

CWG IANA Stewardship is submitting the following comments to ICG:

The final CWG IANA Stewardship proposal submitted in response to the ICG RFP, contained reference to the IANA IPR, primarily within the draft Term Sheet in Annex S. However, given that the Term Sheet was in draft form and that the IPR language was in square brackets, it was subsequently clarified with ICG that the CWG proposal was effectively silent on the IANA IPR. At the time of drafting the Final Proposal, it was the CWG's intention not to ignore the issue of the IANA IPR, but rather the CWG anticipated that this would be dealt with as part of the detailed work on implementation of the proposal, including the full preparation of a term sheet and a subsequent associated contract.

Following from the 31 July 2015 publication for public comment of the ICG proposal and some preliminary legal work commissioned by the CWG, it has become apparent that further clarification on the CWG position on the IANA IPR will be helpful. Accordingly, the CWG has discussed and reviewed its position on the IANA IPR, including referring to the ICG proposal and the three responses to the ICG RFP which form the foundation of that proposal.

Accordingly, the CWG hereby formally confirms that its position is consistent with that of the other two respondents to the ICG RFP in that it has no objection to the IANA trademarks and the IANA domain names (iana.org, .com and .net) being transferred to an entity independent of the IANA Functions Operator. For the avoidance of doubt, we view the CWG position as also consistent with the ICANN board statement of 15 August 2015 on the same subject.

With regard to implementation of the ICG proposal, the CWG expects that, in co-ordination with the other operational communities, the detailed requirements for such an independent entity will be agreed and specified and that the appropriate independent entity will then be created or selected (and adapted if necessary) such that it can meet the detailed requirements and that this work will take place within the currently contemplated timelines.

Yours sincerely,

Lise Fuhr & Jonathan Robinson
IANA CWG Stewardship Co-chairs
For and on behalf of the CWG