 21 days
- c. Develop the (SLA) for the performance of these technical and administrative functions [to be negotiated with IANA Inc.] [and approved by the multistakeholder community]
- d. meet periodically with IANA Inc. staff to review performance relative to the SLA [and the need for changes to SLA parameters]
- f. On a periodic basis, e.g., every 3 to 5 years, initiate a review of the IANA naming services to consider whether new (e.g., the addition of DNSSEC represents an example of a 'new service' that was introduced) or improved services (e.g., further improvements to root zone automation) are needed.
- g. Question: If the PROSI is composed solely of registries, should other stakeholders be involved in this review (e.g., Registries, Commercial Stakeholders, Noncommercial Stakeholders, SSAC, ALAC and the GAC)]
- h. Any proposed new or improved services would be reviewed by the ccNSO, GNSO, ALAC and GAC before being implemented
- i. Act as a final review of changes to the root zone made by Verisign at the direction of a designated IANA staff member. [The Verisign Cooperative Agreement would be amended by the NTIA to require that Verisign make changes to the root zone at the direction of a designated IANA staff member, and not ICANN]

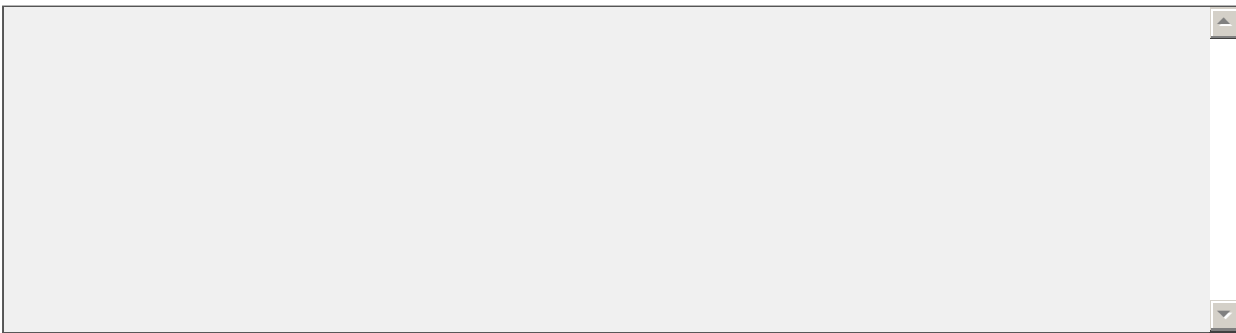
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## Funding of the Oversight Body

### \*8. Which one of the following options do you choose?

- Proposal 1
- Proposal 2
- Proposal 3
- Some combination of the proposals
- Other

If you choose 'some combination of the proposals' or 'other,' please elaborate (optional)



### Proposal 1

a. Funded by Registries. All ccTLD and gTLD registries will fund the OPRC on a fair and equitable basis to be determined by the OPRC and approved by the ccNSO, GNSO, ALAC and GAC.

### Proposal 2

a. Funded by ICANN. Under the IFOA, ICANN will be required to fund PROC pursuant to a budget approved by the PROC Board of Directors, and intended to provide adequate funds for PROC to operate in a manner consistent with ICANN's past practices.

### Proposal 3

a. Funded by Registries. PROSI will be funded by registries, through fees charged to the registries pursuant to the Articles of Incorporation and Bylaws of PROSI.

# Important ALAC Survey About IANA Stewardship Transition Naming Issues

## Funding of the IANA Body

### \*9. Which one of the following options do you choose?

- Proposal 1
- Proposal 2
- Proposal 3
- Some combination of the proposals
- Other

If you choose 'some combination of the proposals' or 'other,' please elaborate (optional)

### **Proposal 1**

[a. Funded by ICANN.](#) As a division of ICANN, the IANA Functions Operator will continue to be funded as it is currently.

### **Proposal 2**

[a. Funded by ICANN.](#) As a subsidiary of ICANN, IANA Inc. will continue to be funded as it is currently.

### **Proposal 3**

[a. Funded by ICANN.](#) IANA Inc. will be funded by registries, through fees charged to the registries pursuant to IFOA.

