

Dear CWG,

Based on comments received during the ICG's public comment period, the ICG has a number of questions for the CWG. We are sending these questions in more than one batch. The first batch below has agreement from the ICG so we are sending them now; we are aiming to send another batch before the end of the week.

We are requesting responses to these questions ideally by 7 October at 23:59 UTC (prior to the ICG's final call before ICANN 54 on October 8), or by 14 October at 23:59 UTC if the CWG requires more time. We realize this is an aggressive timetable, so please keep us informed if you feel you need further time.

Some of the questions below include requests or suggestions for amendments to the text of the CWG proposal as reflected in Part 1 of the combined proposal. The ICG would like to state explicitly that we do not expect a further ICG public comment period to be necessary on the combined proposal if these amendments are made. While the ICG reserves the right to seek further public comment if we receive extensive amendments from the operational communities, we do not expect to do so at this time.

#### RZM

1) Due to concerns expressed in the public comment period, the ICG asks the CWG-Stewardship to inform us whether or not the Verisign/ICANN proposal (available at [http://www.ntia.doc.gov/files/ntia/publications/root\\_zone\\_administrator\\_proposal-relatedtoiana\\_functionsste-final.pdf](http://www.ntia.doc.gov/files/ntia/publications/root_zone_administrator_proposal-relatedtoiana_functionsste-final.pdf)) for revising Root Zone Management arrangements after the elimination of NTIA's authorization role meets the CWG's requirements as expressed in paragraph 1150 (sections 2 and 3) and multiple Annexes of Part 1 of the transition proposal.

2) The names part of the proposal contains subtle but significant discrepancies in the way it describes the roles of the IANA Functions Operator (IFO) and the Root Zone Maintainer (RZM). It also seems to contain different requirements for a process to change those roles. Paragraph 1158 in Part 1 of the transition proposal describes the RZM and the IANA functions operator as separate "roles" with distinct functions, and says "should there be proposals to make changes in the roles associated with Root Zone modification, that such proposals should be subject to wide community consultation." On the other hand Annex S, the Draft Proposed Term Sheet (page 136), describe the IFO and RZM as "two roles that are performed by two different entities," and adds "any amendment to the roles and responsibilities of PTI and the RZM ... will require approval of the ICANN board [and the members of ICANN or a special IFR]."

Which of these two approaches better reflects the consensus of the names operational community: the one embodied in Annex S or the one embodied in paragraph 1158? Paragraph 1158 does not clearly rule out having the RZM and IFO in the same organization, as long as the "roles" and "functions" are distinct. Whereas Annex S suggests (in bracketed language) that any change or merger in the roles would be subject to community accountability, 1158 suggests only a "wide community consultation." The ICG would like to know what is meant by a wide community consultation. Is it the same as a public comment period? Does it also imply that wide

community consensus would be necessary before making the change? The CWG is requested to provide comment or clarification for any further action, as appropriate.

### ccTLDs

3) We received comments on Section P1.II.A.i., “Affected IANA Service (ccTLDs)” about the references to Internet Coordination Policy 1 (ICP-1) and the work of the Framework of interpretation Working Group (FOIWG). The ICANN Board has adopted the recommendations in the report of the FOIWG and so paragraph 1027 could usefully be amended to reflect this, replacing the last sentence with “The ICANN Board adopted the FOIWG recommendations in June 2015.” Please let us know if you agree to this amendment.

4) The ccNSO Council has requested an editorial change, which can be achieved by removing the reference to ICP-1 in section 1036 and including a footnote referencing the removal clearly indicating the non-status of ICP-1 as well as News Memo 1 and GAC Principles from 2000 (the last of these having been formally superseded by the GAC Principles 2005). This appears to be a friendly drafting amendment, bringing the document into line with recently updated policy and we would therefore ask the CWG whether Part 1 of the combined proposal could be adapted accordingly. If the CWG agrees to adapt its proposal, please send us verbatim text for paragraph 1036 and any associated footnotes so that we know precisely how to edit the text in the combined proposal.

5) We have also received a comment on the composition of IANA Function Review Teams (paragraph 1283). This recommends that two ccNSO members and one non-ccNSO ccTLD member be appointed to the IFRT. While the input supported the objective of encouraging the participation of non-ccNSO ccTLDs, it recognised that it could be difficult to ensure rotation of the non-ccNSO ccTLD member. In particular, the commentator stressed that regional balance should be considered an important criterion and suggested that the recommendation be changed to make the one non-ccNSO ccTLD member recommendation a target, rather than a requirement. If the CWG agrees with this suggestion and wishes to amend its proposal, please send us verbatim text to reflect the associated amendment.

Please let us know if any of our questions require clarification.

Thanks,

Alissa Cooper on behalf of the ICG