

CRISP Team Feedback on IPR principles

High Level principles for IPR

The CRISP Team believes all high level principles should stem from the ICG proposal on IPR. We should not add high level principles which are not relevant to the proposal. This is how the CRISP IPR minimum principles were developed.

In essence, the ICG proposal says:

- "entity independent of the IANA Numbering Services Operator"
- "these assets are used in a non-discriminatory manner for the benefit of the entire community".
- IPR status of the registries remains clear and ensures free and unrestricted access to the public registry data. The IANA Number Registries are in the public domain.
- non-public information related to the IANA number resource registries and corresponding services, including the provision of reverse DNS delegation in IN-ADDR.ARPA and IP6.ARPA, is managed by the IANA operator and will be transferred to its successor(s).
- All rights on non-public information related to the IANA number resource registries and corresponding services must be transferred to the RIRs.

Common principles observed in CWG IPRDT Draft principles as the CRISP IPR principles

CRISP IPR minimum principles	CWG IPR DT DRAFT OF POTENTIAL PRINCIPLES AND REQUIREMENTS
=== IANA Intellectual Property Rights: Minimum Requirements This document outlines the Internet	

<p>Number Community' s minimum requirements regarding IANA Intellectual Property Rights (IPR), as expressed in the Number Community proposal. It is the view of the CRISP Team that these requirements must be implemented as part of the transition.</p> <p>[Additional Note] On 15th Dec call among the leaders of the OCs, no objection was observed to target completing the implementation before the expiry of the NTIA contract (Sep 2016)</p>	
<p>Minimum Requirements Regarding the IANA Trademark and IANA.ORG <http://iana.org/></p> <p>The IANA trademark and the IANA.ORG <http://iana.org/> domain name will be associated with the IANA numbering services and not with a particular IANA Numbering Services Operator. The IANA trademark and the IANA.ORG <http://iana.org/> domain will be transferred and permanently held by an organisation that:</p> <ul style="list-style-type: none"> - Is not the IANA Numbering Services Operator - Is an entity independent of the IANA Numbering Services Operator - Is neutral, trusted by the community of IANA stakeholders and has a proven track record of competence and transparency - Will facilitate a smooth 	<p>I. Principles and Requirements for the Post-Transition Owner of both the IANA Trademarks and Domain Names</p> <ol style="list-style-type: none"> 1. The Owner must be “neutral.” <ol style="list-style-type: none"> b. Functional neutrality: the Owner must operate such that effective control over its actions with respect to the IANA IPR is not dominated or steered by any of the operational communities to the exclusion of any other. (That is, each community must have approximately the same functional relationship to the Owner.) c. In either case, neutrality also implies that the IFO cannot be the owner of the IANA trademarks and domain names. 2. The Owner will take the form of a Trust, either:

<p>transition of licenses and permissions should another operator (or operators) be selected in the future</p> <ul style="list-style-type: none"> - Will ensure that these assets are used in a non-discriminatory manner for the benefit of the entire Internet community. <p>From the Internet Number Community's perspective, the IETF Trust would be an acceptable candidate for this role based on the minimum requirements described above.</p>	<ul style="list-style-type: none"> a. A newly formed Trust; OR b. The IETF Trust. <p>5. The Owner must be responsive, responsible and accountable to the three communities.</p> <p>7. Owner must be prepared to facilitate separation if requested by any operational community (see Section II below for details).</p> <p>II. Principles and requirements of the Owner in the event of separation</p> <ul style="list-style-type: none"> 1. Owner must not create risk to continued operations, stability and security of the IANA functions in the event of separation. 2. Owner must follow the directions of the community or communities initiating separation to the extent those instructions are compatible with the Owner's responsibilities and obligations. <p>V. Proposed Principles and Requirements Relating to IANA trademarks.</p> <ul style="list-style-type: none"> 3. The Owner must have experience in owning and managing trademarks, but also experience with issues relating to the Internet. <p>[Suggestion from CRISP] Add "expertise" to "experience"</p>
--	--

<p>Minimum Requirements Regarding the IPR Status of Registries Related to the Performance of the IANA Numbering Services</p> <p>The IPR status of registries related to the performance of IANA numbering services must ensure free and unrestricted access to the public registry data throughout the stewardship transition and beyond.</p> <p>In particular:</p> <ul style="list-style-type: none"> - The IANA Number Registries must be in the public domain - Non-public information related to the IANA number resource registries and corresponding services, including the provision of reverse DNS delegation in IN-ADDR.ARPA and IP6.ARPA, is managed by the IANA operator and will be transferred to its successor(s) - All rights to non-public information related to the IANA number resource registries and corresponding services must be transferred to the RIRs 	
<p>Not Described in the CRISP IPR principles but stability of the IANA functions are described as the priority in the number community proposal.</p>	<p>IV. Proposed Principles and Requirements Relating to iana.org</p> <p>1. The ongoing stability of iana.org is of paramount importance (because of its direct operational relevance).</p>

Note: For I.1.a., possible inconsistency with the CRISP IPR principles, *if it is set as the minimum requirement. Effective control could be

achieved with contractual arrangements and that full structural and functional neutrality would not be necessary.

“I.1.a. Structural neutrality: the Owner may not have any structural tie to any operational community to the exclusion of any other. (That is, if there is a structural tie to any operational community, there must be an equivalent tie to each of the other operational communities. Alternatively, the Owner could have no structural ties to any operational community.); ”