## Transparency of Decision-Making

### \*10. Which one of the following options do you choose?

- Proposal 1
- Proposal 2
- Proposal 3
- Some combination of the proposals
- Other

If you choose 'some combination of the proposals' or 'other,' please elaborate (optional)

### Proposal 1

To enhance consistency, predictability and integrity in decision-making of IANA related decisions, ICANN would agree [Q: in what document?] to:

- a. Continue the current practice of public reporting on naming related decisions
- b. Make public all recommendations to the ICANN Board from IANA staff on naming related decisions
- c. Agree to not redact any board minutes related to naming decisions
- d. Have the president and board chair sign an annual attestation that it has complied with the above provisions
- e. IANA functions staff be provided funds to hire independent outside legal counsel to provide advice on the interpretation of existing naming related policy.
- f. These provisions regarding reporting and transparency, along with the availability of independent legal advice, are intended to discourage IANA staff and the ICANN Board from taking decisions that may not be fully supported by existing policy.

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## Proposal 2

To enhance consistency, predictability and integrity in decision-making of IANA related decisions, ICANN would agree in the IFOA to:

- a. Continue the current practice of public reporting on naming related decisions
- b. Make public all recommendations to the ICANN Board from IANA Inc. on naming related decisions
- c. Agree to not redact any board minutes related to naming decisions
- d. Have the president and board chair sign an annual attestation that it has complied with the above provisions
- e. IANA Inc. will be provided funds to hire independent outside legal counsel to provide advice on the interpretation of existing naming related policy.
- f. These provisions regarding reporting and transparency, along with the availability of independent legal advice, are intended to discourage IANA Inc. and the ICANN Board from taking decisions that may not be fully supported by existing policy.

## Proposal 3

To enhance consistency, predictability and integrity in decision-making of IANA related decisions, IANA Inc. would agree in the IFOA to:

- a. Continue the current practice of public reporting on naming related decisions
- b. Make public all recommendations by IANA Inc. on naming related decisions
- c. Agree to not redact any board minutes related to naming decisions
- d. Have the president and board chair sign an annual attestation that it has complied with the above provisions
- e. IANA Inc.'s budget will be sufficient to allow it to hire outside legal counsel to provide advice on the interpretation of existing naming related policy.
- f. These provisions regarding reporting and transparency, along with the availability of independent legal advice, are intended to discourage IANA Inc. and its Board from taking decisions that may not be fully supported by existing policy.

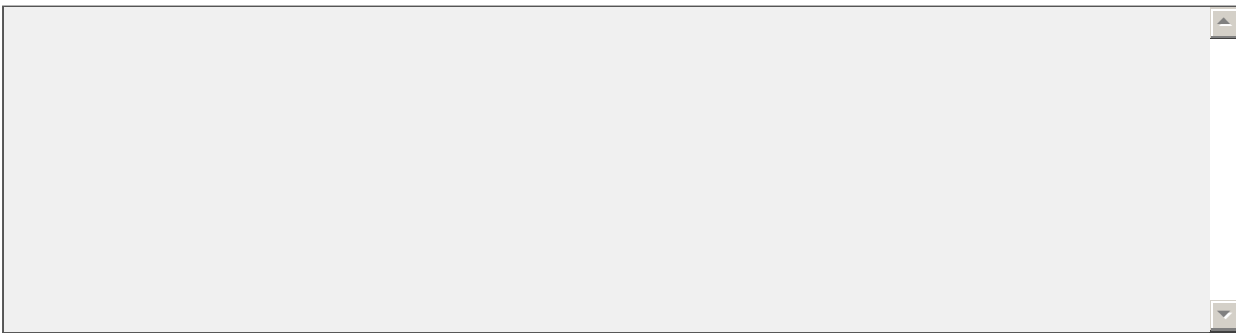
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## Redress and Consequences of Failure to Perform.

### \*11. Which one of the following options do you choose?

- Proposal 1
- Proposal 2
- Proposal 3
- Some combination of the proposals
- Other

If you choose 'some combination of the proposals' or 'other,' please elaborate (optional)



### Proposal 1

- a. If the IANA Functions Operator fails to perform as required under the SLA or other binding agreements, the SLA will set forth a process for providing notice of breach to the IANA Functions Operator and requiring the IANA Functions Operator to cure the breach. In the event of failure to cure a breach, OPRC may:
- b. Initiate a formal Performance Review to determine the underlying cause of the breach. At the end of such Performance Review, the OPRC may:
- c. Allow ICANN to continue as the IANA Functions Operator, subject to any remedial improvements required by OPRC;
- d. Initiate an RFP for a new IANA Functions Operator; or
- e. If the breach appears to be result of ICANN behavior outside of the IANA group, require the IANA Functions Operator to move outside of ICANN and be established as an independent entity.



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## Proposal 2

- a. If IANA Inc. fails to perform as required under the SLA or other binding agreements, the SLA will set forth a process for providing notice of breach to IANA Inc. and requiring IANA Inc. to cure the breach. In the event of failure to cure a breach, PROC may:
- b. Initiate a formal Performance Review to determine the underlying cause of the breach. At the end of such Performance Review, the PROC may:
- c. Allow IANA Inc. to continue as the IANA Functions Operator, subject to any remedial improvements required by PROC;
- d. Initiate an RFP for a new IANA Functions Operator; or
- e. If the breach appears to be result of ICANN behavior and not that of IANA Inc., require IANA Inc. to move outside of ICANN and be established as an independent entity.

## Proposal 3

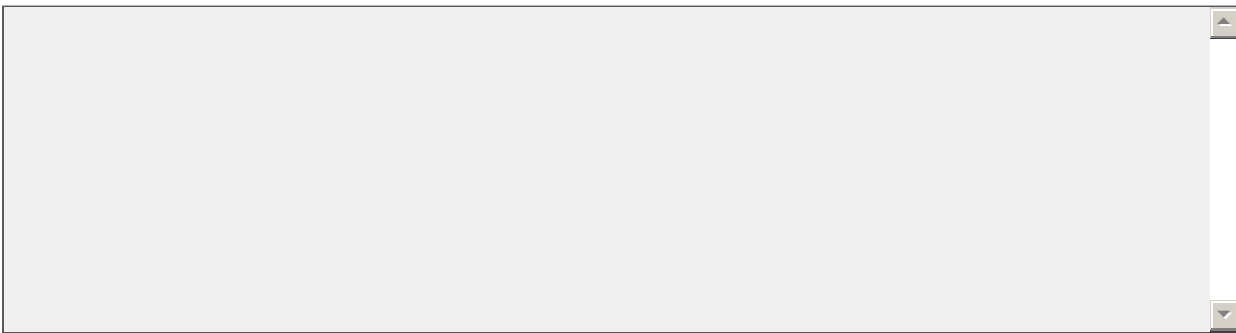
- a. If IANA Inc. fails to perform as required under the SLA or other binding agreements, the SLA will set forth a process for providing notice of breach to IANA Inc. and requiring IANA Inc. to cure the breach. In the event of failure to cure a breach, PROSI may:
- b. Initiate a formal Performance Review to determine the underlying cause of the breach. At the end of such Performance Review, the PROSI may:
- c. Allow IANA Inc. to continue as the IANA Functions Operator, subject to any remedial improvements required by PROSI; or
- d. Initiate an RFP for a new IANA Functions Operator.

## Policy Appeal Mechanism

### \*12. Which one of the following options do you choose?

- Proposal 1
- Proposal 2
- Proposal 3
- Some combination of the proposals
- Other

If you choose 'some combination of the proposals' or 'other,' please elaborate (optional)



### Proposal 1

a. Independent Review Panel. Where disputes arise as to the implementation of "IANA related policies," for example, disputes over the consistency of ccTLD delegation decisions with accepted policy, there would be recourse to an independent review panel. This need not be a permanent body, but rather could be done the same way as commercial disputes are often resolved, through the use of a binding arbitration process using an independent arbitration firm or a standing list of qualified people (to be developed by the OPRC). In either case, a three person panel would be used with each party to a dispute choosing one of the three panelists, with these two panelists choosing the third panelist.

### Proposal 2

a. Independent Review Panel. Where disputes arise as to the implementation of "IANA related policies," for example, disputes over the consistency of ccTLD delegation decisions with accepted policy, there would be recourse to an independent review panel. This need not be a permanent body, but rather could be done the same way as commercial disputes are often resolved, through the use of a binding arbitration process using an independent arbitration firm or a standing list of qualified people (to be developed by the PROC). In either case, a three person panel would be used with each party to a dispute choosing one of the three panelists, with these two panelists choosing the third panelist.

### Proposal 3

a. Independent Review Panel. Where disputes arise as to the implementation of "IANA related policies," for example, disputes over the consistency of ccTLD delegation decisions with accepted policy, there would be recourse to an independent review panel. This need not be a permanent body, but rather could be done the same way as commercial disputes are often resolved, through the use of a binding arbitration process using an independent arbitration firm or a standing list of qualified people (to be developed by the PROSI). In either case, a three person panel would be used with each party to a dispute choosing one of the three panelists, with these two panelists choosing the third panelist.

## Additional Comment

**13. Please share any additional comments (optional)**